

Minutes

Council Meeting



30th July 2007

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	Yes	R G S Mitchell	Apologies
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	Apologies	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Yes
Dr R L Evans	Apologies	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	Apologies
T J W Foster	Yes	Mrs W D Scattergood	Yes
Mrs B A Gage	Yes	Mrs J W Schmitt	Yes
M G Gage	Apologies	A F Shelton	Yes
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	Yes	Miss M Thorogood	Yes
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	Yes	T S Wilkinson	Yes

The Chairman welcomed all Councillors and members of the public and press to the meeting. She drew their attention to the evacuation procedure in case of an emergency and of the need for Members to use the microphones.

25 **CHAIRMAN'S ANNOUNCEMENTS**

- (a) **Quality Parish Status.** The Chairman reported that White Notley and Faulkbourne Parish Council had recently been awarded Quality Parish Status, a highly prestigious award with only 433 Council's nationally having received it. She reported that White Notley and Faulkbourne join the other 7 Councils in the District in attaining this award, the others being Birdbrook, Black Notley, Great Bardfield, Great Notley, Rayne, Rivenhall and Witham. Joy Sheppard was invited to address the Council. She advised that Essex had 14% of the wards nationally and that White and Notley and Faulkbourne Parish Council is one of the smallest in Essex with only 501 electors so it was a particularly good achievement for them. Joy congratulated the clerk for all the work she had to do in achieving the accreditation. The award was presented by the Chairman to Angela Balcombe, the Parish Clerk and Councillor Betty Bright, the Chairman of White Notley and Faulkbourne Parish Council.
- (b) **Chairman's Charity Golf Day.** The Chairman reported that the Charity Golf Day will be held on Wednesday 1st August 2007 at Braintree Golf Club in aid of the Chairman's chosen charities.
- (c) **List of Engagements since Last Full Council.** The Chairman referred to an extensive list of engagements carried out by herself and her deputy since being elected in May. A copy of the list was circulated to Members.
- (d) **World Scout Jamboree.** Council was advised that there were four scout representatives from the Braintree District taking part in the World Scout Jamboree. Places are scarce and attendees must bid for places and secure fundraising of over £1,000.

26 **DECLARATIONS OF INTEREST**

The following interests were declared:-

- Councillors Bishop, Lager, Walsh and Walters declared personal interests in the item on the agenda relating to the Essex Waste Memorandum of Understanding for reasons of them being Members of Essex County Council.
- Councillor Foster declared a personal interest in the item on the agenda relating to the Essex Waste Memorandum of Understanding for reasons of him being a member of Friends of the Earth.
- Councillor Rose declared a personal interest in the item on the agenda relating to the Essex Waste Memorandum of Understanding for reasons of a member of his family being employed by one of the bidding.
- Councillor Baugh declared a personal and prejudicial interest in the item on the agenda relating to the statements being made during Public Question Time in relation to Straits Mill, for reasons of him believing that any planning permission would have an impact on his property. He left the meeting whilst the statements on this matter were being made.

Unless stated otherwise, all Councillors remained in the meeting.

27 **MINUTES**

DECISION: That the minutes of the meeting of the Council held on 18th June 2007 be approved as a correct record and signed by the Chairman.

28 **QUESTION TIME**

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

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

(a) Cabinet – 16th July 2007 - Waste Strategy - Memorandum of Understanding

Councillor Butland moved the recommendation from the Cabinet meeting held on 16th July 2007. Councillor E Lynch requested that the vote on this matter be recorded. Councillor Abbott introduced a series of proposed amendments to the motion which were taken in turn as follows:-

(a) At the end of the first paragraph, delete the words "ever-increasing".

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

(b) Delete the final sentence of the 2nd paragraph.

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

(c) In the fourth paragraph, third sentence, after the word "landfill", delete all remaining words and replace with "but these facilities should be sustainably located to minimise the transportation of waste and should be of a scale and design that prevents avoidable harm to the environment and local communities".

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

(d) In the 5th paragraph, delete all remaining words after "this Council supports the use" and replace with "of genuinely renewable fuels from waste. Curbing greenhouse gas emissions is a vital challenge facing human society if the serious consequences of climate change are to be avoided. Avoiding the release of methane from landfill is a major benefit in reducing emissions".

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

(e) Add a new paragraph which states "This Council remains opposed to the incineration of waste. Non renewable materials such as plastics add to the burden of carbon dioxide and other greenhouse gas emissions in the atmosphere when burnt and also generate potentially harmful gaseous emissions and toxic ash."

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

- (f) Delete all of paragraph 6 and replace with "This council remains opposed to the development of a major waste facility at Rivenhall Airfield, which is located in the countryside. The Council regrets the decision of the county council to grant planning consent for a 510,000 tonnes per annum facility handling municipal, commercial and industrial waste on a site area over 4 times larger than that allocated in the Adopted Waste Local Plan."

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

Following the lengthy debate which followed on the substantive motion, a recorded vote was taken. The results were as follows:-

For the Motion

Councillors: Banthorpe, Baugh, Mrs Beavis, Bebb, Bolton, Butland, Collar, Dunn, Elliott, Finbow, Flint, Mrs Gage, Mrs Galione, Harley, Mrs Howell, Hume, Lager, Lambourne, McArdle, McCrea, McKee, Messenger, Meyer, Mrs Money, O'Reilly-Cicconi, Mrs O'Shea, Mrs Pell, Ramage, Reid, Rice, Rose, Mrs Schmitt, Shelton, Mrs Shepherd, Mrs Spray, Swallow, Walsh, Walters, Wilkins, Wilkinson **(40)**

Against the Motion

Councillors: Abbott, Miss Barlow, Bishop, Everard, Foster, Gyford, Hughes, E Lynch, M Lynch, Mann, Miss Thorogood **(11)**

Abstained

Councillors: Lady Newton, Mrs Scattergood **(2)**

Absent

Councillors: Bigden, Ms Denise, Mrs Edey, Evans, Gage, Mitchell, Mrs Sandbrook **(7)**

DECISION: That the following motion be adopted:

"This Council remains committed to working in partnership with other Councils, including Essex County Council, to achieve a realistic and sustainable solution for dealing with ever-increasing household waste.

The Council also remains committed to maintaining high levels of recycling. It will continue to maximise opportunities to recycle more and meet our aspirational targets. Reducing the total amount of waste produced is even more important and the Council will actively support waste minimisation initiatives including national campaigns to reduce packaging. It recognises however, that minimisation and recycling alone will not be able to deal with all of our waste.

The Council recognises that the traditional solution of landfill is a diminishing option. This is partly due to the filling of existing sites and difficulties in establishing new sites. More significantly, however, it is the pressure to deal with climate change and the requirement to limit landfill that poses the greatest challenge with significant penalties on the council taxpayer if European and national landfill allowance targets cannot be met.

The Council believes that it needs to be open minded to new ways of working that are of overall benefit to the community. Working with others and embracing new technologies are essential if we are to reduce the overall costs of waste collection and disposal. The Council recognises that Mechanical and Biological Treatment (MBT) and Anaerobic Digestion are appropriate technologies to replace landfill and reluctantly accept that these facilities have to be large scale for financial and environmental viability. It also recognises that even MBT technologies produce a residue – material that cannot be practically or economically recovered from the waste.

As a signatory to the Nottingham Declaration, this Council supports the use of renewable fuels and believes it is not unreasonable to support the extraction of embedded energy in the MBT residue by the combustion of SRF.

The Council notes that the inclusion of the Rivenhall Airfield site in the County's outline business case was disappointing to many, particularly as the Council had objected to its inclusion in the original waste plan and to the specific planning application earlier this year. However, planning permission was given and the Council cannot ignore that fact. The Council acknowledges that Rivenhall is used as an example of a deliverable solution but that the final decision will be subject to a procurement process to help evaluate bids from the waste industry. There has not been, and cannot be, a decision at this stage of the procurement process that commits to development of the Rivenhall option. The Council also notes that in the event of Rivenhall being chosen, another planning application will have to be submitted and determined.

In the light of the above, the Council agrees to support the Memorandum of Understanding between Essex County Council and Local District Councils.

(b) Local Government Reform Cabinet Sub Group – 10th July 2007

Councillor Lynch proposed an amendment to the recommendation and on being put to the vote this was approved.

Councillor Shelton asked that the local papers be carefully chosen when publicising the dates of the forthcoming meetings of the Local Committees including the Suffolk Free Press and the Haverhill Weekly News. Councillor Butland agreed that this would be done.

DECISION:

- (1) That the delegation to Cabinet Members set out in paragraph 4 of the Scheme of Delegation (Decision Making by Cabinet Members) be amended by adding the following:- "provided that before responding to any consultation documents, the Cabinet Member, so far as practicable, shall consult with the Local Committees"
- (2) That the new and amended roles and responsibilities of key Members, as set out in Section 7 of Part 3 of the Constitution, be approved
- (3) That the changes in part 3 of the council constitution referred to in minute 5 of the Local Government Cabinet Sub-Group meeting held on 10th July 2007 be reviewed by the end of 2008/9 with any changes being implemented by 2009/10.

30 **STATEMENTS BY MEMBERS**

- (a) Councillor Spray made a statement on the recent fire in the flats at De Vere Road, Earls Colne.
- (b) Councillor Hughes made a statement on the traffic implications of the proposed Essex Waste Strategy

- (c) Councillor Abbott made a statement on the climate change implications of the proposed Essex Waste Strategy, and in particular the waste burning plant being modelled for Rivenhall Airfield.

31 **QUESTION TIME**

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

INFORMATION: The following statements were made: -

Regional Assemblies. Councillor Butland reported that Regional Assemblies were to be abolished which was welcome news. However, the Government is considering transferring more issues to the East of England Development Agency which meets in private and is linked closely with a new Minister based in Stevenage. Councillor Butland advised that, as the new procedures start to appear, it is essential that Local Authorities should play a prominent role in the new regional set up to bring back the democratic input into major decisions being taken across the region.

Economic Value Of Tourism. Councillor Harley advised that the Council had commissioned three yearly reports to measure the economic benefits of tourism to the district. The reports related to 2003, 2004 and 2005 and each showed a marked increase with the latest report showing that the total economic value of visitors across our communities from all sources is now an impressive £153million. The throughput of visitors to the Tourist Information Centres increased again in 2006 and the Council is confident that when the figures are published for 2008, they will continue to show this remarkable growth in what is now such an important aspect of our economic well-being.

Gypsies and Travellers. Councillor Harley advised that the Council had been consulted on the future accommodation needs for gypsies and travellers. Essex County Council had commissioned a study on this as too did the East of England Regional Assembly but both came up with different results. A third consultant report came up with a figure in between these two. As a result, the Council will be asked to identify 21 pitches. There will be a subsequent meeting where the districts in Essex need to agree the numbers.

Bramston Leisure Centre. Councillor Mrs Schmitt reported that the John Bramston School is applying for City Academy Status so it was felt advisable to await the result of the school's application before continuing with the review of Bramston Leisure Centre.

Causeway House - Future Accommodation. Councillor Lager reported that with the reduction of staff following the transfer of the housing services, it will not be financially viable to remain in Causeway House. Therefore an opportunity has been taken for both Essex County Council who is in a similar position with some of its accommodation, and Braintree District Council to look at new build. No decision has yet been made on the chosen site but this will come before Members in October. He added that this is a good example of joint negotiations to reduce the burden on the tax payer.

Rural Development Fund. Councillor McCrea reported that he had recently chaired an adjudication panel to consider bids submitted for the Rural Community Development Fund. 11 applications had been considered of which 9 were approved, although some were subject to match funding. Approximately £47,000 was allocated to the 9 successful applicants. A press release is awaited before the results are published but it was noted that the applications covered a wide range of projects. Councillor McCrea advised that the deadline for applications had been extended until 31st October and all rural parish councils were eligible to apply. Councillors were urged to encourage their local parish councils to make applications.

Local Government Conference. Councillor Mrs Beavis advised Council that she had attended the Local Government Conference which was held between 3rd and 5th July 2007. She reminded Council that ten years ago, local government came together and created the Local Government Association [LGA] to be its voice in the national arena. Over that decade, local councils had achieved much and had a track record of improvement, performance and service delivery. Councillor Beavis advised Members that Lord Sandy Bruce-Lockheart had stood down as the Chairman of the LGA with Sir Simon Milton voted in as new Chairman who brings youth and energy at a time of change. Key areas of the Chairman's address were equalities, climate change, affordable housing, welfare reform and social issues.

(b) **Oral Questions**

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

Councillor Hughes asked whether the **new build for the Council** would be energy efficient with alternative energy generation and water recycling facilities. Councillor Lager replied that it would.

Councillor Gyford reported that Essex County Council had stopped the practice of bringing before the Area Committees **proposals for parking restrictions** and the delegation scheme did not allow for officers to take on this function. Therefore he asked the Leader if he would look into filling this gap in procedures.

Councillor Butland agreed to follow up this point and report back to Councillor Gyford.

Councillor Scattergood asked the Leader to confirm that the **Planning Delivery Grant** awarded to the Council in the sum of over £362,000 was the highest amount awarded in Essex and that this vindicates the Council's decision to appoint external consultants which received criticism from the opposition at the time.

Councillor Butland agreed that the right decision had been made and that the Council benefited from it.

Councillor Ms Flint expressed her disappointment at the lack of response to her request or a copy of the consultation document and subsequent report on **gypsy**

and traveller accommodation. She advised that this was particularly relevant due to the number of gypsy sites in her ward and her experience and knowledge on this topic. She realises it is now too late to feed her comments into the consultation but asked whether the documents would be forthcoming in any case.

Councillor Harley advised that he would make sure the report is made available to Councillor Flint.

Councillor E Lynch asked what the intention was with regard to input from all Councillors on considering any future **new build to replace Causeway House** as they would all be users of any new facilities.

Councillor Butland advised that, whilst negotiations were taking place, no final decision had yet been made and a full report will be submitted to a future meeting of Cabinet at which time input from all Councillors will be welcomed.

Councillor Abbott asked the Leader whether he felt confident that the Council could cope in the event of extreme **flooding** as experienced in other areas of the country. He also asked for an update on the promises made by the Environment Agency following the flooding in Silver End some years ago.

Councillor Butland advised that it would be foolish to confirm that the Council could cope if the flooding was as extreme as has been seen in other parts of the country but that emergency planning measures existed which would be put into action. On the issue of the Environment Agency, he advised that he would get a response in writing as he was not aware of the full details.

(c) **Chairmen's Statements**

INFORMATION: No statements were made.

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

Members were invited to raise any matters arising from the minutes of meetings in public session published since the Council Meeting on 18th June 2007.

It was noted that the minutes of the meeting of the Witham Local Committee held on 17th July 2007 were not yet available.

Councillor Gyford referred to the minutes of the meeting of the Cabinet held on 16th July and, in particular, the reference to minute 28 - Best Value Satisfaction Survey. He expressed his concern in the drop in the level of satisfaction and reported that this coincided with the change of Administration. He advised that he felt that diagnosis must precede recommended solutions and asked that when the Cabinet has its diagnosis in place, it consults with all Members in order that they may take part in the discussion on how to retrieve the situation as opposed to going straight from diagnosis to recommendation.

Councillor Butland advised that local government satisfaction levels overall started to dip back in 1997 which could quite possibly be as a result of the current Government taking powers away from local government and important decisions

being taken by unelected quangos. He went on to state that there was, however, a serious issue here about satisfaction levels and public services, specifically in the democratic process and advised that the Council needs to look at reasons for this and he would welcome input for anyone who had a valid contribution.

Councillor Miss Barlow referred to the minutes of the meeting of the Cabinet held on 16th July and, in particular, the reference to the appendix on Member Development and asked whether it would be possible for an e-mail to be sent to Councillors each time a new publication had been posted onto the Council's website advising of the item and where it could be found as Councillors did not have the time to check the Council's website every day.

Councillor Butland replied that he felt this was a very sensible idea.

32 **BUSINESS OF EXTERNAL ORGANISATIONS**

INFORMATION: There was nothing to report under this item.

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)

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

INFORMATION: There was nothing to report under this item.

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

INFORMATION: There was nothing to report under this item.

35 **POLICY RECOMMENDATIONS – PRIVATE SESSION**

INFORMATION: There was nothing to report under this item.

The meeting commenced at 7.15pm and closed at 9.37pm.

Lady Newton

(Chairman)

APPENDIX
COUNCIL MEETING
30th JULY 2007
PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Relating to the Application by HS Services to produce concrete at Straits Mill, Convent Lane, Braintree

(i) Statement by Mr K Squibb, 19 Convent Lane, Braintree.

Mr Squibb read from a prepared statement, which read as follows:-

" I am the Chairman of the Convent Lane and Broad Road Action Group opposing the application by HS Services to produce ready mix concrete at Straits Mill, Convent Lane. We think that this application is operational development and a change of use so full planning permission is required. If granted, the number of HGVs generated will cause congestion in the surrounding areas, and for people of Convent Lane and Broad Road, it will upset our living standards and our environment. In local papers, HS Services say that the plant will be about a mile away from the nearest house. However, the only access to this plant is through Broad Road and Convent Lane. HGVs will thunder past our homes, in some cases, only a few feet away, creating dirt, cement dust, noise, vibration and diesel fumes. We believe that HS Services will be investing approximately £125,000 or leasing their 'mini batch system' which can produce 60 cubic metres of concrete an hour and will generate 240 vehicle movements in 8 hours. They say only 10 to 12 loads a day will go through Convent Lane but what is their association with DB Concrete of Colchester and why invest so much in plant and equipment for a small output? When the B2 and B8 certificate was issued it was argued that 208 vehicle movements a week did not cause a disturbance to residential areas and was not un-neighbourly industrial activity. We live in a large residential area and 240 a day will. BDCs RLP 36 of the revised Deposit Plan, advises that permission will be granted for the redevelopment of sites where industrial or commercial uses are the cause of disturbance to neighbouring residential areas, or which seriously detract from the character of their surroundings. Proposals for the intensification or extension of any such sites will not be permitted. No further operational development should be given to this site until suitable access is made available to the A131. In the last application, we believe 2 legal arguments made by Counsel John Dagg appointed by Granville Developments were deemed watertight by BDC, we think they still are because this is operation development and change of use and full planning permission is required.

We give warning that the junction at Convent Lane and Broad Road is dangerous, to allow this number of HGVs to negotiate it would be an accident waiting to happen and irresponsible. BDC's letter dated 9th May to Terence Barker Tanks raised concern over vehicle access. Our concerns also. We urge you to refuse permission for a

certificate of lawfulness. I have many photographs of the types of HGVs using Convent Lane and I have a selection with me. They include the Convent Lane and Broad Road junction and will table these for all Councillors".

(ii) Statement by Mrs K Smith, 3 Doubleday Gardens, Braintree.

Mrs K Smith read from a prepared statement, which read as follows:-

"My statement relates to the current application by HS Services to produce concrete at Straits Mill. I have listed the following points:-

- Straits Mill is one of the most dreadfully situated industrial areas in the whole of the Braintree District;
- How ludicrous and unthinkable that huge HGVs have to drive over and along a public footpath to access this area;
- Concrete is not made at Straits Mill therefore no job losses are involved;
- There is no recent history of concrete being made there;
- Just up the road is the Springfield Industrial Estate, if HS Services were such good neighbours, knowing how residents feel, they would use that industrial area which has a proper road infrastructure;
- Lorries in and out of Straits Mill have caused damage to the Franciscan Convent and Chapel which are listed buildings. The Franciscan Convent has had to foot the repair bills. More vehicles means more damage to these exquisite and very special buildings;
- The production of concrete is heavy duty industry; HGVs should not be allowed through the heart of a residential area; our environment, your environment, will be marred by these massive lorries using Straits Mill.

Last year, Councillors voted overwhelmingly against granting permission to HS Services to produce concrete at Straits Mill. In the Braintree & Witham Times, Councillor Mann says "it has been years since Convent Lane and Broad Road were subjected to concrete lorries and residents deserve a rest from them" Please make that rest happen, permanently. It seems HS Services are trying to find a way round having to put in for planning permission. We sincerely hope you block the way. For this reason I respectfully make reference to the Town and Country Planning [General Permitted Development] Order 1995; Article 4 of the GPDO allows a local authority, in exceptional circumstances, to withdraw a permitted development right within a limited area. In view of the damage to property, undue disturbance and noise pollution the lorries are causing, I would respectfully bring to your attention, the duty of care to uphold [as a public authority] under the European Commission of Human Rights, our rights to the peaceful enjoyment of our property as set out in the Human Rights Act 1998, Chapter 42, Part II, The First Protocol, Article1, Protection of Property. Residents believe concrete will be produced on essentially a permanent basis if permission is granted. We believe planning permission should be sought. May I leave you with this question: Do you believe that HS Services will conduct the production of concrete on essentially a temporary basis?"

Councillor Butland responded to the above statements by advising that a decision in respect of a certificate of lawfulness would usually be delegated to officers. However, in light of the strong public feeling on this matter, he would ensure that this matter is presented to a future meeting of the Planning Committee.

2. Relating to Witham Cemetery,

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

Mrs Foster reminded Council that she was here to continue her fight for railings to be installed at Witham Cemetery to prevent vandalism, anti-social behaviour activities and car parking which take place in the grounds of the cemetery. Her late son is buried in the cemetery and she wishes to sit at peace there with her late son. She extended her thanks to the local police who have worked hard in trying to combat the anti-social behaviour. Mrs Foster was saddened that nothing had been done since she last spoke to Council. She showed a photograph of her late son and her remaining son and urged the Council to keep its promise to install railings.

Councillor Butland assured Mrs Foster that works were ongoing to install 1.8 metre high steel palisade fencing coated in black with gates to match to ensure the site is closed to the public during the hours of darkness. Tenders for the work were invited on 20th July with quotes to be received within the next 4 weeks. An application for planning permission is also being drawn up and, assuming that planning permission is granted, the works will continue on 22nd October and are expected to be completed by 16th November 2007.