

Minutes



Council Meeting

17th September 2007

Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	Apologies
Miss L Barlow	Apologies	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	Apologies
E Bishop	Yes	A M Meyer	Apologies
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	Yes	J P O'Reilly-Cicconi	Apologies
M Dunn	Yes	Mrs R O'Shea	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
J G J Elliott	Apologies	R Ramage	Apologies
Dr R L Evans	Yes	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	Yes
T J W Foster	Apologies	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	Apologies
N R H O Harley	Yes	F Swallow	Yes
Mrs S A Howell	Apologies	Miss M Thorogood	Yes
P J Hughes	Apologies	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.

36 **CHAIRMAN'S ANNOUNCEMENTS**

- (a) **Halstead and Witham in Bloom.** The Chairman was pleased to report that Halstead had received a Silver Gilt award and Witham Railway Station had been awarded Silver in the competition.
- (b) **List of Chairman's and Vice-Chairman's Engagements Since the Last Full Council Meeting.** The Chairman referred to a list of engagements carried out by herself and the Vice-Chairman since the last meeting. The Chairman was pleased to report that the annual Charity Golf Day had raised over £9,000 and she expressed her thanks to the sponsors and all those people who had been involved in making it such a success.

37 **DECLARATIONS OF INTEREST**

The following interests were declared:-

- Councillors Bishop, Lager, Walsh and Walters declared a personal interest in Agenda item 6 - Policy Recommendations and References (Braintree Joint Office and Customer Access Facility) for reasons of them being Members of Essex County Council.

Unless stated otherwise, all Councillors remained in the meeting.

38 **MINUTES**

DECISION: That the minutes of the meeting of the Council held on 30th July 2007 be approved as a correct record and signed by the Chairman, subject to the words 'by 2009/10' in the third paragraph of the decision relating to minute 29 (b) Policy Recommendations and References – Public Session, Local Government Reform Cabinet Sub Group – 10th July 2007, being substituted by the words 'at the Annual General Meeting for the Civic Year 2009/10.'

39 **QUESTION TIME**

One statement was made, the details of which are appended to these minutes.

40 **APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE**

INFORMATION: Consideration was given to a report on the appointment of independent members to the Standards Committee.

It was reported that the terms of office for the four independent members of the Standards Committee would expire on 7th October 2007. The vacancies had been advertised from 16th May 2007 to 13th July 2007 and nine applications had been received. The Standards Committee's Independent Persons Appointments Panel had met on 17th July 2007 to consider the applications and to draw up a shortlist. Three candidates had been interviewed by the Panel on 23rd August 2007.

DECISION:

- (1) That Trefor Jones, Peter Schwier and Christopher Webb be re-appointed as independent (non-Councillor) members of the Standards Committee for a second four year term commencing on 8th October 2007.
- (2) That Hazel Paton be appointed as the fourth independent (non-councillor) member of the Standards Committee for a four year term commencing on 8th October 2007.

41 **POLICY RECOMMENDATIONS AND REFERENCES (PUBLIC SESSION)**

- (a) Cabinet – 3rd September 2007 – Braintree Joint Office and Customer Access Facility

Councillor Lager, Cabinet Member for Resources and Performance, outlined the Cabinet's decision regarding the proposed joint office to be used by Braintree District Council and Essex County Council and he moved the recommendation contained in Minute 43. Councillor Gyford proposed an amendment that a seminar be arranged for Members to advise them about the project. Councillor Abbott proposed an amendment also that Braintree District Council will seek to secure the highest standards of sustainability and design for the building, including the use of renewable energy. These amendments were accepted by Councillor Lager.

DECISION: That the following motion be adopted:

- (1) That an additional £100,000 be included in the Capital Programme to fund this project through to the receipt of planning consent, with costs to be shared equally with Essex County Council.
 - (2) That a seminar for Members be arranged as soon as possible to advise them about the project.
 - (3) That Braintree District Council will seek to secure the highest standards of sustainability and design for the Office development including the use of renewable energy.
- (b) Cabinet – 3rd September 2007 - Housing Transfer Programme Board 22nd August 2007 – Valuation/Capital Receipt

Councillor Butland, Leader of the Council, outlined the recommendation of the Housing Transfer Programme Board regarding the valuation of the housing stock and the anticipated capital receipt to the Council following the transfer of the stock to Greenfields Community Housing.

Councillor Butland stated that the value of the housing stock had risen from the original estimate due to various factors, but that agreement on the value had now been reached. He stated that all matters referred to in the offer document would

be provided and that there would also be significant additional benefits. The reasons for the change in the valuation would be investigated and made public.

DECISION:

- (1) That Council agree to the principle of setting up a fund that will contain 50% of the net capital receipt and which can only be spent with the agreement of both the Council and Greenfields Community Housing on projects which deliver both organisations' objectives/priorities, examples of which are described in minute 3 of the Housing Transfer Programme Board meeting.
- (2) That details of how the fund is established, maintained and used be the subject of separate negotiations and a report to future meetings of Greenfields Community Housing and the Council.

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

INFORMATION: The following statements were made:-

- (a) Councillor Mrs Sandbrook made a statement on the action being taken to apply for a Drinking Places Order to overcome problems being experienced in Great Notley with young people.
- (b) Councillor Wilkins made a statement about the restrictions on vehicular access to High Street, Braintree, which prohibited taxis from transporting passengers with disabilities to eg. the dentist, or optician. In responding, Councillor Butland, Leader of the Council, stated that this issue should be referred to Braintree Local Committee for consideration.

43 **QUESTION TIME (PUBLIC SESSION)**

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

INFORMATION: The following statements were made: -

Braintree District Council/Essex County Council Joint Office Project.

Councillor Butland, Leader of the Council, referred to the discussion earlier in the meeting regarding the proposal by Braintree District Council and Essex County Council to build a new joint office in Braintree,

Discovery Centre, Great Notley. Councillor Butland stated that a planning application had been submitted seeking changes at the Discovery Centre which would be considered at a future meeting of the Planning Committee. Essex County Council would be providing new play equipment.

Joint Working With Colchester Borough Council and Uttlesford District Council. The Leader indicated, that with increased pressure on budgets, there was a need to investigate how services could be delivered more effectively, including the sharing of resources with neighbouring local authorities. The Chief Executive was currently in negotiation with the Chief Executive of Colchester Borough Council to take this matter forward and a report with a suggested

timescale and targets would be prepared. The proposal sought to provide shared services and not a merger of the Councils, or unitary status. Discussions with Uttlesford District Council would continue.

(b) **Oral Questions**

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

Councillor Abbott made reference to the decision taken at the Council meeting held on 30th July 2007 regarding the **Waste Strategy – Memorandum of Understanding** and, in particular, the issue of renewable fuels and recovery by combustion and he referred to information issued by DeFRA which he had since received. In the light of this, Councillor Abbott queried why the Council insisted that the proposal was not waste incineration and why the Cabinet Member for Environment and Sustainability had not ensured that the correct facts had been provided.

In response, Councillor Walters, Cabinet Member for Environment and Sustainability, stated that an alternative solution for dealing with waste which could not be recycled had to be found and DeFRA had insisted that this should not be landfill. The proposed solution was considered to be better than landfill.

Councillor Dr Evans referred to the **Waste Strategy – Memorandum of Understanding** also and he asked whether an application to build an SRF plant within the perimeters of a waste incineration plant would be acceptable on land at Rivenhall.

Councillor Walters, Cabinet Member for Environment and Sustainability, responded by stating that this was a planning matter and he could not comment.

Councillor E Lynch asked how much longer cones would be positioned on the **Great Notley bypass** and when work on the newly widened bypass would be completed.

Councillor Butland, Leader of the Council, responded by stating that this was an Essex County Council matter, but that he had written to them about it. He understood that some 'tidying up' matters were required.

Councillor Mrs Sandbrook raised a query regarding **Great Notley bypass** and she asked if a bonus had been paid to the contractor for early completion of the road, and, if so, what this amounted to and what state the road had to be in to be deemed complete.

In response, Councillor Butland, Leader of the Council, stated that this was an Essex County Council matter.

Councillor Rice asked the Council to request **British Gas contractors** to ensure that areas across the District where work had been undertaken, or equipment stored, were left clean and tidy and restored to their previous state.

Councillor Walters, Cabinet Member for Environment and Sustainability, indicated his full support and he asked Councillor Rice to let him have details of specific sites where action was required.

Councillor Collar indicated that **Parish Councils** were no longer receiving hard copies of the District Council's Agendas and Minutes. He considered it important that Parish Councils should be kept informed about current issues and he asked if Agenda sheets only could be sent to the Parish Councils.

Councillor Butland, Leader of the Council, stated that Essex County Council had provided a grant to all Parish Councils for the purchase of IT equipment, which would enable Parish Clerks to print Agendas etc. from the Internet. Councillor Butland encouraged Members to attend their local Parish Council meetings to provide advice and he indicated that Parish Cluster meetings and briefings on particular issues provided feedback too. Councillor Butland referred also to the role of the Essex Association of Local Councils. He stated that there were a number of ways in which Parish Clerks could obtain information to keep their Councils informed and he was therefore reluctant to revert to previous procedures.

Councillor Rice asked what had happened to the proceeds following a recent agreement with **Braintree Town Football Club** concerning the use of the football ground and whether this money would be allocated for use by sports clubs across the District.

Councillor Butland, Leader of the Council, stated that this was a capital receipt and that no decision had been made yet on its use.

(c) **Chairmen's Statements**

INFORMATION: No statements were made.

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

INFORMATION: Members were invited to raise any matters arising from the minutes of meetings held in public session which had been published since the Council Meeting on 30th July 2007.

Councillor Gyford made reference to minute 50 of the Cabinet meeting held on 3rd September 2007 (Braintree Swimming Pool) and to the decision regarding swimming prices. Councillor Gyford pointed out that the Council had agreed some time ago that there should be a consistent pattern of charges across the District.

Councillor Butland stated that prices should reflect the facilities on offer and, as the new Braintree pool would have more facilities, the prices would not be the same as others across the District.

Councillor Abbott made reference to minute 46 of the Cabinet meeting held on 3rd September 2007 (Asset Management Plan). Councillor Abbott stated that the questions he had raised at the Cabinet meeting under this item and the answers which had been given by the Leader had not been captured in the minutes. However, he queried why best practice for new buildings in terms of sustainability

had not been implemented until August 2007 despite the Council having adopted the sustainable energy strategy with effect from September 2005. Councillor Abbott asked why, if the reasons for this were financial, Councillors could not have been advised.

Councillor Butland stated that a considerable amount of work had taken place with respect to the Council's community halls and that it had taken time to develop the implementation of the strategy. Councillor Butland stated that he expected all future developments, including the Council's proposed new office, to comply with the strategy, but that such developments must also be financially sustainable.

Councillor E Lynch made reference to minute 47 of the Cabinet meeting held on 3rd September 2007 (Quarterly Performance Report). In particular, Councillor Lynch made reference to page 12 and to the report which was to be submitted to the Cabinet meeting on 15th October 2007 on future proposals for waste collection and recycling. Councillor Lynch expressed the hope that this would not undermine, or pre-empt the work being carried out by the Task and Finish Group.

Councillor Butland stated that the budget cycle must be adhered to and that the matter would have to be considered in advance of the report of the Task and Finish Group. Councillor Butland stated that this situation was not ideal, but that in future the Task and Finish Groups' projects would be considered and planned in advance.

Councillor Mrs Sandbrook made reference to minute 50 of the Cabinet meeting held on 3rd September 2007 (Braintree Swimming Pool). Councillor Mrs Sandbrook asked why a decision had been taken not to provide a creche at the pool and what was envisaged as an alternative use and form of income for this area.

Councillor Butland stated that the existing creche at Riverside Pool was used in the main by users of the gym. As there would not be a gym at the new pool, DC Leisure proposed to extend the gym at Braintree Leisure Centre where there were creche facilities. The use of the space at the new pool would be for the Council and DC Leisure to decide.

44 **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.

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)

45 **STATEMENTS BY MEMBERS (PRIVATE SESSION)**

INFORMATION: There was nothing to report under this item.

46 **QUESTION TIME (PRIVATE SESSION)**

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

INFORMATION: There was nothing to report under this item.

(b) **Oral Questions**

INFORMATION: No questions were asked.

(c) **Chairmen's Statements**

INFORMATION: No statements were made.

(d) **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 30th July 2007.

There was nothing to report under this item.

47 **POLICY RECOMMENDATIONS AND REFERENCES (PRIVATE SESSION)**

INFORMATION: There was nothing to report under this item.

The meeting commenced at 7.15pm and closed at 8.30pm.

Lady Newton

(Chairman)

APPENDIX
COUNCIL MEETING
17th SEPTEMBER 2007
PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

Statement by Mr Kiss Relating to the Matter of a Lease

Mr Kiss stated that he had attended a meeting of the Council on 14th August 2007 when he had drawn Members' attention to a waste of public money. He indicated that he had written to Allan Reid on 23rd August 2007 and he had asked for time to explain the situation to avoid the waste of another £30,000. Mr Kiss stated that he had advised Mr Reid of all matters done by the Council's Estates and Legal Departments, but that Mr Reid had ignored everything. Mr Kiss explained that he had been given permission 30 years ago to build a factory. The lease of 21 years had lapsed and he had applied for its renewal. Mr Kiss stated that he had applied first under a Section 26 Notice, but that the Council had denied receipt, even though he had been given a receipt by the Council's Reception. Mr Kiss indicated that a year had been wasted and just before the matter was to go to Court, the Council had acknowledged receipt. Mr Kiss stated that information had been removed from the Planning Department's file, although he had his own copies of this, and he considered that this had been done to cheat him out of the property so that the lease could not be renewed.