

# Minutes

## Council Meeting



16<sup>th</sup> April 2007

Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
J E Abbott	Yes	R M Haslam	Yes
M J Banthorpe	Yes	P A Heath	Yes
P R Barlow	Yes	P J Hughes	Yes
Mrs J C Beavis	Yes	A G W Jenner	Yes
K E Bigden	Yes	M C M Lager	Yes
E Bishop	Yes	E R Lynch	Yes
S J Bolter	Yes	M Lynch	Yes
R J Bolton	Yes	D Mann	Yes
K D Boylan	Yes	Ms J S M Martin	Yes
B T Broyd	Apologies	N G McCrea	Yes
G Butland	Yes	A F Millam	Yes
Mrs H W Catley	Yes	R G S Mitchell	Yes
R Cavinder	Yes	Lady Newton	Yes
J C Collar	Yes	Mrs J A Pell	Yes
C F Coughlan	Yes	J W Pilgrim	Yes
N D C Edey	Yes	Mrs J B Reekie	Apologies
W P Edwards	Yes	D M Reid	Yes
Dr R L Evans	Yes	D E A Rice	Apologies
A V E Everard	No	Mrs W D Scattergood	Yes
J H G Finbow	Yes	Mrs J W Schmitt	Yes
D M Finch (Chairman)	Yes	A F Shelton	Yes
Ms L B Flint	Yes	Mrs G A Spray	Yes
T J W Foster	Apologies	Mrs K E Tearle	Yes
Mrs B A Gage (Vice-Chairman)	Yes	Miss M Thorogood	Yes
M G Gage	Yes	R A G Tincknell	Yes
Mrs M E Galione	Yes	P J R Turner	Yes
B J Gaught	Yes	S M Walsh	Apologies
M J Green	Apologies	R G Walters	Yes
J E B Gyford	Yes	Ms L R Watson	Yes
N R H O Harley	Yes	T S Wilkinson	Yes

Mr A French, Chairman of the Standards Committee, was also in attendance.

The Chairman welcomed all Councillors and members of the public and press to this the last Council meeting of the Civic Year and prior to the Elections on 3<sup>rd</sup> May 2007. He drew their attention to the evacuation procedure in case of an emergency and of the need for Members to use the microphones.

## 85 CHAIRMAN'S ANNOUNCEMENTS

- (1) **Chairman's Charities.** At the start of the meeting the Chairman presented cheques to representatives of his four nominated charities over the past year. These were:

Liz Garwood - Down Syndrome Extra 21  
Georgina Rhymes - PARC  
Diane Drury - Young Enterprise Essex  
Gary Pocock - Southview School

Each charity received a cheque for just over £1,900.

- (2) **2007 District and Parish Elections.** The Chairman referred to the Elections on 3<sup>rd</sup> May 2007 and the fact that seven Councillors were not seeking re-election. He paid tribute to the work undertaken by these Councillors and their service to the community. Councillor Turner responded by thanking the Chairman and colleague Councillors for their comradeship and good humour. He felt that the Council had a mature approach not always seen in other Council chambers and hoped this would continue.
- (3) **National Governors Association – Award for Outstanding Clerk.** The Chairman was very pleased to announce that Janet Johnson who clerked three School Governing Bodies in the District had won this national award.

## 86 DECLARATIONS OF INTEREST

INFORMATION: The following declarations of interest were made. In accordance with the Code of Conduct all Councillors remained in the meeting, unless stated otherwise, and took part in the discussion and any vote.

Councillor E Lynch declared a personal interest in minute 85(2) as he was a Governor at Beckers Green Primary School.

Councillor Mrs Pell declared a personal interest in minute 92(2) Oral Statements as a relative plays for Witham Town Football Club and in Agenda item 94 Business of External Organisations as she is a Trustee of the Citizens Advice Bureau.

Councillor Lady Newton declared a personal interest in minute 93(2) – Questions by Members, as she is a Non-Executive Director of the Mid-Essex NHS Primary Care Trust.

Councillor Butland declared a personal interest in minute 92(2) Oral Statements concerning Witham Town Football Club – as he occasionally attends the ground in his capacity as a Referee Assessor for the Football Association.

## 87 MINUTES

**DECISION:** That the minutes of the meeting of the Council held on 19<sup>th</sup> February 2007 be approved as a correct record and signed by the Chairman, subject to the addition of the following words in Minute 75 page 64 under the headings of "Cabinet - 5<sup>th</sup> February 2007" and "Minute 78 – Implications of Ballot Decision"

*“During discussion of the recommendations from Cabinet Councillor E Lynch asked if, as the Council has stated in the Offer Document that it is not the intention to make a profit out of the transfer, would the Cabinet give an indication that in the event of any profit being made in this and subsequent years this will be dedicated to the provision of social/affordable housing. Councillor Simon Walsh, Cabinet Member for Housing and Customer Services responded on behalf of the Cabinet and agreed that it should be used in this way.”*

88 **PUBLIC QUESTION TIME**

INFORMATION: The Council received a statement from Richard Essex concerning the operation of the Community Gateway Group and from David Webb about tenants concerns and the details of these are set out in the Appendix to these Minutes.

89 **STANDARDS COMMITTEE ANNUAL REPORT 2006/07**

Mr Tony French, Chairman of the Standards Committee, was invited to present the Annual Report. In highlighting the main aspects of the Annual Report he informed Council of the plans to train Parish Councillors following the elections and that this would now take on greater significance as the new Code of Conduct had been laid before Parliament on 4<sup>th</sup> April 2007 with authorities having 6 months to adopt the new Code. The Standards Committee would be bringing a recommendation to the Council at the earliest opportunity.

Mr French realised that his role did not always make him popular but he appreciated the courtesy shown by all Members in allowing him and Members of the Standards Committee to get on with their role.

**DECISION:** That the Standards Committee’s Annual Report 2006/07 be accepted.

90 **OVERVIEW AND SCRUTINY FUNCTION ANNUAL REPORT 2006/07**

**INFORMATION:** Councillor Gyford, Chair of the Scrutiny Panel, presented the 2006/07 Annual Report on behalf of himself and Councillors Abbott, Bishop, Gaught, McCrea and Shelton, the Chairmen of the Audit Panel and the four Policy Development Groups.

Councillor Gyford commented that, if Members approved changes to the structure of Overview and Scrutiny recommended by the Local Government Reform Cabinet Sub Group, as detailed later in the meeting, then this would be the last report in this format.

**DECISION:** That the Overview and Scrutiny function Annual Report 2006/07 be accepted.

91 **POLICY RECOMMENDATIONS AND REFERENCES– PUBLIC SESSION**

(1) Public Safety Policy Development Group - 19<sup>th</sup> March 2007

Councillor Shelton, Chairman of the Public Safety Policy Development Group, presented the report and recommendations of the Group concerning its investigation into alcohol, young people and drug related crime/youth nuisance and town centre safety local area agreement. Councillors considered the report and recommendations under the rules set out in the Policy Development Groups’ protocol.

In responding to the report Councillor Mrs Schmitt, Cabinet Member for Public Protection and Healthy Living acknowledged the significant work that had been undertaken by the Policy Development Group and accepted that the report would be referred to the next meeting of Cabinet for consideration.

**DECISION:** That the above report be referred to Cabinet.

(2) Cabinet – 26<sup>th</sup> March 2007

Minute 98 – Local Government Reform Cabinet Sub Group

Councillor Butland explained the reasons for the Cabinet Sub Group being established, in particular focusing on the requirements of the Local Government Reform Act. He went on to summarise how each of the recommendations had been reached by the Sub Group and he referred to the background papers circulated with the Council Agenda. In particular, the Leader explained the proposed changes to the arrangements for Overview and Scrutiny and the proposals to remove the option for oral statements without notice at Council meetings. He felt that this change would simplify the Agenda at Council meetings and, with specific Member training which he had asked the Chief Executive to provide, all Members would not be disadvantaged in any way.

In responding on behalf of the Labour Group, Councillor Tincknell expressed his Group's support and enthusiasm for all the proposals with the exception of removing the option for oral statements without notice. A number of Councillors expressed concern at the loss of oral statements without notice following which Councillor Tincknell moved an amendment to enable the deletion of paragraph (b) below and the retention of oral statements without notice. On being put to the vote this amendment was declared LOST. The Chairman then put the substantive motion to approve all five recommendations (a) to (e) below.

**DECISION:**

- (a) That the revised Overview and Scrutiny process, as set out in the officer's report, be approved;
- (b) That the revised order of Council business be endorsed, removing the paragraph for oral questions without notice, and the Democratic Services Manager be authorised to make any consequential changes to paragraph 10 of the Council Procedure Rules in Part 4 of the Constitution;
- (c) That the terms of reference of the Employment Appeals Committee, as set out in Part 3 of the Constitution, be amended to incorporate the change set out in the report;
- (d) That the rules for public question time at full Council meetings be amended to reflect the rules that apply to all other public meetings of the Council;
- (e) That paragraph 9 of the Council Procedure Rules in Part 4 of the Constitution be amended to reflect those changes highlighted in the report.

(3) Standards Committee – 28<sup>th</sup> March 2007

Minute 23 – Draft Recruitment Pack

**DECISION:** That the role description of an independent Member of the Standards Committee be approved and included in Section 7 of Part 3 of the Council's Constitution (Roles and Responsibilities of Members of the Council)

(4) Housing Transfer Programme Board – 14<sup>th</sup> March 2007

**DECISION:** That the date of transfer of the Council's housing stock to Greenfields Community Housing be agreed as 12<sup>th</sup> November 2007.

(5) Housing Transfer Programme Board – 14<sup>th</sup> March 2007

**DECISION:** That Council re-affirms its policy in only supporting the transfer of Council employees where this is on the basis of a single-tier workforce with all staff on the Council's existing terms and conditions of service and that this apply to the transfer of Council employees to Greenfields Community Housing (GCH) as well as the external recruitment to new posts in GCH.

92 **STATEMENTS BY MEMBERS**

(1) **Written Statements**

INFORMATION: No notice of any written statements had been received

(2) **Oral Statements**

The following oral statements were made without notice.

Statement by Councillor Mitchell - Councillor Mitchell wished to congratulate the Waste Management Team for the excellent launch of the collection of plastics, including the publicity material. He said the new collection contract, which results in more being collected but costs the Council less, was applauded recently at a public meeting.

Councillor M Gage responded by paying credit to Councillors and staff involved. This was an initiative given high importance by the public and the Council had supported this with a view to improving the Council's recycling rates still further. The publicity had been funded through the Waste Resources Action Programme (WRAP).

Statement by Councillor Dr Evans – Councillor Dr Evans referred to the important role of Area Committees in receiving and considering issues of specific community interest. He felt that such statements and public input should be welcomed by the Area Committees as they provided local Members with a primary source of information on their patch. He referred to a specific issue that had been considered by Witham Area Committee and which had since been satisfactorily resolved and he commended this community issue role for Area Committees as

an example of Member/public engagement and a big plus for community empowerment and the democratic process.

Councillor Butland agreed wholeheartedly with the comments of Councillor Dr Evans. He felt that Area Committees were often bogged down with planning issues at the expense of other powers that existed within the Constitution. He felt this should be reviewed after the elections.

Statement by Councillor Haslam – Councillor Haslam spoke as one of the oldest but least experienced Councillors not standing for re-election. He expressed concern about the level of political correctness and subservience to central government. He thanked the Chairman and Councillors before saying “Goodbye”

Statement by Councillor Barlow - Councillor Barlow expressed concern about the financial situation being faced by Witham Town Football Club and in particular the costs of resurfacing the access road. The Council, he said, was aware that the Football Club had made arrangements to lease the siting of a telephone mast with 3G and could pay off its debt within three years and it was distressing and disappointing to find that the Council had still sent the Club letters pursuing the debt.

In responding Councillor Lager, Cabinet Member for Finance, stated that the Council was very sympathetic towards the Club’s financial difficulties. However, it had a financial duty to all Council Tax payers to ensure that it managed its finances prudently and within the law. He had had discussions with the Club and he would continue these with a view to trying to work out a solution to paying back what had grown to be a substantial debt.

Statement by Councillor Heath – Councillor Heath wished to re-affirm his comments made during the debate on the removal of oral statements without notice. He reiterated that if he was not able to resolve issues on behalf on his constituents then he would use all other means open to him including bringing issues to the Council.

Statement by Councillor Tincknell – Councillor Tincknell thanked all Councillors for serving their communities, both those Councillors not standing and those going on “Kamikaze” missions. He went on to reflect on the difficulties expressed during public question time and whilst agreeing that the Shadow Board had the best interests of the Community Gateway Group in mind he felt it had shown a lack of understanding in its actions. He hoped that there would be a full evaluation of the new arrangements after the election and if it was possible to support the offer to tenants and the intentions behind the Community Gateway Model then this should proceed, otherwise the transfer should be halted.

## 93 **QUESTION TIME**

### (1) **Statements by the Leader/Cabinet Members**

INFORMATION: The following statements were made: -

Councillor Butland commented that it had been a great privilege to have been Leader of the Council and he expressed his thanks to every Councillor for their

contributions. He felt that the key achievement of the Council over the past four years had been to obtain a substantial yes vote for the transfer of Council homes based on the Community Gateway principles. This had required a huge effort by Councillors and staff, in particular given the views of tenants from the outset.

Councillor Butland expressed his thanks to those Councillors not standing for re-election for their work over the past four years and he wished all Conservative Members the best of luck in the elections and all other Councillors the best of luck without getting elected.

Councillor Mrs Schmitt, Cabinet Member for Public Protection and Healthy Living, commented on three issues. Firstly, the Mobile CCTV vehicle was up and running but those who would use the vehicle, some 32 officers, required driving assessments, training of CCTV equipment and legal (RIPA) training. This would take a little time, but the vehicle was being used for operations and tried and tested.

The second issue was the successful bid for resources from Building Capacity East for dealing with migrant communities within the District. The joint project involved working with East Hertfordshire and Uttlesford District Councils and also involved the Citizens Advice Bureau. It aimed to train and educate at least two migrant communities in the District with a view to them mentoring and helping others in their community. The award was for £144,000 in the 2007/08 financial year.

Finally, Councillors were informed of a schedule of Police Neighbourhood Action Panels which had been launched at very short notice, a list of which was available to take away tonight. The Panels had been launched based upon the model used in the Tendring District trials.

## **(2) Oral Questions**

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

Councillor Ms Flint asked if those long standing Councillors not seeking re-election would receive certificates to commemorate their service to the Community.

The Chairman advised that these would be awarded at the Council AGM.

Councillor Barlow referred to an article he had read from the Local Government Association indicating that £62,000 had been received by local authorities in England issuing fixed penalty notices for litter abuses. The article indicated that this had helped Councils to become more effective in maintaining high standards of cleanliness and he asked if the Council had undertaken an analysis of this Council's approach to issuing such notices.

Councillor Mrs Schmitt, Cabinet Member for Public Protection and Healthy Living, responded by stating that the Council had won 17 out of 19 prosecutions that had been taken to Court. She would provide a full written reply to Councillor Barlow.

Councillor E Lynch asked if the Leader would confirm his understanding that the transfer of housing to Greenfields would result in a zero capital receipt for the Council.

Councillor Butland stated that it was the intention that the Council and Greenfields Community Housing (GCH) would work together through the many negotiations over the valuation, assets etc and the Council would not seek to maximise the income received at the expense of GCH. There was much work to be done and the final decision following the negotiations would come to the Council. He stressed that the main focus was to ensure the success of GCH.

Councillor Edwards asked for the comments of the Cabinet Member on the lack of parking enforcement at evenings and weekends which was causing problems in some of his Ward.

Councillor M Gage, Cabinet Member for Environment, stated that officers worked both evenings and weekends enforcing parking violations. He would investigate the issues that Councillor Edwards referred to and a written response would be provided.

Councillor Gyford asked for re-assurance that Ward Councillors would be consulted on the transfer of assets to Greenfields Community Housing as agreed by the Housing Transfer Programme Board

The Leader gave a commitment that this would happen, although he stated that the process had not yet reached the stage where Ward Members could be involved.

Councillor Turner asked if there was any progress with the proposed Community Hospital for Braintree.

The Leader stated that despite a meeting with the Chairman of the Primary Care Trust and a verbal report to the Mid-Essex PCT Board meeting in March, he could be no more optimistic on the progress of the Community Hospital project.

**(3) Chairmen's Statements**

INFORMATION: No statements were made.

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

INFORMATION: There were no matters arising.

Councillor Abbott referred to the minutes of the Witham Area Committee meeting held on 27<sup>th</sup> March 2007 and the application for a Waste Site at Rivenhall (Minute 105). He asked if the letter had been sent to the Government Office for the Eastern Region asking the Secretary of State to call-in the application and he asked if Witham Area Members could be sent a copy of the letter.

The Leader advised that the letter had been sent to the Planning Inspectorate and a copy would be sent to all Witham Area Councillors.

94 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: The Chairman referred to the annual reports that had been circulated regarding the following: -

- (1) Braintree District Voluntary Support Agency (BDVSA). Report from Judy Cuddeford. In presenting the report Councillor Mrs Galione advised the Council that the BDVSA newsletter was available in the Members' Room.
- (2) Braintree, Halstead and Witham Citizens Advice Bureau (CAB). In presenting the report, Councillor Mrs Schmitt referred to the trial of a one-stop telephone number aimed at helping to manage increasing workloads. She also referred to the drastic need for the CAB to recruit more volunteers.

**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.

**(ITEMS IN PRIVATE SESSION)**

95 **STATEMENTS BY MEMBERS (In Private Session)**

INFORMATION: There was nothing to report under this item.

96 **QUESTION TIME (In Private Session)**

INFORMATION: There was nothing to report under this item.

97 **POLICY RECOMMENDATIONS – PRIVATE SESSION**

INFORMATION: There was nothing to report under this item.

In closing this, the last meeting prior to the elections, the Chairman thanked Councillors for their co-operation and he referred to the excellent mutual respect and good humour from all Councillors of different parties. He wished all Councillors all the very best during the election and over the next four years.

The meeting commenced at 7.15pm and closed at 9.11pm.

D M FINCH

(Chairman)

APPENDIX

COUNCIL

16<sup>TH</sup> APRIL 2007

Summary of Statements Made During Public Question Time

1 Statement by Richard Essex

In the absence of Richard Essex, the Chairman of the Council read out the statement from Richard Essex in full.

Mr Essex referred to the comments made by the Chairman of the Shadow Board of Greenfields Community Housing (GCH) at its meeting on 14<sup>th</sup> March 2007 that a Member of GCH Shadow Board should serve as an independent Chairman of the Community Gateway Group to ensure a successful and effective start.

Mr Essex then went on to explain how the suggestion made by the Chairman of GCH Shadow Board had been implemented by a senior officer despite this not being recorded as a decision in the minutes. The Vice-Chairman of the Shadow Board confirmed the accuracy of the minutes and that it was only a suggestion made by the Chairman of the Board.

Mr Essex stated that he had challenged John Flack the Chairman of the GCH Shadow Board on the actions of himself and the officer and in response Mr Flack had attacked his personal integrity. Mr Essex claimed that it was a clear case of misrepresentation of the Shadow Board by the Chairman in order to implement his own inappropriate suggestion and he wished to bring this to the attention of the Council and have it documented.

Response by Councillor G Butland, Leader of the Council

Councillor Butland commented that the GCH Shadow Board and the Community Gateway Group were both supporting a very new organisation. There was much learning going on by those involved. He believed that the Shadow Board had the best of intentions and it was important not to overreact. He wished to remain neutral but confirmed that letters from Richard Essex dated 29<sup>th</sup> March 2007 and 3<sup>rd</sup> April 2007 as well as numerous emails, had been responded to by the Chief Executive. He now hoped that all parties would get behind the transfer to Greenfields Community Housing to ensure that the Community Gateway Model of transfer was made the success that everyone was striving for.

2 Statement by David Webb

Mr Webb expressed his concern at the attitude of John Flack, Chairman of Greenfields Community Housing (GCH) Shadow Board, to tenant involvement. Mr Webb referred to the comments made at the last meeting of the Council when Members had been advised that tenants felt they were being undermined.

Mr Webb referred to the Council's commitment to the co-operative idea promising tenants a real say and he called on the Chairman of GCH Shadow Board to retract his

“storm in a tea cup” remarks about tenants being undermined and to allow the Community Gateway Group to elect its own Chairperson and give full support to tenant empowerment. Mr Webb stated that if Mr Flack maintained his negative attitude towards tenant involvement then he should reconsider his position.

Response by Councillor G Butland, Leader of the Council

Councillor Butland stated that if GCH did not want tenant involvement then the easiest way would be to avoid training tenants.

He felt that the Council and the Shadow Board were fully behind the Community Gateway Model and tenant involvement.