

Minutes

Council Meeting



11th September 2006

Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	R M Haslam	Yes
M J Banthorpe	Yes	P A Heath	Yes
P R Barlow	Yes	P J Hughes	Apologies
Mrs J C Beavis	Apologies	A G W Jenner	Apologies
K E Bigden	Apologies	M C M Lager	Yes
E Bishop	Yes	E R Lynch	Yes
S J Bolter	Yes	M Lynch	Apologies
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	Apologies
Mrs H W Catley	Yes	R G S Mitchell	Yes
R Cavinder	Yes	Lady Newton	Apologies
J C Collar	Yes	Mrs J A Pell	Apologies
C F Coughlan	Yes	J W Pilgrim	Apologies
N D C Edey	Yes	Mrs J B Reekie	Apologies
W P Edwards	Yes	D M Reid	Apologies
Dr R L Evans	Yes	D E A Rice	Yes
A V E Everard	Yes	Mrs W D Scattergood	Apologies
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	Yes	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	Apologies	P J R Turner	Yes
B J Gaught	Apologies	S M Walsh	Yes
M J Green	Yes	R G Walters	Yes
J E B Gyford	Yes	Ms L R Watson	Yes
N R H O Harley	Apologies	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 the meeting. He drew their attention to details of the evacuation procedures as outlined on the Agenda, the need to switch off mobile

telephones and the importance of Members using the microphones. He then invited the Democratic Services Manager to explain the use of the new microphones.

36 DECLARATIONS OF INTEREST

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

Councillors Banthorpe, E Lynch, Mann and Shelton declared a personal interest in Agenda item 5 concerning recommendations 39 and 40 from Cabinet concerning the transfer of the Council's Housing Stock to a Registered Social Landlord (RSL) as they are all Members of the RSL Shadow Board.

Councillor Mrs Schmitt, declared a personal interest in agenda item 7(ii) and in particular one of the statements concerning play equipment at the Public Gardens as she is a Trustee of the Public Gardens.

Councillor G Butland declared a personal interest during agenda item 8(ii) when a question was asked that concerned Braintree College where he is a Governor.

37 MINUTES

DECISION: That the minutes of the meeting of the Council held on 31st July 2006 be approved as a correct record and signed by the Chairman.

38 PUBLIC QUESTION TIME

INFORMATION: There were no questions asked or statements made.

39 CHAIRMAN'S ANNOUNCEMENTS

INFORMATION: The Chairman referred to the following:-

- (1) The death of ex District Councillor John Cavell on 25th August. He had served as a Halstead Councillor between 1983 and 1987.
- (2) The 5th Anniversary of 9/11 when the Chairman asked Council to join with him in remembering the 2973 people who lost their lives in the attacks on the Trade Centre in New York in 2001.
- (3) Chairman's Charity Golf Day when the Chairman announced that the Charity Golf Day had raised £6,007 and he wished to thank all those involved in the successful day in particular local businesses.

INFORMATION: Consideration was given to the following recommendations:-

Cabinet – 4th September 2006
Minute 38 Scheme of Delegation

DECISION: That the Scheme of Delegation within Part 3 of the Council’s Constitution be amended to give the Head of Public Protection and Healthy Living authority to approve:-

- (1) a certificate of consultation when required in relation to anti-social behaviour orders, and other matters under the Crime and Disorder Act 1998; and
- (2) a certificate of consent when required in relation to dispersal orders under the Anti-Social Behaviour Act 2003.

Cabinet – 4th September 2006
Minute 39 Housing Transfer – Offer Document

In presenting the recommendations from Cabinet the Leader of the Council remarked that Councillors, tenants, leaseholders, the Community Gateway Group and the RSL Shadow Board had each taken considerable time and effort in reviewing the process of moving towards a stock transfer along the preferred route of the Community Gateway Model. Given the Council had a responsibility to meet the Decent Homes Standard set by the Government and insufficient resources to meet this standard, the Leader advised Council that in his view the only way this could be achieved was to transfer the Housing Stock to a new Housing Association and the best offer open to tenants and leaseholders is through the Community Gateway Model. Councillor Coughlan, Chairman of the Community Gateway Group commended the Offer Document to the Council as he felt this was the best possible deal for tenants, leaseholders and the Council. During the debate a number of issues were raised and a few concerns were expressed regarding the way the new Association (Greenfields) would be set up, safeguarding its future, getting the right staff in place, its ability to borrow money and the number and the type of assets that would be transferred. Councillor Tincknell, the Labour Group Leader, expressed his support for the Offer Document as presented and reassured Members that any changes to the Association would need support from the majority of Tenants and Councillors. Councillor Butland, Leader of the Council, summarised the debate and responded to each of the points of concern. He felt that this was the best deal on offer and thanked the many contributors for their time and effort in making the Offer Document personal to Braintree. It would now be down to tenants and leaseholders to have their say in the ballot.

During the course of the debate Members received a revised set of proposed amendments to the Offer Document following on from those agreed at the Cabinet meeting on 4th September 2006.

DECISION:

- (1) That the Offer Document be approved subject to the amendments as circulated to all Councillors (Appendix A to these minutes);
- (2) That authority for setting the dates for the ballot of tenants and leaseholders be delegated to the Chief Executive, in consultation with the Leader of the Council.

DECISION:

- (1) That the Council retains the functions of (a) Homelessness, (b) Housing Advice and (c) Housing Register/Nominations;
- (2) That the Council pursues the introduction of Choice Based Lettings as set out in the Cabinet report.

41 NOTICES OF MOTION

INFORMATION: There were no Notices of Motion.

42 STATEMENTS BY MEMBERS

- (1) Written Statements

INFORMATION: There were no written statements.

- (2) Oral Statements

INFORMATION: The following oral statements were received without notice and the Leader's/Cabinet Member's response is also set out below.

Councillor Abbott commented that the Intergovernmental Panel on Climate Change (IPCC) was about to announce that it had underestimated the rate of climate change and forecast a doubling of greenhouse gas concentrations in the atmosphere. Given this he invited comments from the relevant Cabinet Member on what he felt were contradictory statements in the press and a confusing Council policy on the expansion of Stansted Airport which he believed would have a very damaging impact on the environment.

Councillor Butland Leader of the Council referred Councillor Abbott to paragraph 1 on page 22 of the minutes of the Council meeting held on 31st July 2006 which clearly states the Council's policy. He felt this was a very clear position.

Councillor Bolter subsequently referred to the words of Councillor Butland as being very helpful clarification.

Councillor E Lynch referred to the limited level of play equipment in the Public Gardens.

Councillor Butland clarified that if this was an area in which the Council was responsible for play equipment then this would be looked at as part of the current review of play areas.

Councillor Mitchell raised concern that the Council was not always seen to be promoting renewable building materials or greater use of renewable energy in new developments, particularly flagship developments.

Councillor Butland commented that these issues were the subject of reports to be considered at the next meeting of the District Development Committee on 21st September 2006.

Councillor M Gage, Cabinet Member for Environment, added that there were grants available to encourage applicants/householders to introduce and support greater use of renewable energy.

43 QUESTION TIME

(1) Statements by the Leader and Cabinet Members

INFORMATION: The following statements were made: -

Councillor Butland, the Leader of the Council, announced that Lord Hanningfield, the Leader of Essex County Council, and himself had jointly signed an agreement that set out ways in which Braintree District Council and Essex County Council would work together as part of a pilot initiative. If the pilot proved successful then the County Council would consider rolling the ideas out to other District Councils in Essex.

(2) Oral Questions

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

Councillor Tincknell referred to the joint initiative with the County Council and asked whether the Leader could use his influence to enable greater local involvement in education perhaps through School Governors many of whom are also local Councillors?

Councillor Butland stated that whilst the Council had no responsibilities for education it was important to highlight how we might improve the Democratic involvement in these decisions.

Councillor Everard referred to a previous issue he had raised and again asked whether there was any funding available for Braintree Bus Park.

Councillor Butland acknowledged that this was an area of unfinished business. There was a need for investment in the area of land behind the Town Hall /Library. He promised to provide a written response on progress with this particular issue.

Councillor Barlow raised concern at the loss of the Assembly Room at Bridge Hospital for public use. He recognised that the Council had provided alternative accommodation for users of the Kingdom Hall to the rear of Spring Lodge but asked if the Leader recognised the difficulties that would be caused by effectively removing the ability for this popular hall to be used for public use.

Councillor Butland stated that the Council had made significant investment in community facilities in Witham with the refurbishment of Spring Lodge, the Public Hall and the provision of Community facilities at Stevens Road. He felt that the proposal represented a reasonable way forward.

Councillor Turner expressed concern about the financial deficit faced by the new Mid-Essex Care Trust and asked whether there was any progress towards the promised Community Hospital in Braintree ?

Councillor Butland reminded Members that the final decision was still with the Secretary of State for Health. Government policy supported building Community Hospitals closer to the public. However this project was inextricably linked with the PFI project at Broomfield Hospital and whilst this remained on hold there was not likely to be any progress with the Community Hospital for Braintree.

Councillor Bolter asked whether the Council could do anything to improve the education initiatives given the loss of funding from the Learning Skills Council (LSC) and the impact this had had on adult education being offered by the College.

Councillor Butland would refer these concerns to the College.

Councillor Mrs Tearle expressed similar concerns to Councillor Barlow in the loss of the Bridge Assembly Rooms for community use.

Councillor Butland emphasised the fact that minority groups had equal rights to use facilities and he felt satisfied with the proposed arrangements given the overall investment being made in facilities in Witham.

Councillor Boylan expressed concern over the lack of medical facilities available in Witham.

Councillor Butland stated that investment in local health facilities was to some extent governed by the poor financial situation of the Health Trusts but if Councillor Boylan was able to provide him with a list of specific needs he would look to see how these issues could be raised on behalf of Witham people.

(3) Chairmen's Statements

INFORMATION: On behalf of the Chairman of the Audit Panel, Councillor Barlow referred to the current Ethical Governance Audit and urged all Members to complete the survey and return it to the Audit Services Manager at Causeway House. Further copies of the questionnaire could be obtained from the Council offices.

(4) Minutes of Meetings in Public Session

INFORMATION: The minutes of meetings held in public session, which had been published since the Council meeting of 31st July 2006, were received and noted.

44 THE BUSINESS OF EXTERNAL ORGANISATIONS

INFORMATION: Councillor Everard presented an update on the activities of the Blackwater Housing Neighbourhood Board of which he was a Member. This was now under the control of the Anglia Circle Housing Association.

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 paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Act.

(ITEMS IN PRIVATE SESSION)

45 STATEMENTS BY MEMBERS (In Private Session)

(1) Written Statements

INFORMATION: There was nothing to report under this item.

(2) Oral Statements

INFORMATION: There was nothing to report under this item.

46 QUESTION TIME (In Private Session)

(1) Statements by the Leader and Cabinet Members

INFORMATION: There was nothing to report under this item.

(2) Oral Questions

INFORMATION: There was nothing to report under this item.

(3) Chairmen's Statements

INFORMATION: There was nothing to report under this item.

(4) Minutes of Meetings in Private Session

INFORMATION: There was nothing to report under this item.

47 POLICY RECOMMENDATIONS – PRIVATE SESSION

INFORMATION: There was nothing to report under this item.

The meeting commenced at 7.15pm and closed at 8.48pm.

D M FINCH

(Chairman)

**Braintree District Council
Transfer Offer Document
Summary of Main Amendments
11th September 2006**

Section	Amendment
Summary Page 5	Amended paragraph refers to successive governments: “Greenfields Community Housing would also be able to use all of the rent that you pay to improve your homes, where currently, because of successive governments’ rules, around £7 million of the rent that you pay to the Council each year has to be returned to the Government.”
Summary Table on page 8 and also page 30	New heading: “ What the Council could do if the transfer doesn’t go ahead ”
Section 1 Page 17 Second to last paragraph	Added sentence: “This would be in addition to being able to complain through Greenfields Community Housing’s own complaints procedure described in Section Five.”
Section 1 Page 21	New bullet point: “A set of rules will govern how Greenfields Community Housing will operate day to day. Members would have to vote on any changes to these rules. The association’s rules would, for example, prevent the organisation merging or being taken over“
Section 1 Page 22 and 24	Paragraph relocated from under heading “Board of Management” to under “Membership and the Community Gateway Group” and amended: “Normally in housing transfers, membership voting rights are collectively held with tenants holding only one third. For Greenfields Community Housing, tenants and leaseholders together would hold 70% of the membership voting rights. Members would be able to exercise their vote at events such as annual general meetings.”
Section 1 Page 23	Paragraph amended to reflect the Housing Corporation’s preferred wording: “Regulating Greenfields Community Housing The Housing Corporation is the regulating body for all housing associations, and it would regulate Greenfields Community Housing. The Housing Corporation has developed a Regulatory Code that all housing associations registered with them are expected to follow.. It sets national performance standards, and publishes information on how well associations perform. It has also developed a Charter for Housing Association and Residents that spells out the rights of tenants of housing associations. A copy of the Charter is available from the Council.”

Section 4 Page 34	Amended wording in rent guarantee box: “Greenfields Community Housing would go a step further than Government policy and would offer a legally binding guarantee in the tenancy agreement to increase its rents annually by no more than the current rent plus inflation plus 0.5% plus £2.17 per week for the first 5 years after transfer. “
Section 4 Page 34	New sentence under rent table: “After the rent guarantee period, rent increases would be limited by the rules set down by the Government and the Housing Corporation.”
Section 4 Page 35	Amended wording in service charge guarantee box: “Service charges would reflect the costs of providing services only and would not result in a profit for Greenfields Community Housing. New service charges would not be introduced without consultation and unless the majority of tenants who respond to consultation supported it or where Greenfield Community Housing was legally required to introduce a new service”
Section 4 Page 36	Paragraph deleted: “Unlike the Council, housing associations can use mandatory grounds for possession for rent arrears whereby the courts can be obliged to grant possession. However, Greenfields Community Housing would only use discretionary grounds so that tenants remain on a par with Council tenants.”
Section 5 Page 39	Amended paragraph to reflect requirement to review services bought in from the Council: “Greenfields Community Housing would continue to use the Council’s telephone contact centre to handle first time calls. Following consultation with tenants and leaseholders, it would agree with the Council challenging performance targets, services would be monitored using customer feedback and reviewed to ensure they continue to provide the best available quality and value for money.”
Section 7 Page 47	Bullet point amended to exclude reference to low cost loans: “Where leaseholders struggle to meet the cost of repairs help would be available”
Section 11 Page 85	Timescales in tables slightly amended to read: Consider Stage 1 comments – October through to November 2006 Stage 2 Letter – November 2006 Seek Secretary of State’s consent to transfer – December 2006 through to January 2007 Transfer – December 2007 through to January 2008