

Minutes

Council Meeting



16th October 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	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	Apologies	M Lynch	Yes
R J Bolton	Apologies	D Mann	Yes
K D Boylan	Yes	Ms J S M Martin	Apologies
B T Broyd	Yes	N G McCrea	Apologies
G Butland	Yes	A F Millam	Yes
Mrs H W Catley	Apologies	R G S Mitchell	Yes
R Cavinder	Apologies	Lady Newton	Yes
J C Collar	Yes	Mrs J A Pell	Yes
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	Yes
Dr R L Evans	Yes	D E A Rice	Yes
A V E Everard	Apologies	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	Apologies	Mrs G A Spray	Yes
T J W Foster	Yes	Mrs K E Tearle	Apologies
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	Apologies
B J Gaught	Yes	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	Yes	T S Wilkinson	Yes

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 'phones and the importance of Members using the microphones.

48 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, M Gage and Mann declared a personal interest in Agenda item 3 – Public Question time as some members of the public present were known to them.

Councillor Mrs Schmitt, declared a personal interest in agenda item 7(i) – Leaders Statement – as during this item the Leader referred to a bid for resources from the Braintree and Bocking Public Gardens and Councillor Mrs Schmitt acts as Clerk to the Trustees of the Public Gardens.

49 MINUTES

DECISION: That the minutes of the meeting of the Council held on 11th September 2006 be approved as a correct record and signed by the Chairman.

50 PUBLIC QUESTION TIME

INFORMATION: The Chairman invited Mrs K Smith to read out her statement which related to planning application 06/01335/PLD at Straits Mill, Convent Lane, Bocking.

Mrs Smith read out her statement. In it she expressed horror at the prospect of a ready mix concrete plant operating at Straits Mill and herself and that all the residents were totally opposed to any certificate of lawfulness being granted to HS Services.

Mrs Smith raised concern at the length of any temporary structure on the site, the size of the operation, the potential for 120 HGVs per day plus other traffic or even more if the operation expanded and the fact that all of these movements would take place along a public right of way. She asked Councillors to act on behalf of the community that represents Convent Lane, Broad Road, the Cloisters and Nursery Lane and oppose the application.

Councillor Mrs Scattergood, Cabinet Member for Planning responded by thanking Mrs Smith and the many residents who had come along to the meeting in support of the above statement. She advised Mrs Smith that the Council would be considering the planning application in the coming weeks and this would be presented to the Braintree Area Committee. She commented that she would ensure that the statement is considered as part of the planning application process and that Mrs Smith would be informed of the date of the meeting when the application would be considered.

51 POLICY RECOMMENDATIONS – PUBLIC SESSION

INFORMATION: Consideration was given to the following recommendations: -

- (1) Licensing Committee - 14th September 2006
Minute 21 - Scheme of Delegation

DECISION: That the Scheme of Delegation within Part 3 of the Council's Constitution be amended as set out in Minute 21 of the minutes of the Licensing Committee meeting held on 14th September 2006.

- (2) District Development Committee – 21st September 2006

In presenting the recommendation from the Committee the Chairman of that Committee, Councillor Mrs Scattergood, moved the following amendment: -

That all the words after “To act as a Proper Officer [Development Director]” be deleted and replaced with the following words:

“for the making of, Tree Preservation Orders under Section 198 and provisional Tree Preservation Orders under Section 201 of the Town & Country Planning Act 1990 (“the 1990 Act”) and the confirmation (with or without modifications) of any such Orders under Section 199, of the 1990 Act except where despite proposed modifications there remain outstanding objections in which case such Orders shall be referred to the relevant Area Committee for confirmation.”

DECISION: That the recommendation of the District Development Committee, as amended above, be approved.

52 QUESTION TIME

(1) Statements by the Leader and Cabinet Members

INFORMATION: The following statements were made: -

IDEA Peer Review 25th to 27th September 2006. Councillor Butland, Leader of the Council, expressed his pleasure at the very positive outcome of the Review which he commented reflected well on the “whole” Council noting that the full report would be available to the Council in the next 10 days. He commented on a number of the conclusions of the Review Team. They were impressed with the “can do culture” adopted by staff across the Council. In discussions with partners, contractors, community organisations and other local authorities they found an excellent level of respect for the Council. The Peer Team were impressed with the level of cross-party support but raised as an area for improvement was that of scrutiny and challenge. Councillor Butland commented on the issue of Member Development and involvement as an area covered in the Review. He wished to see the implementation of a robust training programme, following the District Elections in May 2007, delivered with more energy and urgency than previously. The Leader felt the outcomes of the Review were an excellent reflection on both staff and Councillors and he thanked Members from all parties for giving up their time to be involved.

People’s Millions. The Leader referred to the allocation of resources from this arm of the Lottery Fund and the fact that two projects (a) the BMX track in Braintree; and (b) Braintree and Bocking Gardens were on the reserve list. He hoped that one or both of these schemes could be moved up to the main list. An announcement was expected later this week.

Appointment to the Mid-Essex Primary Care Trust. The Leader congratulated Councillor Lady Newton on her appointment to the PCT Board. This was an appointment in her own right as following the reorganisation of Care Trusts the Council no longer had a representative on the new PCT. As a result of this appointment and to avoid any potential conflict the Leader announced that he would take on the responsibility for health matters from Lady Newton until the next Council AGM in May 2007.

Mobile CCTV Vehicle. Councillor Mrs Schmitt, Cabinet Member for Public Protection and Healthy Living, announced that the Council had taken delivery of a new vehicle for overt and covert CCTV surveillance.

Braintree Town Pub Watch, Councillor Mrs Schmitt advised Council that the Police would be launching Braintree Pub Watch on 13th November 2006.

Halloween and Fireworks. Councillor Mrs Schmitt advised Council of a joint statement from both this Council and the Police. The statement offered advice to parents and children at this time of year often the scene of much anti-social behaviour and potential danger. Councillor Mrs Schmitt asked everyone to have regard to the law, to respect other people's wishes (e.g. not to be disturbed), to be watchful of child safety and to avoid anti-social behaviour. Members noted that the law regarding fireworks was amended in 2004 and it is now illegal to let off fireworks before 7am or after 11pm except on New Year's Eve, Chinese New Year and Devali when the latest time was 1pm and 5th November when the limit is 12 midnight. It is also illegal to sell fireworks to under 18s. Councillor Mrs Schmitt encouraged considerate behaviour by everyone.

Parish Event – 5th October 2006. Councillor Mrs Scattergood, Cabinet Member for Planning and Rural Issues reported on the successful Parish Event held on 5th October. 43 Services including some from Essex County Council, the NHS and Police were represented and it was estimated that approximately 50 town and parish council representatives attended as well as Councillors and staff. Members were informed that the Council had received positive feedback following the event. Members were advised that the new "Clerks Pack" had been launched at the Parish Event. This had been prepared with the support of the Essex Association of Local Councils and the County Council's Localism Team.

Local Democracy Week – 16th to 20th October 2006. Councillor Lady Newton, Lead Member for Children and Young People reported that the Council was organising a number of events this week in conjunction with Alec Hunter High School. A number of Councillors had attended the "take your Councillor to School day" this morning and a number of year 9 students would be coming to make a presentation to the Braintree Area Committee tomorrow evening – 17th October. Those Councillors who wanted to attend any events this week and had not yet announced their availability were urged to contact Mel Reynoldson in Democratic Services. Councillor Lady Newton hoped that the events being organised this week would become an annual event and would act as a catalyst enabling regular and meaningful engagement with young people throughout the District. Council was also informed that during the next two weeks there would be a number of Reality Road shows being organised at secondary schools. Any Councillor wishing to be involved in these should contact Tony Macdonald in the Community Team.

(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 Edwards asked whether the Council would maintain its current policy of providing sufficient parking for the Community Centre in Victoria Street following the review of the Bus Park.

Councillor Butland stated that the Council would need to look at the whole of the town centre and take a balanced look at the provision for cars and pedestrians as well as other users of the Town Centre.

Councillor Tincknell questioned whether the Leader wanted to review his comments and concerns about the impact of new Licensing Act having had an opportunity to assess the impact of the new laws over the Summer period.

Councillor Butland commented that he did not recall being quite so pessimistic about the new laws as Councillor Tincknell was claiming. However, he was aware that most of the anti-social behaviour in our Town Centres was alcohol related and questioned whether making alcohol more readily available would improve the situation.

Councillor Haslam asked the Leader whether he was satisfied with his comment about the level of parking provision at the Community Centre. He emphasised that in his view the Community Centre required the provision of parking to be able to survive.

Councillor Butland repeated the need to look at the whole site, to look at public access, not just cars and to think about an integrated transport policy.

Councillor Haslam again expressed the concerns of volunteers over the fact that parking provision might be removed completely.

Councillor Butland advised Councillor Halsam that Council would need to await proposals being drawn up for the site and then to enter into discussion/consultation.

Councillor Dr Evans reminded Council that the introduction of the pub watch scheme was one of the recommendations of the Public Safety Policy Development Group and that the Cabinet was awaiting the issue of a Government White Paper before considering some of the PDG recommendations. He asked if the Scheme for Braintree was likely to be extended to the other Towns in the district.

Councillor Mrs Schmitt advised that if the launch of the Pub Watch Scheme was just for Braintree she felt sure it would be extended to other towns in the District although she was not aware that town centre drinking was such an issue for Witham and Halstead.

Councillor Barlow asked whether the guidance from the Police regarding Halloween should have stated what was legal to carry rather than just what was not. He then went on to seek clarification of the law relating to the time limits for letting off fireworks on Saturday November 4th.

Councillor Mrs Schmitt advised that the advice from the Police and the Council is not to play tricks at all. She went on to clarify that all other nights other than 5th November fireworks should not be let off after 11pm.

Councillor E Lynch raised concern that some CPSOs had visited local schools soon after their appointment but a recent discussion with the Head of Beckers Green Primary School lead him to believe that they had not visited local schools since their initial visit. Councillor Lynch felt this was a missed opportunity for the Police to interact with parents and children, and talk about many issues including parking. He asked if Councillor Schmitt would take this issue up with the Police.

Councillor Mrs Schmitt agreed with Councillor Lynch over the need for the Police to visit all local schools and she would take this matter up with Chief Inspector Schofield.

(3) Chairmen's Statements

INFORMATION: There were no statements made.

(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 11th September 2006, were received and noted.

Councillor Edwards referred to the minutes of the Cabinet meeting on 25th September 2006 and was pleased that the performance for Planning Delivery was now on target for the latest quarter but asked how many quarters had the targets been missed.

Councillor Mrs Scattergood, Cabinet Member for Planning and Rural Issues agreed to provide Councillor Edwards with a written response to his question.

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 item of business on the grounds that it involves 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)

53 POLICY RECOMMENDATIONS – PRIVATE SESSION

INFORMATION: Councillor Lager, Cabinet Member for Finance and Assets, presented the recommendation from Minute 58 of the Cabinet meeting held on 25th September 2006 concerning the acquisition of land in Witham. All Members of the Council had received the full report considered by Cabinet.

DECISION: That the acquisition of land in Witham, as detailed in the report to Cabinet, be approved.

The meeting commenced at 7.15pm and closed at 8.07pm.

D M FINCH

(Chairman)