

WITHAM LOCAL COMMITTEE MINUTES

Date: 18th November 2008

Time of Meeting: 7:15pm – 10:00pm

Venue: Silver End Village Hall, Broadway, Silver End

Chairman: Councillor T J W Foster

Contact Point for further information: Linda Morgan, Locality Co-Ordinator

Membership Present:

Councillor J E Abbott	Yes	Councillor Mrs S A Howell	Yes
Councillor Ms L Barlow	Apologies	Councillor P J Hughes	Yes
Councillor D L Bebb	Yes	Councillor M C M Lager	Yes
Councillor G Cohen	Yes	Councillor S J Lambourne	No
Councillor J G J Elliott	Yes arrived 8:05	Councillor A M Meyer	Apologies
Councillor R Elliston	Yes	Councillor R G S Mitchell	Yes
Councillor Dr R L Evans	Yes	Councillor Mrs J M Money	Yes
Councillor T J W Foster	Yes	Councillor R Ramage	Yes
Councillor Mrs M E Galione	Yes		
Councillor J E B Gyford	Yes		

Officers/Speakers Present:

Chris Fleetham	Corporate Director, Braintree District Council
Tessa Lambert	Development Control Manager, Braintree District Council
Angela Norton	Landscape Officer, Braintree District Council
Stephen Lester	Community & Biodiversity Officer, Braintree District Council
Paul Partridge	Head of Operations, Braintree District Council
Rupert Corney	Cushman & Wakefield
Linda Morgan	Locality Co-ordinator, Braintree District Council
Melanie Ward	Locality Support Officer, Braintree District Council

Representatives of the Witham Local Community also in attendance: -

Mr Shamik Rao & Mr Rao Snr	Newsagent Street Trader
Christopher Goodey	Mr Rao's Representative
Cllr Dr R D Feltham	Silver End Parish Council
Felicity Mawson	
John Gould	Witham Resident
Brenda Smith	Hatfield Peverel Parish Council
Lisa Hanikene	Terling Swimming Club

Additional attendees: -

- 30** Chris Trim, Mike Innell, Tony Stote, a representative from the press, and various members of the public.
- 31** Cllr Evans informed the Committee that the Town Council's funding bid to the Essex County Council's Youth Initiatives Fund for the Witham Skate Park had been successful and they had been awarded £25k. The project now has the majority of funding required.

32 Declarations of Interest

Personal interests were declared in the following items: -

3.2b Councillor Galione as a member Terling Swimming Club.

4.2 Councillors Bebb as former Chair of the Allotments Group; Lager as member of the CHIP Fund Board. And prejudicial, Councillor Abbott as an employee of South View School.

4.3 Councillors Hughes & Abbott as Ward Members.

In accordance with the Code of Conduct all Members remained in the meeting for these items and took part in the debate and decision thereon unless otherwise stated under the item.

33 Minutes

The minutes of the Committee meeting held on 23rd September 2008 were approved as a correct record and signed by the Chairman.

34 Question Time

The following comments were made concerning the Rivenhall Airfield proposed development of an Integrated Waste Management Facility.

Cllr Feltham stated that the proposals were unsuitable. The historic site was a haven for wildlife and would be situated too close to densely populated areas including schools. The emissions from the chimney and the daily fleet of HGVs would create hazards to health, the environment and result in a decrease in property values.

Felicity Mawson requested that BDC ensure that as well as putting forward objections that they call for a public enquiry and not leave the decision to ECC.

A statement was read out on behalf of the Bearne family from Silver End. They strongly object to the incinerator and the pollution it would cause to the beautiful countryside; 'We have had our share of landfills and ground pollution.'

Mr Gould raised the following points concerning the proposed development of the Newlands Shopping Precinct area; Pedestrian access from the car park to Guithavon Street would need to be maintained as there is an established right of access. Car parking spaces should not be reduced but increased to make full use of the shopping precinct and avoid associated on-street parking. The ownership of the boundary wall between the car park and the All Saints Graveyard needs to be established so restoration and maintenance can be undertaken by those responsible.

Mr Goodey acting on behalf of Mr Rao extended his thanks to Cllr Lager, as facilitator of the sub group referred to in item 2.1 of the Agenda. It had been agreed at Full Council that no further action would be taken until feedback had been received from the sub group. Mr Goodey had appealed against the issue of parking tickets, and as no reply had been received from BDC within the statutory time their appeal had won by default. Mr Goodey requested that the Local Committee support proposals for the Street Trade Licence to be granted to Mr Rao.

35 Feedback from a Meeting of the Sub-Group held on 5th November 2008.

A note of the meeting had been taken and Cllr Lager asked that they be circulated to members. (Attached as appendix 1). Following Mr Goodey's comments, Cllr Lager recommended that the group reconvene to discuss the current situation and find a way forward. It was suggested that the Group meet in 2-3 weeks time.

Decision: Members agreed that a further meeting of the sub-group should take place.

Action:

Locality Co-ordinator to arrange a meeting with members of the Group.

36 Local Committee Funding

36.1 Budget Update

The Committee noted the budget position. It was pointed out that the shortfall in capital monies could be vired from the revenue budget at the end of the year.

36.2 Bids for Grants from the Witham Local Committee.

(a) Hatfield Peverel Street Lighting

Members had agreed in September to defer this bid so that alternative light sources could be investigated.

Investigations had shown that solar lighting would not be a viable alternative due to cost and performance.

Decision: Members agreed to fund the bid for £3,000 for street lighting.

(b) Terling Swimming Club Ltd

Lisa Hanikene, Secretary for the club explained that the village was isolated and the pool provided a lifeline for villagers. The pool is run by volunteer labour and used by members, schools and clubs.

The club were asked if they would consider the use of solar matting and to investigate an alternative to the oil boiler currently used. The club agreed to look into both.

Decision: Members agreed to fund the bid for £19,500 for a new swimming pool liner and winter cover and to replace plant equipment

37 Local Issues

37.1 Rivenhall Airfield – Proposed Development of an Integrated Waste Management Facility. Tessa Lambert, Development Control Manager, presented the report and highlighted the fact that Braintree District Council (BDC) does not determine the planning application but can make observations and recommendations to the Planning Committee. Essex County Council (ECC) was consulting BDC as a statutory consultee on a planning application for the following:

Development of an integrated waste management facility comprising an anaerobic digestion plant, a materials recovery facility, a mechanical biological treatment facility, a paper pulping facility, a combined heat and power plant, a visitor/education centre and associated works including the extraction of minerals to enable buildings to be set below ground level within the resulting void.

The recommendation was that Braintree District Council should raise objection to the proposals as listed on page 21 in the report.

In developing the Council's response to consultation on this application Ms Lambert stressed that it must be acknowledged that, in spite of Braintree District Council's (and other consultees') objections, there is, effectively, planning permission for a large-scale waste treatment facility at the application site.

Members noted that the site would be operating 24/7 with 95% of the waste coming from outside the district. The plan had already grown four times since the original plan a year ago. It was agreed that the site was too big and the HGV traffic flow is likely to cause access problems to the surrounding area. The environmental impact of noise, air and water pollution from the site, especially from the chimney, was not satisfactory considering it is in the middle of the countryside. Ash from the chimney would have to be moved from the site due to its toxic levels. Re-forestation would need to be increased to replace the loss of woodland. The possible construction of the A120 link road could alleviate traffic congestion. S106 obligations had not been agreed or signed to date. Cllr Evans recommended that the Committee object to the Planning Committee and move to send a request to the Secretary of State for the application to be called in for a public enquiry.

It was recommended to support officer proposals in the report. Cllr Evans' proposal to send a request to the Secretary of State for the application to be called in for a public enquiry was seconded.

Cllr Abbott handed out a sheet of objections to add to the report and requested that Members submit these as an evidence base to represent the views of the Local Committee.

It was pointed out that the words submitted in the report had been carefully considered and altering these could damage the strength of the recommendation.

Decision: Members voted to:

- support officer proposals in the report
- to include additional wording as set out by Cllr Abbott.
- to send a request to the Secretary of State for the application to be called in for a public enquiry

37.2 Community Orchard/Allotment.

It is proposed to turn a disused allotment site in Conrad Road into a Community Orchard with fully accessible allotments and a wildlife area. The project is a joint venture with South View Special School, Elm Hall Primary and Rickstones Secondary School and will be open to the wider community. The Landscape Services Team would manage the project.

Cllrs Lager and Abbott left the meeting in accordance with the Code of Conduct while the report was presented.

Members agreed that this would be a good community project. Officers were advised to check the health and safety issues of the site due to its previous usage. Members were concerned over security of the site and the ratio of orchard to raised beds. Due to the capabilities of some of the school children that would manage the area, the site had been kept to a small scale and would be predominately orchard. Fencing would be erected round the site with lockable gates after hours. The caretaker from Southview School would oversee the security of the site during the day.

Decision: Members agreed to support the proposal to convert a disused Council allotment site into a community orchard and wheelchair accessible allotment.

Cllrs Lager and Abbott returned to the meeting.

37.3 Parking on Grass Verges in Valentine Way/School Road, Silver End.

Paul Partridge presented a verbal update.

A public meeting had been held last year to discuss solutions to the problem of parking on grass verges in these areas. Hard standing and drop kerbs were the favoured option of residents but also the most expensive. The verged areas come under the remit of Greenfields. With no available funding they were not keen to undertake works of this nature as this could be seen as a precedent for other areas. The CHIP fund could be approached for funding but this kind of work might not meet the criteria. A feasibility study could be undertaken and another meeting arranged to find a way forward.

Cllr Abbott agreed that another meeting should be arranged, as Valentine Way was an exceptional area where matters needed to be addressed, and moved to have a sub group formed to include representatives from Essex County Council (ECC), Witham Local Committee and the Parish Council. The Group should come up with a solution or a package of solutions for a way forward.

Previous investigations had concluded that cost was an issue. A survey of the residents should be undertaken to gather their views and suggestions and the possibilities of residents contributing to the cost.

Decision:

Members agreed for a meeting to be arranged and for a sub group to be formed.

Action:

- Operations Manager to arrange to survey residents of the area, and meet with Cllr Abbott, and representatives from Essex County Council and the Parish Council to decide a way forward.

37.4 Town Centre Regeneration. (*Three Towns – One Vision*)

Rupert Corney of Cushman & Wakefield presented the report.

Mr Corney advised that a full consultation exercise had been carried out. The results had been analysed and used as the basis of the draft development brief for the Witham Town Centre site. Proposals are to merge BDC owned land with The Newlands Shopping Centre to encourage the provision of a new retail environment and improve the existing environment within the immediate vicinity in line with both the adopted local plan and relevant planning legislation.

Members agreed that Newlands was in need of modernisation and investment to update the area, though they were concerned that the brief had been developed based upon a very small number of consultees.

Retaining surface level car parking was welcomed, as was keeping the heritage of the town. Having residential use above the shopping area was a good idea and would add value and security to the area, as well as encouraging 24hr use. It was hoped that would attract a restaurant and café area and increase income to the centre.

A suggestion to pedestrianise the area between Maldon Road and Collingwood Road would be too ambitious to include within this scheme but could be considered as a separate project at a later date.

Members' views will be collated and reported to the meeting of Cabinet on the 1st December 2008.

38 Witham Local Committee Action Plan and Priorities:

38.1 Local Priorities for 2009/10 Budget.

Members were invited to suggest priorities for consideration in the locality. Chris Fleetham handed out the Council's corporate priorities to be used as a base for ideas. Suggestions need to be made before 1st of December when options will be taken to Cabinet.

Action:

Members to consider priorities and pass on directly to Trevor Wilson, Deputy Finance Director.

38.2 Maldon's Community Hospital.

As a proportion of the Witham population use the Community Hospital, the Mid Essex PCT had invited the Witham Local Committee to nominate a representative to attend future monthly meetings to discuss development plans.

Decision: Members decided not to make a nomination.

38.3 Additional Item – To Nominate a Representative On The Witham Traffic Liaison Panel

Following the resignation of Councillor W Rose of Witham West Ward, there was a vacancy on the Witham Traffic Management Liaison Panel. Members were requested to appoint a representative to this Essex County Council group.

Cllr Elliston was nominated, as there was no Ward Member for Hatfield Peverel on the Panel.

Decision:

Members agreed to nominate Cllr Elliston as a representative on the Witham Traffic Liaison Panel.

38.4 Local Committee Action Plan

Priority 1 - Cllr Foster had volunteered to update the Local Committee on the progress of the Mid Essex Primary Care Trust (PCT) improved health facilities in the Witham Local Area by monitoring the progress of the PCT's Strategic Service Development Plan (SSDP). Cllr Foster was waiting for an update from Alison Manton, Strategic Lead for Estates and Melanie Crass, Director of Commissioning, from the PCT who had presented an overview of the SSDP at an additional meeting on 23rd April 2008.

Priorities 2 and 3 were still to be reviewed and would be reported back to the Committee at the next meeting.

Action:

- Cllr Lager to arrange for issues over the review of HGV signage and routing throughout Witham Town Centre and parking issues to be included on the next Witham Traffic Management Liaison Panel agenda.
- Cllr Ramage, as member of Witham Town Centre Management Committee to discuss schemes and funding at their next meeting.

Councillors to report back to Members at the next Local Committee.

38.5 Proposed Improvements on the Blackwater Rail Trail.

Residents were unhappy with the lack of communication on improvements to the trail and requested that a meeting be arranged for Juliet Strathern as the organising planning officer to update residents. Dengie Community Hall was suggested as a meeting place as it was a central point to the area.

Decision: Members agreed to a meeting being arranged at Dengie Community Hall for residents to be updated.

Action: Locality Co-ordinator to arrange a meeting at Dengie Community Hall to update residents on the situation.

39. Future Items

Review of Community Halls - 27th January 2009

Housing Strategy - 27th January 2009

Consultation on 2009/10 Budget Proposals - 27th January 2009

Street Scene Litter Strategy - 27th January 2009

Decision: The Committee noted the list of items for the next meeting.

40. Any Other Business

Cllr Howell informed Members that at the request of Cllr Abbott at the last meeting, the Witham Christmas lights would be controlled via a sensor, which would come on at dusk and turn off at midnight.

Members thanked Cllr Howell for her efforts to conserve energy.

The meeting concluded at 10:00pm

T J W FOSTER

(CHAIRMAN)

Notes of a meeting of a Sub-Group of Witham Local Committee held at Witham Town Hall, Newland Street, Witham on 5th November 2008
Ref: Mr Rao's Trading Arrangements

Present:

Cllr Lager
 Cllr Foster
 Cllr Evans
 Mr Arnott, Chair of the Chamber of Commerce
 Ms Murphy, National Express East Anglia
 Mr Samik Rao
 Mr Goodey (Mr Rao's advocate)
 Linda Morgan, Locality Co-ordinator

The meeting was facilitated by Cllr Lager and the agenda was as follows:

1. Assessment of the current situation
2. Summary of what has already been discussed
3. Options for a way forward

Key points arising from the discussion:

1. Assessment of the current situation
 - Mr Rao has been trading in his current location for a considerable period of time
 - ECC Highways Department have placed parking restrictions on the site
 - The BDC Car Park Manager (who is no longer in post) granted Mr Rao a dispensation from the parking restrictions at the site from 1 April 2007 to 31 March 2008, so there was no objection to Mr Rao being granted a Street Trading Permit.
 - The BDC Car Park Manager in post at the time Mr Rao's Street Trading Permit was due for renewal did not grant a dispensation and therefore Mr Rao was not granted a Street Trading Permit.
 - Mr Rao has continued to trade.
 - BDC has enforced the appropriate penalties for illegal parking and trading without a permit, which as a local authority it is obliged to do.
 - 16 penalty notices have been issued by BDC since 18th September, of which 14 have been defended (2 have not yet been received). Mr Goodey understands that BDC are obliged to respond with a decision within 56 days. No response has been received to date.
 - Mr Goodey questioned whether the previous Car Parks Manager had the authority to grant a dispensation.
 - At the Meeting of BDC's Full Council on 20th October, the Leader was recorded in the minutes as saying, in respect of this matter, that "he did not usually comment on operational matters, but he did understand the Council will await the outcome of [this meeting] before taking any further action"
 - Mr Rao has continued to receive parking tickets since 20th October
 - Mr Rao received a letter today asking him to attend an interview in connection with a criminal offence.
 - There is to be a new footbridge to be constructed at the station that might have an impact on the footfall of Mr Rao's customers. Ms Murphy advised that the latest dates for commencing work is June 2009, with completion due early 2010.

- Mr Goodey has reason to believe that the parking restrictions affecting this site are illegal and this matter is currently being challenged with ECC. ECC are currently investigating the history of the road and, if the challenge stands, there is no reason why Mr Rao should not continue to trade there. Mr Goodey has provided documentary evidence of Mr Rao's case to both ECC and BDC.
- Mr Arnott thought it was unfortunate that Mr Rao hadn't been consulted when the parking regulations were drawn up.

2. Summary of what has already been discussed

Some options for alternative trading arrangements for Mr Rao had previously been discussed. These are:

- Trading from the Station itself. Not possible. The site Mr Rao senior had traded from on Platform 2 is being redeveloped as a coffee shop and the contract for this is about to be signed.
- Moving the trading site adjacent to the Taxi Rank. Not possible. Unacceptable to Taxi Drivers.
- Trading from the Cut Throat Lane car park. Not possible.
- Trading from the Albert Car park. Would need to be negotiated with the land owner.
- Extend the pavement towards the bridge and continue to trade. Funding issue.
- Move the stand to the entrance to the Station. Would need to be negotiated with Network Rail.

3. Options for a way forward

Mr Rao wants to continue to trade from the current location, and will do so until the legal situation is resolved. BDC staff cannot disregard the law and indeed are obliged to take enforcement action. Cllr Lager added that local residents, who have had to make alternative parking arrangements, might well petition for enforcement action.

Members are keen to remove the impasse, although they are not in a position to consider or make decisions on the legal position. Cllr Lager stated that the legal issue concerning whether or not Mr Rao is breaking the law is currently being explored through the current process.

Suggestions for a way forward:

- Mr Goodey suggested the bus-stop should be removed or shortened. There would be a cost associated with this which Mr Goodey suggested need not be found by the Council.
- Mr Rao stated that moving his trading position 5-6 metres would make a lot of difference to his level of trade and he could expect to lose 40% – 50% of his customers. He suggested trading from the lay-by outside the station, and would be prepared to lease the land from ECC.
- Mr Goodey pointed out that as a News Vendor Mr Rao may trade from a smaller barrow on the pavement without trading permission.

- Cllr Lager, in his role as ECC Councillor, undertook to look into whether the appropriate process for imposing traffic regulations in this area had been followed.
- Mr Goodey asked for an assurance that Mr Rao would not be pressured to attend an interview in connection with the Council's enforcement action. Cllr Lager said that he was unable to give such an assurance and that Mr Goodey would need to speak to the Council's Chief Executive, Allan Reid, as this was a staff matter.
- Mr Goodey also asked for an assurance that, if the challenge to ECC regarding the illegality of the parking restrictions is upheld, Mr Rao will be granted a street trading permit. Cllr Lager said he was unable to do that – the proper process would need to be followed.
- Cllr Evans asked if, mindful of the proposed regeneration of the front of Witham station and the construction of a new footbridge, Mr. Rao could remain where he was until these changes were completed. Cllr Lager replied that was not possible because Mr. Rao was illegally parked.

Linda Morgan
Locality co-ordinator
6th November 2008