

# Minutes

## Cabinet

26th March 2007



Present:

<b>Cabinet Members</b>	<b>Portfolio</b>	<b>Present</b>
Councillor G Butland	Leader	Yes
Councillor M G Gage	Environment	Yes
Councillor N R H O Harley	Economic Development and Transportation	Yes
Councillor M C M Lager	Finance and Assets	Yes
Councillor Mrs W D Scattergood	Planning and Rural Issues	Yes
Councillor Mrs J W Schmitt	Public Protection and Healthy Living	Yes
Councillor S M Walsh	Housing and Customer Services	Yes
Councillor R G Walters	Efficiency and Performance	Yes from 7.47pm

<b>Lead Members</b>	<b>Portfolio</b>	<b>Present</b>
Councillor Mrs J C Beavis	Customer Services	Yes
Councillor Lady Newton	Health and Children and Young People	Yes
Councillor T S Wilkinson	Management of Change	Yes

Councillors J E B Gyford and R A G Tincknell were also in attendance at the meeting and Councillor E Lynch and Tony French were present in the audience.

Ian Davidson, PKF [the Council's external auditors] was welcomed to the meeting.

At the start of the meeting the Chairman announced that he would be taking the item concerning the business case for the Discovery Centre and Great Notley Country Park as the first item, to allow Councillor Gage to leave the meeting for another appointment. However, the items below are recorded in the order they appear on the agenda.

### 91 **DECLARATIONS OF INTEREST**

There were no interests declared.

### 92 **MINUTES**

DECISION:

That the minutes of the meeting of the Cabinet held on 5<sup>th</sup> February 2007 be approved as a correct record and signed by the Leader.

93 **PUBLIC QUESTION TIME** - There were no questions asked or statements made.

94 **QUARTERLY PERFORMANCE REPORT**

The Cabinet received a copy of the Quarterly Performance Report for the period October to December 2006.

In the absence of Councillor Walters, Sara Moutard, Head of Policy, took Members through the report. She referred the Cabinet to a number of highlights within the report including the increase in the number of transactions undertaken on the Council's website, graffiti removal, housing repairs and the decreasing number of missed bins. The Cabinet was also advised of those areas in need of improvement and Members were referred to the remedial action being taken, which was set out in the report. It was reported that the analysis of the estimated outturn for 2006/07 indicates that, at year end, approximately 68% of the best value performance indicators will be above the median for district councils nationally which is an improvement of 14% on 2005/06. Sara Moutard reported that a robust exercise for setting targets for 2007/08 is taking place and these targets will be measured against the national quartile positions and we will be aiming for second or top quartile.

On discussing the report, Councillor Lager updated Members on the latest position with regard to the assessment of benefit claims and payment of council tax, showing a significant improvement. In answer to a Member's question, the Cabinet was advised that front line staff are trained to deal with issues surrounding debt and the links are in place for referrals for help, these being longstanding links which have been in place for a number of years.

The Leader reported that he, together with fellow Councillors Lager and Walters, who form the Business Efficiency Review Member Panel, would be looking at those areas where the Best Value Performance Indicators [BVPIs] need a bit of push, in conjunction with the Heads of Service and the relevant Cabinet Member.

**DECISION:-**

That the Quarterly Performance Report for the period October to December 2006 be received and noted.

95 **CORPORATE ACTION PLAN**

The Cabinet received a report summarising the key corporate documents which will be produced in 2007/08 as a further development of the Corporate Action, Improvement and Performance Plan 2006/07. It also set out some of the projects and initiatives which will be delivered in the community during 2007/08 and which will be included in the Corporate Action Plan 2007/08.

On discussing the report, reference was made to the number of initiatives highlighted in the report which were to take place in the Witham area which has often been seen by some Witham Members as 'not getting a fair look in'.

DECISION:-

- (1) That the projects and initiatives which are to be delivered during 2007/08 and included in the Corporate Action Plan 2007/08 be noted;
- (2) That the Leader of the Council be given delegated authority to approve the final document;
- (3) That the final document be communicated to all members, partners, stakeholders and the public when complete.

96 **AUDIT MANAGEMENT LETTER/DIRECTION OF TRAVEL**

The Cabinet welcomed Ian Davidson, PKF to the meeting. Ian summarised the findings of the Audit Management Letter which had only been finalised earlier in the day and a copy of which had not yet been made available to Members.

It was noted that the Letter is in two parts, the first part being the Direction of Travel which is an unscored judgement comparing where we are now to where we were last year, together with where progress has been made and where it is a little slower. The second part of the Letter is a scored judgement on the use of resources.

The conclusion was that there were good quality officers in terms of delivery and vision and the Council had secured some very good improvements. The Council was introducing some wider mechanisms in term of finance, performance and partnerships and it now needs to ensure consistency in the delivery of high quality performance, which the Council has in parts but not in whole.

The Chief Executive advised that the report needed to be published by 31<sup>st</sup> March 2007 and a copy would be made available on the website.

The Leader conveyed his thanks to all officers for their hard work which had resulted in this very positive report and asked that the Chief Executive extends these thanks to all staff. Ian Davidson also praised the honesty of staff and Members which had assisted him enormously in putting together the report.

DECISION:

That the summary of the Audit Management Letter and Direction of Travel be received and noted and that a full copy of the report be made available to all Members

*ACTION POINTS-*

- (1) *That the Finance Director makes the necessary arrangements to make the Audit Management Letter/Direction of Travel available to all Members.*
- (2) *That the Chief Executive passes on the Leader's thanks to all staff for their hard work which had resulted in the positive outcomes set out in the Audit Management Letter.*

97 **REVIEW OF THE IMPLEMENTATION OF THE SCRUTINY PANEL'S RECOMMENDATIONS SINCE 2003**

The Chair of the Scrutiny Panel referred the Cabinet to an extract of the minutes of the Panel's last meeting and the recommendations on the 'review of the Scrutiny Panel's recommendations since 2003'. He conveyed the Scrutiny Panel's thanks to all Cabinet Members and to officers who had responded to requests for information, without which the Panel would not have been in a position to make a judgement. The Panel's full report on this issue was sent to all Cabinet Members prior to the meeting.

**DECISION:**

- (1) That the report be received and noted;
- (2) That, for all subsequent Scrutiny Panel recommendations, the relevant Cabinet Member[s] should submit to the Panel a progress report on the implementation within nine months of the Cabinet accepting the Panel's recommendations. Subsequent progress reports are to be submitted to the Panel upon request pending full implementation of the recommendations.

98 **LOCAL GOVERNMENT REFORM CABINET SUB GROUP.**

The Cabinet received the minutes of the meeting of the Local Government Reform Cabinet Sub Group of 12<sup>th</sup> March 2007. Discussions had taken place at this meeting on a proposed review of the overview and scrutiny functions and the Leader summarised these proposals together with the Group's findings. He advised that the Group had also considered the draft Member Induction Programme, Public Question Time, Council procedure rules and the Employment Appeals Committee. Details of the proposals and Group's discussions were set out in the report.

In response to points raised during discussion on this report, it was acknowledged that the management of the 'task and finish' groups would be of prime importance to ensure that the structure, cohesion and drive is led by the Chairs of the groups. It is therefore important to ensure that Members with particular skills and interests are self selected onto the groups and that the reporting arrangements and relationship with the Overview and Scrutiny Committee is managed effectively. It was hoped that a degree of innovative practice would be seen coming from this structure with Members being equipped to do some of the work themselves using their own initiative whilst recognising that the process will need to be reviewed. The first year would be used as a 'pilot'.

**DECISION:-**

- (1) That the minutes of the meeting of the Local Government Reform Cabinet Sub Group held on 12<sup>th</sup> March 2007 be received and noted.
- (2) That a Member Seminar be held on Saturday 12<sup>th</sup> May at Causeway House for all new and existing Councillors with invites also going to Members of PACT;
- (3) That the Member Services Manager, in consultation with the Leader and the Chief Executive, puts together a programme of events in line with the views expressed by Members having considered the draft programme as set out in the report;

- (4) That a welcome letter to all newly appointed Councillors, setting out details of the Induction Programme, be handed out immediately after the results have been declared on 4<sup>th</sup> May 2007;
- (5) That Members of the Local Government Reform Cabinet Sub Group oversee the work surrounding the implementation of the Member Development Charter.
- (6) That it be **Recommended to Council**
  - (a) That the revised Overview and Scrutiny process, as set out in the report, be approved;
  - (b) That the revised order of Council business be endorsed and the Democratic Services Manager be authorised to make any consequential changes to paragraph 10 of the Council procedure rules in part 4 of the Constitution;
  - (c) That the terms of reference of the Employment Appeals Committee, as set out in part 3 of the Constitution, be amended to incorporate the change set out in the report;
  - (d) That the rules for public question time at full Council meetings be amended to reflect the rules that apply to all other public meetings of the Council;
  - (e) That paragraph 9 of the Council Procedure Rules in part 4 of the Constitution be amended to reflect those changes highlighted in the report.

*Action Point:- That the Democratic Services Manager ensures that the above recommendations are placed on the agenda for the next meeting of Council scheduled for 16<sup>th</sup> April 2007.*

## 99 **WEB CASTING**

The Cabinet considered a report on the different opportunities which have been considered in terms of how to make the best use of technology for the customer and the organisation. It was considered that web casting gives an opportunity to deliver some of the key issues currently facing the Council, including social inclusion, community cohesion and the opportunity to make the decision making process accessible to a large part of the population. This report highlighted some of these issues and proposed a year long project to implement and exploit the use of web casting to assist in delivery.

Members were advised that the first event to be broadcast would be the forthcoming election and during discussion on the report Members considered it to be an exciting project although it was acknowledged that the level of public interest was unknown but the demand and take up on the Council's website will be monitored. There would be opportunities for voluntary groups to showcase their services and enable the Council to be imaginative when debating issues of public interest.

### DECISION:

That the bid for a year long project for web casting, using the hybrid solution as outlined in the report and broadcasting 5 hours footage per month, be approved.

100 **GENDER EQUALITY SCHEME**

The Cabinet considered a report which advised that the gender equality duty comes into force in April 2007 and is the biggest change to sex equality legislation in thirty years since the introduction of the Sex Discrimination Act. The duty has been introduced to provide a tool to change the way in which public sector organisations think about the way they work and the way that public services are designed and delivered.

On discussing the report it was acknowledged that the Council meets the majority of the requirements and has done so for many years.

**DECISION:**

That the Gender Equality Scheme be approved.

101 **LOCAL DEVELOPMENT FRAMEWORK - CORE STRATEGY**

The Cabinet received a report on the Issues and Options Document, an important stage in the preparation of the Local Development Framework Core Strategy and the Review of the Community Strategy. The report set out a series of options and issues for the area for consultation and it was noted that the responses to the consultation will be used to inform the preparation of a Preferred Options Document.

On discussing the report, it was confirmed that the Local Development Framework consultation, whilst dealing with the Core Strategy, would also deal with the consultation on the review of the Community Strategy, although it remained to be seen from the responses where some issues might correctly fall, but the aim was to be as inclusive as possible to ensure that community and social issues will be picked up and taken forward as part of the review. Members felt that the timetable, as set out in the legislation, was too rigid and it was reported that an extension to the 6 week consultation had been sought but not granted.

**DECISION:-**

That the Braintree District 2025 Issues and Options Document be approved for public consultation

102 **APPROVAL FOR NEW ALLOCATIONS POLICY FOR HOUSING IN THE BRAINTREE DISTRICT**

The Cabinet was reminded that a draft allocations policy was published in December 2006, which set out how the Council intends to change the allocations policy in preparation for a change to Choice Based Lettings.

The report summarised the extensive consultation undertaken and detailed the issues raised. The report also set out the timetable for the implementation of the new policy and considered the financial and risk issues associated with it.

DECISION:-

- (1) That the recommended modifications to the draft policy be approved and that authority be delegated to officers, to publish the new policy in a form that is clear and straightforward for people to access and implement the necessary changes to the IT systems and the application process, as detailed in the report.
- (2) That authority be delegated to officers, in consultation with the Cabinet Member for Housing, to make any further minor changes to the policy as necessary, when working through the draft.

103 **BUSINESS CASE FOR THE PARTNERSHIP WITH ESSEX COUNTY COUNCIL - DISCOVERY CENTRE & GREAT NOTLEY PARK.**

The Cabinet received a report on the proposals for Braintree District Council and Essex County Council to work together in creating a unique and exciting opportunity for the development of the Discovery Centre and Country Park at Great Notley to create:-

- A 'flagship' country park
- A regional centre of environmental excellence
- The 'public face' of archaeology in Essex

Councillor Gage took Members through the report and referred to the shared vision for the future management and operation of the site which will secure its long-term future, whilst delivering significant benefits to our communities through the provision of facilities for education and recreation.

On discussing the report, Members were advised that young people would be consulted as part of the public consultation. It was also acknowledged that land ownership was not being transferred and that the project would be a partnership with a report on joint governance being brought to a future meeting of the Cabinet. Members also acknowledged the need for joint promotion of the project, particularly in the north of the district.

Councillor Gage paid tribute to the officers from both Essex County Council and Braintree District Council in bringing together this report.

DECISION:

- (1) That the Business Case be approved and the Discovery Centre and Great Notley Country Park be developed in accordance with the interim agreement set out in the report, with a view to agreeing a final position by mid- May 2007 following consultation with Braintree District residents.
- (2) That a contribution of the current annualised revenue cost of the service based on the projected spend for 2007/2008 (estimate £60,000), and a re-alignment of the base budget and apportioned expenses, which can be met from within existing funds, be approved.
- (3) That a report on joint governance be submitted to a future meeting of Cabinet.

*ACTION POINT:- That the Head of Street Scene makes the necessary arrangements for a report on joint governance in relation to the partnership with Essex County Council with regard to the Discovery Centre and Great Notley Park, to be submitted to a future meeting of Cabinet.*

104 **REPORTS FROM CABINET MEMBERS ON ISSUES THAT NEED TO BE BROUGHT TO THE CABINET'S ATTENTION**

The following issues were brought to the Cabinet's attention:-

(i) **Sustainability Vision Statement.**

The Leader referred to a decision by Council that the Cabinet be recommended to consider the Vision Statement and, in accordance with the Policy Development Group [PDG] protocol, to make a formal response to the PDG within 3 months having considered the report and recommendations of the PDG. A copy of the Sustainability Vision Statement was circulated to the Cabinet prior to the meeting.

DECISION:-

That the Sustainability Vision Statement be placed on the agenda for the next meeting of the Cabinet scheduled for 4<sup>th</sup> June 2007.

*Action Point:- That the Member Services Manager ensures that this item is placed on the agenda for the next meeting of Cabinet scheduled for 4<sup>th</sup> June 2007.*

(ii) **Housing Transfer**

The Leader advised the Cabinet that the date for the housing transfer has been changed from 5<sup>th</sup> November to 12<sup>th</sup> November 2007 to ensure that there is no upset in the payment of benefits to tenants.

**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 paragraph 1 of Part 1 of Schedule 12 (A) of the Act.

*Whilst the following items of business were discussed in private session, the minutes do not contain any confidential information and are therefore admissible in the public domain.*

105 **COMPENSATION POLICY FOR REDUNDANCY**

The Cabinet received a report advising that on 8<sup>th</sup> November 2006, the Department for Communities and Local Government issued the Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2006, governing the compensation authorities can award to an employee whose contract ends on the grounds of redundancy or efficiency. The purpose of the Regulations is to ensure compliance with European Employment Directive and the Employment Equality (Age) Regulations 2006.

The main provisions of the regulations are to remove the facility for employers to make an award of Compensatory Added Years (CAY) to an employee's pensionable service and to increase the current maximum lump sum payment on redundancy from 66 weeks actual pay to 104 weeks actual pay.

A copy of the Council's Redundancy Compensation Scheme was appended to the report.

DECISION:- That, with effect from 1<sup>st</sup> April 2007, redundancy compensation payments be based on actual pay using 2.2 times the national calculator.

106 **\*\*PREMATURE RETIREMENT**

The Cabinet received a report that set out details of a request for premature retirement, in accordance with the requirements of the Council's Premature Retirement Policy.

DECISION:- That the application for premature retirement, as set out in the report, approved.

At the close of the meeting the Leader, on behalf of the Cabinet, extended his good wishes to Rob Atkins at this his last meeting before his retirement. He went on to thank all the officers and Members, past and present, for their help over the years at this the last meeting of the Cabinet in the current civic year.

The meeting commenced at 7.15pm and closed at 9.28pm

G BUTLAND  
(Leader)