

Minutes

Council Meeting



3rd January 2023 (Postponed from 12th December 2022)

These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A recording of the meeting is available on the Council's YouTube Channel at <http://www.braintree.gov.uk/youtube>

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor A Munday	Apologies
Councillor D Abram	Yes	Councillor Mrs I Parker	Yes
Councillor J Baugh	Yes	Councillor Mrs J Pell	Yes
Councillor Mrs J Beavis	Yes	Councillor I Pritchard	Yes
Councillor K Bowers	Yes	Councillor M Radley	Yes
Councillor G Butland	Yes	Councillor S Rehman	Yes
Councillor J Coleridge	Apologies	Councillor F Ricci	Yes
Councillor G Courtauld	Yes	Councillor B Rose	Yes
Councillor Mrs M Cunningham	Yes	Councillor Mrs J Sandum	Apologies
Councillor T Cunningham	Yes	Councillor Miss V Santomauro	Apologies
Councillor Mrs C Dervish	Yes	Councillor Mrs W Scattergood	Apologies
Councillor P Euesden	Yes	Councillor Mrs W Schmitt	Yes
Councillor T Everard	Yes	Councillor P Schwier	Yes
Councillor Mrs D Garrod (Vice-Chairman)	Yes	Councillor Mrs G Spray	Yes
Councillor M Green	Yes	Councillor P Tattersley	Apologies
Councillor A Hensman (Chairman)	Yes	Councillor P Thorogood	Yes
Councillor S Hicks	Yes	Councillor R van Dulken	Apologies
Councillor P Horner	Apologies	Councillor T Walsh	Yes
Councillor D Hume	Yes	Councillor Mrs L Walters	Apologies
Councillor H Johnson	Yes	Councillor Miss M Weeks	Yes
Councillor Mrs A Kilmartin	Apologies	Councillor D White	No
Councillor W Korsinah	Yes	Councillor Mrs S Wilson	Yes
Councillor D Mann	Yes	Councillor J Wrench	Apologies
Councillor T McArdle	Apologies	Councillor B Wright	Yes
Councillor J McKee	Yes		

At the start of the meeting, Councillor A Hensman, the Chairman of the Council was pleased to welcome Councillor D Abram and Councillor M Green to their first meeting of Full Council following their recent election respectively to 'Coggeshall Ward' and 'Braintree South Ward'.

50 **MINUTES**

DECISION: That the Minutes of the meeting of Full Council held on 10th October 2022 be approved as a correct record and signed by the Chairman.

51 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared: -

Councillor G Butland declared a Non-Pecuniary interest in Items on the Agenda as an Elected Member of Essex County Council.

Councillor T Cunningham declared a Non-Pecuniary interest in Items on the Agenda as an Elected Member of Essex County Council.

Councillor Mrs J Pell declared a Non-Pecuniary interest as she had an association with UK Power Network who were mentioned during Public Question Time.

Councillor P Schwier declared a Non-Pecuniary interest in Items on the Agenda as an Elected Member of Essex County Council.

Councillor P Thorogood declared a Non-Pecuniary interest in Agenda Item 9 - Approval of the Feering Neighbourhood Plan on the Agenda as the Ward Member for Feering and Kelvedon and as an Elected Member of Essex County Council.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Items were considered.

52 **QUESTION TIME**

INFORMATION: There were eight questions asked/statements made. The questions/statements related to Agenda Item 9 and to matters which were not on the Agenda for discussion, as follows: -

'Wethersfield Airbase – Possible Prison Proposal' (not on the Agenda for discussion)

Statement read by Mr M Allpress

Statement read by Mr N Chapman

Statement read by Mr A MacKenzie

Statement read by Mr J Warner

Councillor G Butland, Leader of the Council, responded to the statements.

Agenda Item 9 - 'Approval of the Feering Neighbourhood Plan'

Statement read by Councillor L Blackburn (Feering Parish Council)

Councillor Mrs G Spray, Cabinet Member for Planning and Infrastructure, responded to the statement.

'Plogging' Litter Collection (not on the Agenda for discussion)

Statement read by Mr R Mitchell

Councillor Mrs W Schmitt, Cabinet Member for Climate Change and the Environment, responded to the statement.

'Land Usage and Local Electricity Distribution Network' (not on the Agenda for discussion)

Statement read by Mr D Holland

Councillor Mrs G Spray, Cabinet Member for Planning and Infrastructure, responded to the statement.

'Green Waste Collection - Charge' (not on the Agenda for discussion)

Statement read by Councillor Ms Dobson (Feering Parish Council)

Councillor G Butland, Leader of the Council, responded to the statement.

53 **ANNOUNCEMENTS/STATEMENTS FROM THE CHAIRMAN AND LEADER OF THE COUNCIL**

INFORMATION: The following announcements/statements were made: -

Chairman of the Council - Announcements

Mayor of Chelmsford, Councillor John Galley

The Chairman announced that it was with very great sadness that we share the news of the death of the Mayor of Chelmsford, Councillor John Galley, who passed away in October after a period of illness. Our thoughts were with his wife Jackie and their family.

Engagements

The Chairman was pleased to announce that since the last meeting of Full Council held on 10th October 2022, he had attended 18 engagements. This included the Remembrance Service held by the Royal British Legion; it was warming to see so many people in attendance including the MP, James Cleverly, and marked a wonderful event to remember those who have fallen.

The Chairman added that he had attended lots of Christmas festivities including visiting officers across the Council, the Halstead Torchlight Procession, and the annual Christmas Community Event in Braintree town centre both of which were a huge success.

Leader of the Council - Announcements

Devolution

The Leader provided an update on devolution and the following information was provided. It was reported that the Leader had circulated the Memorandum of Understanding for the North Essex Authorities to all Members along with the paper on devolution prior to it being considered by the Essex Leaders at their meeting on 8th December 2022. At that meeting there was unanimous agreement to take the paper forward and requested officers put forward a proposed bid to submit to Government. It was noted that all Essex Leaders would be meeting on 30th January 2023 to consider the work that had been carried out.

The Leader added that Tom Walker, Executive Director of Essex County Council, had proposed a virtual meeting for the Members of Braintree District Council on Monday 23rd January 2023 at 6pm, to provide an update on the way in which Greater Essex was looking to move forward and to answer any questions Members had on the devolution programme. Further details of the meeting would be circulated to Members.

New Homes Bonus 2023-24

Members were reminded that this fund was created to incentivise places that recognised the urgency to help meet the increasing housing need for our communities. The Council had been provisionally allocated just over £1.4 million in recognition of the strong housing growth it had facilitated in the District, also including a premium to recognise the performance in the delivery of essential affordable housing.

Since the introduction of the New Homes Bonus in 2011, the Council had chosen not to use this funding to underpin the revenue budget, but instead had used this to develop the community infrastructure that supported this growth. The NHB had been a major source of funding for the Council's District Investment Strategy, alongside supporting planning for growth and promoting economic development. Combined with other resources the NHB had delivered the regeneration of Braintree Town Centre, the expansion of Superfast Broadband across the District the acquisition of Chapel Hill sites securing a strategic housing site, improved health facilities at the former Braintree College site, the Plaza enterprise centre, grow on units and additional carparking at Springwood, it had enabled the Council to invest to earn opportunities such as the acquisition of 3 and 4 Century Drive and had provided working capital for the expanded Planning Enforcement Team.

Future use of the NHB included funding towards the Millennium slips which levered in a huge amount of additional resources on a multi-agency basis but would be subject to bids and Essex County Council. It would also be used on the Maltings Lane

Community Centre in Witham and the Witham Enterprise units, subject to a satisfactory business case.

The Leader reported that the last 3 years had seen the community go through some of the most difficult challenges they had seen in a generation. Whilst residents and businesses had been trying to recover from the impact of the pandemic, other global events had led to rising prices for essentials and a dramatic increase in the cost of living. This had a significant impact on the most vulnerable and disadvantaged in the community and was also impacting those who may not of previously needed support or knew where to go for help. The Council had responded quickly to this emerging crisis and had worked with partners to help residents and businesses, some of the details of which were contained within the in Cost-of-Living Crisis 2022 Joint Scrutiny Committee Report which was also considered by Members later in the meeting.

The Government had also put several measures in place nationally to support those most in need, but the scale of the Challenge required authorities to work together on a local level to help the local communities.

The Leader announced that the Council were planning in the budget proposal to allocate £1 million of the 2023-24 New Homes Bonus allocation to support the residents of the Braintree District on the cost-of-living crisis. This would supplement the investment the Council had already made through use of existing funds and resources and through the shared prosperity fund allocation. It was reported that this would be used to deliver a 3-point plan through to March 2025, first to provide food security and access to essential goods across the District making it easier for everyone to reach, including those living in the most rural areas. Secondly the Council would help the most vulnerable by supporting community groups and organisations to do more. It was noted that these groups were already doing some incredible work and were well placed to identify and support those who needed the most help. Finally, to enable physical and emotional health and wellbeing for anyone, particularly young people, struggling to afford vital access to leisure facilities and sports clubs.

The Council had strong partnerships with their public sector partners and community groups and would be working with them over the coming weeks to develop the detail of these plans and maximise the resources available. Members were advised that these proposals would be brought back to Full Council following the confirmation of the proposed NHB allocation.

The Leader added that the remaining £400,000 of NHB monies would be set aside to ensure that there was funding in place to deliver the recently updated strategies for economic growth and healthy housing following the consultation period currently underway and final agreement at Cabinet in March 2023.

54 **MOTION BY COUNCILLOR T CUNNINGHAM – SUPPORTING COMMUNITIES AND RESIDENTS**

INFORMATION: Consideration was given to a Motion submitted by Councillor T Cunningham. Appropriate Notice of the Motion had been given to the Chief Executive

in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Council's Constitution.

The Motion:

'This Council acknowledges the strength and resilience of our local communities as they bounce back from the pandemic. The Council also acknowledges the role it has played, through its bouncing back together plan, investment programme and working with others to support residents, as well as delivering significant projects promoting economic and social recovery. These include supporting town centres, development of new employment land and helping enable new medical facilities, with projects still in the pipeline. This Council reaffirms its commitment to support communities and residents, despite the uncertainties we all face economically.'

There followed a discussion on the Motion.

On being put to vote the Motion was declared **CARRIED.**

55 **MOTION BY COUNCILLOR MRS J BEAVIS – COST-OF-LIVING CRISIS**

INFORMATION: Consideration was given to a Motion submitted by Councillor Mrs J Beavis. Appropriate Notice of the Motion had been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Council's Constitution.

The Motion:

'This Council acknowledges that the Cost-of-Living Crisis continues to impact on the quality of life of many residents of the Braintree District.

Council agrees that it will:

- Continue to use every measure available to it to ensure that our residents who are most vulnerable will be supported, including by working with partner organisations to ensure that community initiatives to help those most in need are achieved speedily;
- Ensure that in the 2023/24 budget setting, measures to meet the budget gap avoid reducing services or creating unnecessary extra costs for residents, such as additional payments for services, as far as it is possible to do so;
- Evaluate the 2023/24 budget to ensure that all people and communities are treated fairly and not disadvantaged for living in town and parish council areas where precepts are applied;
- Commit to ensuring that in the current difficult financial environment and in the future, people and communities are at the forefront of its corporate decision making so that those most in need are supported.'

Members of the Council were advised, that in accordance with Council Procedural Rule 12.20 of Chapter 2 of the Council's Constitution, Councillor J McKee had proposed an amendment to the Motion. This proposal had been seconded by Councillor G Butland.

Councillor Mrs J Beavis, as the Proposer of the original Motion, had accepted the amendment in advance of the meeting. The amended Motion had therefore become the Substantive Motion as follows (changes from the original are shown in italics and underlined and by strike through for deletions): -

The Substantive Motion (following amendment of the original Motion)

'This Council acknowledges that the Cost-of-Living Crisis continues to impact on the quality of life of many residents of the Braintree District. *It notes the wide range of actions taken and planned to be taken to minimise the effects of the rising cost of living, as set out in item 12 of the Agenda for the Council meeting to be held on Monday 12th December 2022. The Council commends the Cabinet on the speed of its response to the recommendations from the all-party Joint Scrutiny Committee, presented to Council on 10th October 2022, in line with commitment given by the Leader of Council at that meeting.*

Council agrees that it will:

- Continue to use every measure available to it to ensure that our residents who are most vulnerable will be supported, including by working with partner organisations to ensure that community initiatives to help those most in need are achieved speedily;
- ~~Ensure that in the 2023/24 budget setting, measures to meet the budget gap avoid reducing services or creating unnecessary extra costs for residents, such as additional payments for services, as far as it is possible to do so;~~
- ~~Evaluate the 2023/24 budget to ensure that all people and communities are treated fairly and not disadvantaged for living in town and parish council areas where precepts are applied;~~
- ~~Commit to ensuring that in the current difficult financial environment and in the future, people and communities are at the forefront of its corporate decision making so that those most in need are supported.'~~
- *Ensure that in setting the 2023/24 budget and measures to meet the budget gap, it will consider the impact on all residents, particularly those most in need of support, when seeking efficiency improvements and any cost reductions to services necessary to create a balanced budget;*
- *Commit to ensuring that in the current difficult financial environment all residents continue to be at the forefront of its corporate decision making, and that it will continue to use all reasonable measures available to it to ensure that residents who are most vulnerable can be supported.'*

There followed a discussion on the Substantive Motion.

On being put to vote the Motion, as amended, was declared **CARRIED.**

56 **MOTION BY COUNCILLOR J ABBOTT – HOUSING LAND SUPPLY**

INFORMATION: Consideration was given to a Motion submitted by Councillor J Abbott. Appropriate Notice of the Motion had been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Council's Constitution.

The Motion:

'Council notes that having taken professional advice, and on the grounds of marginally now not having a 5-year Housing Land Supply, the Authority has withdrawn from defending 3 major development planning appeals, each for unallocated greenfield sites, at Halstead, Kelvedon and Rivenhall. The applications were refused by the Council's Planning Committee of elected Members.

Council also notes that despite having successfully secured the Adoption of its Local Plan 2013–2033 as recently as July 2022, which over-provides for the legally required amount of housing in the District, the marginal Housing Land Supply position has resulted in some policies in that Plan already being deemed "out of date".

Council further notes that Braintree District has delivered the historically high number of 2,811 homes over the last 3 years, that as of 31st March 2022 a further 2,636 were under construction and that in total, the Authority is doing all it can to deliver new housing. However, if developers do not bring forward consented sites, the Housing Land Supply position weakens, through no fault of the Council.

Council therefore resolves to write to the 2 local MPs and the relevant Government Ministers requesting an urgent review of the over-complex and unfair Housing Land Supply requirements and the reinstatement of up-to-date Local Plans as being the primary guide for where development takes place.'

Members of the Council were advised, that in accordance with Council Procedural Rule 12.20 of Chapter 2 of the Council's Constitution, Councillor Mrs G Spray had proposed an amendment to the Motion. This proposal had been seconded by Councillor G Butland.

However, Councillor J Abbott and Councillor P Thorogood, as the Proposer and Seconded of the original Motion, had declined to accept the amendment in advance of the meeting.

In the circumstances, the Motion, as submitted, was moved by Councillor J Abbott and seconded by Councillor P Thorogood. However, before discussion could take place on the Motion, Councillor Mrs G Spray proposed the following amendment to the Motion which was seconded by Councillor G Butland. (Changes from the original are shown in italics and underlined and by strike through for deletions): -

The Amended Motion

'Council notes that having taken professional advice, and on the grounds of marginally now not having a 5-year Housing Land Supply, the Authority has withdrawn from defending 3 major development planning appeals, each for unallocated greenfield sites, at Halstead, Kelvedon and Rivenhall. The applications were refused by the Council's Planning Committee of elected Members.

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~~Council therefore resolves to write to the 2 local MPs and the relevant Government Ministers requesting an urgent review of the over-complex and unfair Housing Land Supply requirements and the reinstatement of up-to-date Local Plans as being the primary guide for where development takes place.~~

Council therefore welcomes the series of amendments to the Levelling Up and Regeneration Bill put forward by the Secretary of State, Michael Gove, which will strengthen the Government's commitment to building enough of the right houses in the right places with the right infrastructure, ensuring the environment is protected and giving local people a greater say on where and where not to place new development.

In particular, the Council welcomes measures to tackle slow build out by developers, including financial penalties for companies failing to deliver housing despite having planning approval, and powers to local Councils to refuse further permission across their area.

The decision to allow Councils to build fewer homes than Whitehall civil servants determine are needed, based on local constraints and at a density that would "significantly change the character" of their area, is also warmly welcomed.

Council therefore resolves to write to the Secretary of State commending him on the actions he proposes.'

There followed a discussion on the Amended Motion.

On being put to vote the Amended Motion was declared **CARRIED.**

The amended Motion had therefore become the Substantive Motion as follows

The Substantive Motion (following amendment of the original Motion)

'Council notes that having taken professional advice, and on the grounds of marginally now not having a 5-year Housing Land Supply, the Authority has withdrawn from defending 3 major development planning appeals, each for unallocated greenfield

sites, at Halstead, Kelvedon and Rivenhall. The applications were refused by the Council's Planning Committee of elected Members.

Council also notes that despite having successfully secured the Adoption of its Local Plan 2013–2033 as recently as July 2022, which over-provides for the legally required amount of housing in the District, the marginal Housing Land Supply position has resulted in some policies in that Plan already being deemed “out of date”.

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Council therefore resolves to write to the Secretary of State commending him on the actions he proposes.’

On being put to vote the Substantive Motion was declared **CARRIED.**

57 **FEERING NEIGHBOURHOOD PLAN**

INFORMATION: Consideration was given to a report on the approval of the Feering Neighbourhood Plan. Once approved, the Neighbourhood Plan could be used in the determination of planning applications within the Feering Neighbourhood Plan area.

In accordance with the Neighbourhood Planning (General) Regulations 2012, Feering Parish Council had applied for the Parish to be designated as a Neighbourhood Area and this designation had been confirmed on 30th March 2015.

Following submission of the Feering Neighbourhood Plan to the District Council, the Plan had been subject to public consultation. Subsequently, the District Council in agreement with the Parish Council, had appointed an independent examiner to review if the Neighbourhood Plan met the basic conditions required by legislation and whether it could proceed to a referendum. The examiner's report published in August 2022 had concluded, that subject to modifications, the Plan did meet the basic conditions. A referendum had been held on 27th October 2022 at which 94.68% of those people who

had voted had supported the Neighbourhood Plan. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the District Council was required to 'make' a Neighbourhood Plan if more than half of those voting voted in favour of the Plan unless this would breach or would otherwise be incompatible with a European Union obligation, or any Convention rights within the meaning of the Human Rights Act 1998.

It was therefore proposed that the Feering Neighbourhood Plan should be 'made', that it should form part of Braintree District Council's Development Plan, and that the Feering Neighbourhood Plan Regulation 19 Decision Statement attached at Appendix 1 to the report should be approved. The Statement, together with the Neighbourhood Plan, would be published and made available for public inspection.

DECISION: That the Feering Neighbourhood Plan – Regulation 19 Decision Statement, attached at Appendix 1 to the Agenda report, be approved and the Feering Neighbourhood Plan, attached at Appendix 2 to the Agenda report, be made under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended).

REASON FOR DECISION: To enable Feering Neighbourhood Plan to be used in the determination of planning applications within the Feering Neighbourhood Area.

58 **TREASURY MANAGEMENT MID-YEAR REPORT 2022-23**

INFORMATION: In accordance with the Code of Practice for Treasury Management in Public Services published by the Chartered Institute of Public Finance and Accountancy (CIPFA), consideration was given to the Treasury Management Mid-Year Report 2022/23. The report was attached as an Appendix to the Agenda report.

The Code required the Council to receive at least one mid-year report on its treasury management activities. The mid-year report had also been considered by the Governance and Audit Scrutiny Committee on 3rd November 2022, which had recommended its submission to Full Council. It was noted that the Treasury Management Strategy for 2022/23 had been approved by Full Council on 21st February 2022.

DECISION: That the Treasury Management Mid-Year Report for 2022/23 be received and noted.

REASON FOR DECISION: To receive, in accordance with the CIPFA Code of Practice for Treasury Management in Public Services, a mid-year report on the Council's treasury management activities.

59 **TOWERLANDS PARK DEVELOPMENT UPDATE**

INFORMATION: Consideration was given to a progress report on the development of land at Towerlands Park Estate, Panfield Road, Braintree and, in particular, the need to identify the owners of an area of freehold land within the site.

It was reported that the site had previously been used as a golf course, an equestrian centre and a conference centre, but that it had laid vacant since 2012. In April 2021, the Council had granted outline planning permission (19/00786/OUT) to Unex Group, subject to a Section 106 Agreement for, inter alia, up to 575 homes, an early years and childcare nursery, retail use and community facilities. The first phase of development on the site was under construction.

It was reported that when submitting the planning application, the applicant had acknowledged that the freehold owner of an area of land known as 'Potential CPO Land' had not been identified and the freehold legal interest in this area of land had not been registered at HM Land Registry. This land was indicated on a plan attached at Appendix 2 to the report.

The planning permission had authorised the construction of approximately 66 dwellings on the 'Potential CPO Land', which was referred to as parcel R12. However, construction of the dwellings could not commence as the developer, Repairbrook Limited, did not own the freehold legal interest in the land and only had a leasehold interest only in the remainder of a 500-year lease, which had been granted in 1555. This interest had been registered to Repairbrook Limited at HM Land Registry under title number EX605084 and it would expire in 2055. The interest was insufficient to provide the necessary marketable title to the land. Consequently, unless Repairbrook Limited could establish ownership of the freehold legal interest and to agree the voluntary purchase of that interest, the development on the 'Potential CPO Land' would not be able to proceed, leaving an important and centrally located part of the site undeveloped. The site overall was an important strategic growth location and the development of 66 dwellings would make a valuable contribution towards meeting the Council's five year housing land supply target, including the provision of affordable and social housing. It would also deliver other important benefits for the area.

Solicitors acting for Repairbrook Limited had sought to ascertain the identity of the freehold owner of the site and details of their enquiries were set out in Appendix 3 to the report. However, these enquiries had been inconclusive. In the circumstances, Repairbrook Limited had asked the Council to assist by exercising its powers under the Acquisition of Land Act 1981 to issue a requisition for information. This was a written notice requiring an individual or company to provide the Council with the name and address of any person who they believed to be the owner, lessee, tenant, or occupier of the 'Potential CPO Land'. Failure to respond to a notice requiring information gave rise to an offence and the risk of a fine. It was reported that authority to exercise this function was not currently in the Council's Constitution and it was proposed that the Constitution should be amended to enable the Corporate Director (Growth) to exercise this power. Repairbrook Limited had agreed to meet the Council's reasonable costs in issuing the required requisitions. If service of a requisition for information failed to identify the freehold owners of the 'Potential CPO Land', the Council could consider using its powers for the compulsory acquisition of the land in accordance with Section 226 of the Town and Country Planning Act 1990. It was noted that there were key policy tests which had to be satisfied before a compulsory purchase order could be made and that a detailed case for making such an order would be subject to a future report.

DECISION: That it was agreed:

- (1) That the Corporate Director (Growth) be authorised to issue a requisition for information under Section 5A of the Acquisition of Land Act 1981 in respect of the Towerlands Park Estate, Panfield Road, Braintree, and that the Council's Constitution be updated accordingly to include such an authorisation for future occurrences.
- (2) That, if the freehold owners of the potential compulsory purchase land cannot be identified and all other avenues have been exhausted, the Council agrees, as a matter of principle, to use its compulsory purchase powers pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 to make a compulsory purchase order in respect of the land shown on the plan attached at Appendix 2 to the Agenda report and following the submission and consideration of a further full and detailed report to a future meeting of Full Council,

REASON FOR DECISION: To receive a progress report on the development of land at Towerlands Park Estate, Panfield Road, Braintree; to determine the owners of freehold land within the site; and to consider the possible use of compulsory purchase powers.

60 **COST-OF-LIVING CRISIS 2022 JOINT SCRUTINY COMMITTEE REPORT – CABINET'S RESPONSE TO RECOMMENDATIONS**

INFORMATION: Consideration was given to a report setting out the Cabinet's response to the recommendations contained in the Combined Scrutiny Committee's report following its investigation into the Cost-of-Living Crisis 2022.

Members were reminded that the Combined Scrutiny Committee, which comprised all Members of the Community Development Scrutiny Committee and the Partnership Development Scrutiny Committee, had been established in response to a Motion submitted by Councillor Mrs J Beavis and approved by the Council on 20th June 2022. In supporting the Motion, the Council had acknowledged the cost-of-living crisis and the impact it was having on many residents in the Braintree District. The Council had recognised also that the Government had introduced a range of support measures, but that these could not cover all impacts. Therefore, the Combined Scrutiny Committee had been requested to review the measures which the Council and its partners across Essex were already offering, and to recommend any further assistance that could be delivered for residents of the Braintree District in the current financial year.

As required, the Combined Scrutiny Committee had undertaken a short-term Scrutiny Review and its recommendations had been considered by the Council on 10th October 2022. Following this, and in accordance with the Council's Constitution, Members of the Cabinet had considered the Scrutiny Committee's recommendations and had provided a response to full Council.

Members of the Cabinet acknowledged that the review had been undertaken in a short period of time and they wished to thank the Combined Scrutiny Committee for its comprehensive report. In addition, Members of the Cabinet thanked representatives of

Essex County Council, Braintree, Halstead and Witham Citizens Advice, and Council Officers, who had contributed to the review by attending one of the evidence gathering sessions.

DECISION: That the Cabinet's response to the 22 recommendations set out in the Combined Scrutiny Committee's report following its investigation into the Cost-of-Living Crisis 2022 be noted.

REASON FOR DECISION: To receive and note the Cabinet's response to the recommendations of the Combined Scrutiny Committee following its investigation into the Cost-of-Living Crisis 2022.

61 **MEMBERS' ALLOWANCES 2022-23**

INFORMATION: Consideration was given to a report regarding the Council's Members' Allowance Scheme and the Local Government Staff Pay Award for the financial year 2022/23.

Members were reminded that on 25th March 2019, following consideration of a report by the Independent Remuneration Panel, the Council had approved the Members' Allowance Scheme, as set out in the Council's Constitution. Members of the Council were currently entitled to receive a Basic Allowance of £5,154 per annum and a Special Responsibility Allowance was also paid to Members who held positions with additional responsibilities.

It was reported that on 1st November 2022, the National Joint Council for Local Government Service had confirmed agreement of the Local Government Services Pay Award for 2022/23. This award meant that the basic salary of each of the Council's Officers would be increased by a fixed sum of £1,925 with effect from 1st April 2022. The award of a fixed sum meant that Officers at different grades would receive varying percentage increases in pay. The average percentage increase would be approximately 6%.

The Members' Allowance Scheme provided that the Basic Allowance and Special Responsibility Allowances should be increased in line with both the Local Government Staff Pay Award and the provisions as to payment. Furthermore, provision had been made in the Council's budget for 2022/23 for a 2% increase in Members' Allowances, amounting to approximately £10,000, which was consistent with an assumed increase in staff pay.

It was noted that if the Council applied the approved £1,925 pay award as a value, it would increase the Members' Basic Allowance from £5,154 to £7,079 pa, which represented an increase of 37.35%. Such an increase would be disproportionate to the pay award, and it would have a significant impact on the Council's budget by requiring an additional allocation of £175,000 in 2022/23. If the Council applied the average percentage increase of 6%, this would result in the Members' Basic Allowance increasing from £5,154 pa to £5,463 pa and it would require an additional budget allocation of £20,000 in 2022/23. If the Council agreed not to apply an increase to the

Members' Allowance Scheme, allowances would remain at the level set by the Council on 19th April 2021 and this would result in a saving of £10,000 in 2022/23.

In view of the pay award anomaly for 2022/23, it was considered appropriate to amend the current Members' Allowance Scheme to enable a decision to be made on how the Local Government Staff Annual Pay Award should be applied to Members' Allowances going forward. It was proposed that paragraph 20.8 of the Members' Allowance Scheme should be amended to: -

*20.8 The Basic and the Special Responsibility Allowances ~~shall~~ **may** be increased in line with the Local Government Staff Annual Pay Award, and in line with its provisions as to payment.*

It was also proposed that the Council should exercise this discretion and agree not to increase the Members' Basic or Special Allowances for the financial year 2022/23.

It was reported that in setting the Members' Allowance Scheme, the Council must have regard to the views of the Independent Remuneration Panel. It was noted that a new Panel would be recruited following the District Council Election in May 2023, which would review the Members' Allowance Scheme and recommend proposals for the next four year period.

DECISION: That it was agreed:

- (1) That paragraph 20.8 of the Council's Members' Allowance Scheme be amended as set out in paragraph 3.8 of the Agenda report and repeated below

*20.8 The Basic and the Special Responsibility Allowances ~~shall~~ **may** be increased in line with the Local Government Staff Annual Pay Award, and in line with its provisions as to payment.*

*(Word with strike through deleted – 'shall'
Word in bold inserted – 'may')*

- (2) That the Members' Allowance for 2022/23 is not increased in line with the Local Government Staff Annual Pay Award and remains at the rates agreed by the Council on 19th April 2021.

REASON FOR DECISION: To consider Braintree District Council's Members' Allowance Scheme following agreement of the Local Government Staff Pay Award for the financial year 2022/23.

62 **COUNCIL COMMITTEES AND CONSTITUTION UPDATE**

INFORMATION: Consideration was given to a report on the political proportionality of the Council following two by-elections; a change to the membership of the Governance and Audit Scrutiny Committee; and proposed amendments to the Council's Constitution with respect to the authorisation of capital virements and the allocation of Section 106 monies.

It was reported that in November 2022 the Council had held two by-elections for vacancies in the Wards of Braintree South and Coggeshall. It was noted that following these by-elections the affiliation of the Council's Members to political groups had changed to 33 for the Conservative Group; 9 for the Green and Independent Group; 4 for Halstead Residents Association; and 3 for the Labour Group.

In accordance with the Local Government and Housing Act 1989, the Council was required to allocate seats on Council Committees and Sub-Committees on a politically proportionate basis. However, despite the change to political affiliations, it had not been necessary to change the overall allocation of Committee and Sub-Committee seats to each of the political groups.

It was reported that Councillor Miss V Santomauro had stepped down as a Member of the Governance and Audit Scrutiny Committee and it was proposed that her place should be taken by Councillor Mrs M Cunningham.

Reference was made to a framework within the Council's Constitution which set out thresholds for the approval of capital virements where these were across agreed budgets and in line with Council policy. However, it was noted that following the approval of the Council's revised Constitution in April 2021 the approval of some routine virements were being delayed due to the need to refer them to the Cabinet for approval. In order to streamline the process whilst maintaining due diligence by the Council, it was proposed that the thresholds should be amended to give the Council's Section 151 Officer greater authority. The existing thresholds and the proposed thresholds were set out in the Agenda report.

It was reported that the Council's arrangements with respect to Section 106 Agreements had been reviewed. As part of the review, the Council had identified that a number of routine, low value Section 106 projects for which approval of expenditure by the relevant Head of Service was required were being delayed due to the need for the Head of Service to be briefed appropriately. This was having a detrimental impact on the projects. In order to streamline the process, whilst ensuring that the Council undertook the right level of due diligence, it was proposed that the Council's Section 106 Monitoring Officer should be authorised to approve the expenditure of Section 106 monies up to the value of £25,000 and that the Council's Section 151 Officer should be authorised to approve the expenditure of 'identified Section 106 monies' exceeding £25,000.

DECISION:

- (1) That the update report on the political proportionality of the Council be noted.
- (2) That the appointment of Councillor Mrs M Cunningham to the Governance and Audit Scrutiny Committee be approved. (The membership of the Governance and Audit Scrutiny Committee (9) shall be Councillor Mrs M Cunningham, Councillor P Euesden (Vice-Chairman), Councillor D Hume, Councillor D Mann,

Councillor S Rehman, Councillor T Walsh, Councillor Mrs L Walters, Councillor D White and Councillor J Wrench (Chairman)).

- (3) That the Council's Section 151 Officer be authorised to approve virements of capital up to the value of £150,000.
- (4) That the Council's Section 106 Monitoring Officer be authorised to approve the allocation of identified Section 106 monies held by the Council for specific projects up to the value of £25,000.
- (5) That the Council's Section 151 Officer be authorised to approve the allocation of identified Section 106 monies held by the Council for specific projects that exceed the value of £25,000.

REASON FOR DECISION: To note the political proportionality of the Council following two by-elections; to approve a change to the membership of the Governance and Audit Scrutiny Committee; and to approve the amendment of the Council's Constitution with respect to the authorisation of capital virements and the allocation Section 106 monies.

63 **CABINET'S REPORT TO FULL COUNCIL**

Before introducing this item, a Motion was put forward by Councillor Abbott, as required by the Constitution, that the meeting be extended beyond 10.15pm by an additional 15 minutes to enable sufficient time to ask questions of the Cabinet Members under this item. Following a vote the motion was lost.

INFORMATION: The Chairman invited the Leader of the Council to introduce the Cabinet's report to Full Council. The Leader stated that due to the limited time available for this item, if any Members did not get the opportunity to put their questions to Cabinet, he welcomed them to submit written questions for Cabinet to respond accordingly.

The Chairman then invited Members to ask questions. Questions were not limited to the content of the report and could be about matters relating to a portfolio, the powers and duties of the Council, or matters pertaining to the District.

Members then asked several questions. A webcast of the questions to and the responses of the Leader of the Council and Cabinet Members is available on the Council's website and its YouTube channel at: <https://www.braintree.gov.uk/youtube>

The main topics were as follows: -

- Councillor J Abbott queried whether the Cabinet Member was aware that many Communities were left for days facing heavily iced footways. Essex County Council only generally grit main route roads and whilst Parish Councils and volunteers do what they can, far too many footways were left dangerously icy. Councillor Abbott asked the Cabinet Member whether he agreed that a cross-authority review was needed on how authorities and agencies could better prepare for the cold snaps so that footways were safe to use and people were not forced to walk in the road.

- In response to Councillor Abbott's question, Councillor Ricci, Cabinet Member for Communities advised that that gritting fell under the responsibility of Essex County Council. With regards to any individual areas, for example the parish of Great Notley took up the offer of a tonne of salt to be allocated to the Parish Council that was then distributed accordingly for those who may wish to use it or could distribute it within the area. This also covered unparished areas.
- Councillor J Abbott welcomed BDC's decision to apply Rule 6 status to the Rivenhall Airfield Appeal regarding Essex County Council's Condition 66 decision and agreed with the Cabinet Member's report that developers should be required to develop as per the long-standing integrated facility consent. Councillor Abbott sought the Cabinet Member's view on the fact that Essex County Council had stated in terms that it would not take enforcement action against the developers Indaver for continuing to build out the site whilst Indaver had stated, in public, that they would not build to the integrated design.

The following actions were agreed in response to questions raised by Members. Written answers would be issued within 10 working days of the meeting and circulated to all Members: -

- Councillor Mrs G Spray, Cabinet Member for Planning and Infrastructure, agreed to respond in writing to the questions raised by Councillor J Abbott.

At the end of the meeting, the Chairman reminded Councillors that the next meeting of Full Council would be held on 20th February 2023.

The meeting commenced at 7.15pm and closed at 10.16pm.

Councillor A Hensman
(Chairman)