

Minutes

Cabinet

16th July 2007



Present:

Cabinet Members	Portfolio	Present
Councillor G Butland	Leader	Yes
Councillor N R H O Harley	Deputy Leader and Cabinet Member for Enterprise and Infrastructure	Yes
Councillor Mrs J C Beavis	Community Support and Engagement	Apologies
Councillor M C M Lager	Resources and Performance	Yes
Councillor Mrs J W Schmitt	Public Protection and Healthy Living	Yes
Councillor R G Walters	Environment and Sustainability	Yes

Deputy Cabinet Members	Portfolio	Present
Councillor N G McCrea	Leader's Portfolio	Apologies
Councillor T S Wilkinson	Enterprise and Infrastructure	Yes
Councillor Mrs E Edey	Community Support and Engagement	Yes
Councillor J McKee	Resources and Performance	Apologies
Councillor W Rose	Public Protection and Healthy Living	Yes
Councillor R G S Mitchell	Environment and Sustainability	Apologies

The following councillors were also present as invitees of the Leader

T J W Foster, Chairman of the Witham Local Committee

S M Walsh, Chairman of the Braintree Local Committee

J E Abbott, Leader of the Green Group

M Gage, Chairman of Overview and Scrutiny Committee/Leader of Halstead Residents' Association

E R Lynch, Deputy Leader of the Labour Group

Councillor Mrs C Denise, D Mann, Lady Newton, Mrs W Scattergood, A Shelton, Mrs L Sheppard and F Swallow, were also in attendance.

Apologies for absence were also received from Councillor R J Bolton, Chairman of the Halstead Local Committee and Dr R L Evans, Leader of the Labour Group.

22 DECLARATIONS OF INTEREST

Councillors M Lager, S Walsh and R Walters all declared a personal interest in agenda items 5(a) the Strategic Review of Accommodation, Item 7 the Essex Local Area Agreement and item 8 the Essex Waste Management Partnership as they are all Members of Essex County Council. Councillors Walsh and Walters also declared a personal interest in item 8 as they are both Members of the County Council's Waste Management Advisory Committee.

Councillor Mrs Schmitt declared a personal interest in agenda item 13(i) as she had been a representative on one of the Housing Association's referred to in the report in recent years although she was no longer a representative.

All Councillors remained in the meeting for the consideration of the above items.

23 **MINUTES**

DECISION:

That the minutes of the meeting of the Cabinet held on 4th June 2007 be approved as a correct record and signed by the Leader, subject to amending minute 13 - Stansted Generation 2 by replacing the word "west" with "east" where it appears in the second line of the third paragraph and in paragraph (a) of the decision.

24 **QUESTION TIME**

There were no questions asked or statements made.

25 ****STRATEGIC REVIEW OF ACCOMMODATION**

The Cabinet Member for Resources and Performance presented a report which outlined the progress being made with the Joint Office Strategy project being conducted by Essex County Council and Braintree District Councils. The report summarised the work undertaken by the consultants DTZ on the scope for integrated flexible working by authorities in Braintree and included a review of the office needs of approximately 675 full time equivalent employees at Tabor House, Crossman House, Fairfield Court and Causeway House.

The report identified the outcomes of two appraisals setting out the advantages and disadvantages of refurbishing existing accommodation compared to a new build project and went on to evaluate specific proposals comparing two Council owned sites, these being Causeway House in Braintree and Grove House in Witham.

The report concluded that based on recommendations from DTZ the best way to deliver joint office accommodation in Braintree would be by way of a new build project. To minimise the risks it was proposed that the Councils promote a new-build project through the use of Council owned land either at Tabor house or using land behind the Town Hall in the centre of Braintree.

During discussion of the report Cabinet agreed that it would be important to ensure that the design of any new accommodation was constructed with sustainability principles very high on the agenda. Members endorsed the one-stop shop approach to the delivery of services and agreed that the Council should continue discussions with other agencies to establish if they wished to become involved in the project.

DECISION: That DTZ be instructed to prepare an outline business case for a new build joint office and customer access facility in Braintree with the findings being reported to Cabinet on 3rd September 2007 and a recommendation to Council on 17th September 2007.

26 STATEMENT OF ACCOUNTS 2006/07

Councillor Lager, Cabinet Member for Resources and Performance, presented the recommendation from the Audit Committee concerning approval of the Statement of Accounts for 2006/07 and the Annual Treasury Management Report for 2006/07. All Members of Cabinet had already received the draft Statement of Accounts.

DECISION:

- (1) That the Statement of Accounts for 2006/07 be approved and certification of the Accounts be agreed by the Leader on behalf of the Council;
- (2) That the Annual Treasury Management Report for 2006/07 be received and noted.

27 BUSINESS EFFICIENCIES

Councillor Lager, Cabinet Member for Resources and Performance, presented a progress report on the programme of transformation to deliver efficiencies. This focused on those services that make charges to the Housing Revenue Account. Cabinet was informed that the newly established Performance and Efficiency Programme Board would oversee the programme of efficiencies. As part of this process the Board had met and endorsed the appointment of consultants to assist the Council in driving through this programme of efficiencies over the next six months.

The Cabinet report also contained the Council's Annual Efficiency Statements for 2007/08, showing planned efficiency savings and details of efficiency savings achieved for 2006/07.

DECISION: That the report be noted.

28 BEST VALUE SATISFACTION SURVEY

The Leader presented a report that outlined the results of the Best Value Satisfaction Surveys carried out by the Audit Commission last year and compared them with other surveys carried out during the year.

The results indicated that Braintree District Council had received satisfaction scores in line with the national average although scores were lower than those scored in previous years. The trends for local authorities showed a reduction in levels of satisfaction nationally.

The Leader accepted that the survey results were disappointing although satisfaction in relation to some services, for example leisure, had increased. He suggested that an improvement plan would be put in place with the object to sustain these increases and to ensure that where scores have deteriorated the situation is reviewed to find out the reasons for the deterioration and put in place measures to improve levels of satisfaction.

DECISION:

- (1) That members note the survey results;
- (2) That the situation regarding overall satisfaction with the authority in general be researched in more detail and an action plan for improvement be put in place;
- (3) That negotiations be entered into with Essex County Council and the Essex Partnership with a view to a combined public service satisfaction survey being developed for the Braintree District which builds on the Local Area Agreement Tracker Survey process.

29 **OVERVIEW AND SCRUTINY BUDGET**

Councillor M Gage, Chairman of the Overview and Scrutiny Committee, presented a summary of the Committee's work programme including that for the task and finish projects for 2007/08. He also presented a recommendation from the Committee for a budget of £20,000 to be allocated in support of the work programme. In response the Leader recommended that underspend of £7,000 for 2006/07 be added to a budget of £10,000 for 2007/08.

DECISION: That a budget of £17,000 be made available to cover the costs/expenses of Overview and Scrutiny during 2007/08.

30 **REVIEW OF STRATEGIC RISKS**

Councillor Lager, Cabinet Member for Resources and Performance, presented a report that set out details of the review of the Council's Strategic Risk Register. The report identified the changes that had been made as a result of the review and these included the identification of a further eight risks which had been added to the strategic risk register. There were now twenty three risks on the risk register, of which ten had a risk rating of C2 (C= significant likelihood, 2= critical impact), a rating which is above the risk tolerance and therefore require managing by the Council's Management Board.

DECISION

- (1) That the report and the latest update of the Council's strategic risk register, as appended to the Cabinet report, be noted.
- (2) That a training workshop on risk management be arranged in the autumn for all members of Cabinet, Audit Committee and Group Leaders.

31 **DATA QUALITY POLICY**

Councillor Lager, Cabinet Member for Resources and Performance, presented a report that highlighted the need for the Council to be confident of the accuracy and timeliness of data in line with the Governance and Leadership inspection programme called 'key lines of enquiry'. The Council had been criticised by the Audit Commission through the Comprehensive Performance Assessment (CPA) and introducing a Data Quality Policy was part of the response the issues raised through the CPA process. The proposed policy set out the principles that define how the Council stores, uses and manages data and focuses on specific systems such as the Covalent information management system and the Best Value Performance Indicators.

DECISION: That the Data Quality Policy, as detailed in the paper attached to the Cabinet report, be adopted.

32 **PLANNING FOR GYPSY AND TRAVELLER ACCOMMODATION IN THE EAST OF ENGLAND**

The Leader invited Councillor Mrs Scattergood to present the Cabinet report which set out the Council's proposed response to the East of England Regional Assembly Consultation document concerning planning for Gypsy and Traveller accommodation in this region.

Members were advised that the consultation paper dealt with three issues, (a) the scale and pitch of provision in the region, (b) the distribution of provision to each District and (c) delivery and implementation issues. Cabinet was advised that Essex authorities had been working together to identify needs across the County. Reference was made to two studies one from Salford University carried out in 2005 (estimating 216 pitches were required by Essex authorities for the period to 2016) and one from Pat Niner from the University of Birmingham (estimating 440 pitches were required for the period to 2011). Given there were significant variations in the two previous reports Essex authorities had commissioned further work by Richard Fordham Associates to look at the previous reports and present the findings to a meeting of Essex Authorities on 18th July 2007.

DECISION:

That Cabinet agrees the comments set out in Appendix 1 to the Cabinet report as the basis of the Council's response to EERA and that the response be finalised by the Cabinet member for Enterprise and Infrastructure following the presentation of further recommendations to meeting of all Essex authorities on the 18th July.

33 **THE ESSEX LOCAL AREA AGREEMENT**

The Head of Policy presented a report outlining the background to the current Local Area Agreement (LAA) that was prepared some 18 months ago as part of a pathfinder project. The LAA was a joint project involving the County Council and partner authorities and provided an opportunity to pool resources on a range of joint initiatives. Members noted that the four main blocks of the LAA are (a) Children and Young People, (b) Safer and Stronger Communities, (c) Healthier Communities and Older People and (d) Economic Development. The Head of Policy explained the recommendation that the Council and its partners develop a Braintree District LAA through the Local Strategic Partnership (PACT). This would tie into the anticipated timetable of the Local Government and Public Involvement in Health Bill which requires local authorities to work together to develop a LAA.

DECISION:

- (1) That members note the report
- (2) That a 'Braintree District Local Area Agreement' be developed which shows the impact of the LAA in the Braintree District, the contributions of this Council and its partners and which informs the development of the next LAA which is due for completion in 2008.

Councillor Walters, Cabinet Member for Environment and Sustainability presented a report outlining details of the proposed Private Finance Initiative (PFI) bid by the Essex Waste Management Partnership which was being made to provide future waste processing infrastructure for Essex. Cabinet noted that the Partnership was seeking each partner to demonstrate its commitment to the project by signing a Memorandum of Understanding (MoU), and for the Area Waste Management Joint Committees to agree a letter of support. The revised MoU and a summary of the new Outline Business Case (OBC) referred to in the MoU were also considered by Cabinet, these documents being attached to the Cabinet report. Councillor Walters explained that the MoU was not legally binding

During consideration of the report Councillor Foster expressed his concerns about the financial implications for Council taxpayers and the potential loss of control in signing up to a long contract. Councillor Foster also expressed concern at the planning process for dealing with the application at Rivenhall Airfield.

Councillor Abbott acknowledged that infrastructure was needed to progress recycling and composting in Essex but expressed a number of concerns about the proposed PFI bid. These concerns were that the bid did not set tough targets for the minimisation of waste, re-use and recycling. He also expressed concern at the anticipated growth rates put forward in the model, the potential loss of control of the collection system, the support that the MoU gives to incineration (waste burning). Councillor Abbott stated that discussions had been taking place on the issues by the County Council's officers since March 2006 and this was only now coming out in the public domain. Councillor Abbott questioned some of the technical information provided in the briefing note on the Essex Waste Strategy and expressed concern at the environmental damage from carbon dioxide emissions, the additional traffic that any plant would generate from all over Essex and the claims made about the level of electricity generated.

Councillor Lager spoke in favour of the amended MoU stating that the Council together with all other authorities in Essex need to do something. He recognised the need for the Council to continue the push for a reduction in packaging and take less to landfill.

Councillor Walters responded to the points made during the debate, explaining that the costs of the PFI bid would be less than other projects. He explained that the inclusion of Rivenhall was only as a reference case and any proposal for Rivenhall would need to go through the full planning process involving consultation with the public.

Councillor Butland, Leader of the Council presented a motion which he asked Cabinet to recommend to the Council. He recognised that the inclusion of Rivenhall was disappointing but this was only a reference case and was not in any way "a done deal". He reiterated that doing nothing was not an option.

DECISION: That it be recommended to Council:

That the following motion be adopted:

“This Council remains committed to working in partnership with other Councils, including Essex County Council, to achieve a realistic and sustainable solution for dealing with ever-increasing household waste.

The Council also remains committed to maintaining high levels of recycling. It will continue to maximise opportunities to recycle more and meet our aspirational targets. Reducing the total amount of waste produced is even more important and the Council will actively support waste minimisation initiatives including national campaigns to reduce packaging. It recognises however, that minimisation and recycling alone will not be able to deal with all of our waste.

The Council recognises that the traditional solution of landfill is a diminishing option. This is partly due to the filling of existing sites and difficulties in establishing new sites. More significantly, however, it is the pressure to deal with climate change and the requirement to limit landfill that poses the greatest challenge with significant penalties on the council taxpayer if European and national landfill allowance targets cannot be met.

The Council believes that it needs to be open minded to new ways of working that are of overall benefit to the community. Working with others and embracing new technologies are essential if we are to reduce the overall costs of waste collection and disposal. The Council recognises that Mechanical and Biological Treatment (MBT) and Anaerobic Digestion are appropriate technologies to replace landfill and reluctantly accept that these facilities have to be large scale for financial and environmental viability. It also recognises that even MBT technologies produce a residue – material that cannot be practically or economically recovered from the waste.

As a signatory to the Nottingham Declaration, this Council supports the use of renewable fuels and believes it is not unreasonable to support the extraction of embedded energy in the MBT residue by the combustion of SRF.

The Council notes that the inclusion of the Rivenhall Airfield site in the County’s outline business case was disappointing to many, particularly as the Council had objected to its inclusion in the original waste plan and to the specific planning application earlier this year. However, planning permission was given and the Council cannot ignore that fact. The Council acknowledges that Rivenhall is used as an example of a deliverable solution but that the final decision will be subject to a procurement process to help evaluate bids from the waste industry. There has not been, and cannot be, a decision at this stage of the procurement process that commits to development of the Rivenhall option. The Council also notes that in the event of Rivenhall being chosen, another planning application will have to be submitted and determined.

In the light of the above, the Council agrees to support the Memorandum of Understanding between Essex County Council and Local District Councils.

35 **DELEGATED DECISIONS**

That the following delegated decision be noted:

Councillor Mrs Schmitt – To determine and publish local fees for the Gambling Act 2005.

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

Councillor Mrs Edey, Deputy Cabinet Member for Community Support and Engagement, gave a report on the recent fire in Council flats in De Vere Road, Earls Colne. On behalf of Cabinet, the Leader expressed his sympathy to the occupants of the 12 flats who had been made homeless as a result of the fire and commended officers for their efforts in dealing with the immediate difficulties this terrible event had caused.

37 **URGENT DECISION:**

The Leader agreed to take the recommendation from the Local Government Reform Cabinet Sub-Group on Member Development as an urgent item as he felt this matter should be progressed as a matter of urgency.

**Local Government Reform Cabinet Sub Group – meeting held on 10th July 2007
Minute 6(a) Member Development**

DECISION: That the policy statement on Member Learning and Development, as set out at appendix 1 to these minutes, be approved.

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 3 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.

38 **HOUSING TRANSFER – SHELTERED HOUSING**

Councillor Lager, Cabinet Member for Resources and Performance, presented a report that set out details of two council properties that it was recommended be transferred to a housing association subject to an agreed valuation for the reasons set out in the report.

DECISION: That the two properties be transferred to the Housing Association identified subject to the detail of the full terms of the sale being approved by Councillor Lager, Cabinet Members for Resources in consultation with and Performance and Councillor Mrs Beavis, Cabinet Member for Community Support and Engagement.

39 HOUSING TRANSFER – SHELTERED HOUSING

Councillor Lager, Cabinet Member for Resources and Performance presented a report outlining a proposal to retain an area of land in Witham at the point of the stock transfer in November 2007 with the view to this being used as part of a future bid to the Housing Corporation for extra care housing.

DECISION: - That the area of land in Witham, as identified in the Cabinet report be retained by the Council at stock transfer and plans be prepared for a bid to the Housing Corporation in line with the details set out in the Cabinet report.

The meeting commenced at 7.15pm and closed at 8.55pm

G BUTLAND

(Leader)

BRAINTREE DISTRICT COUNCIL MEMBER LEARNING AND DEVELOPMENT POLICY

Introduction

Braintree District Council is committed to investing in lifelong learning and development for all of its Members. The Council recognises the contribution that such investment can make in supporting Members in their roles as community leaders and in meeting the increasing challenges within Local Government.

Having regard to the Improvement and Development Agency's skills framework for elected Members, it is the Council's policy to adopt a planned approach to Member Development and to actively involve Members in setting the priorities for learning and development each year and in reviewing the operation and outcomes of the Learning and Development Programme.

Aims of the Policy

The aims of the policy are set out below.

- To enable Members to fulfill their different roles within the Council (Executive/Scrutiny/Regulatory) and outside the Council as community leaders.
- To support Members in meeting the challenges facing Local Government.
- To improve access to learning and development opportunities by promoting the use of information technology and ensuring that there is flexibility in the Learning and Development Programme.
- To acknowledge that Members come from a diverse range of backgrounds and environments and bring with them a variety of skills and experience which can be applied to their role within Local Government.
- To provide clear guidance on how to access learning and development opportunities, on the evaluation of learning and the requirement for feeding back the benefits of learning and development in order to disseminate learning and to inform future plans.
- To become an exemplar of good practice for Member Development and to obtain the Member Development Charter.

Implementing the Policy

The policy will be implemented by the utilising the following:-

- A Member Development Framework setting out the various roles for Members, the associated skills and knowledge, the support available and the process for identifying individual needs.
- An annual Member Development Plan that identifies development priorities and expected outcomes which are matched to the Council's corporate aims and objectives.
- Officer support from Law and Governance

Types of Learning and Development

The Council recognises the different roles that Members are expected to meet and the Member Development Framework seeks to recognise the different skills and expertise that are needed by structuring a learning and development programme around performing these roles. Development opportunities could therefore comprise of any of the following:-

- In-house courses and workshops
- External learning (courses, seminars, conferences, visits)
- Mentoring
- Networking
- One to One Learning
- Web-based Learning

The learning experience for all Members needs to be maximised by sharing, as far as possible, the benefits gained from each course or learning activity. This may be through presentations, reports, notes or other means which are considered appropriate.

Access to Learning and Development

As far as possible the learning and development requirements will be individually assessed and the support targeted to meet the specific needs and to suit personal circumstances.

One of the Locality Co-Ordinators will take a lead role in administering the Member Development Framework including organising courses, booking attendance, paying for fees, etc. All requests for learning and development should be routed through the Locality Co-Ordinator who can also advise on other possible alternatives that may be available. All course bookings should be made through the Locality Co-Ordinator so that a record of all learning can be kept and all commitments against budget can be monitored.

Evaluation of Learning and Development

Members undertaking learning and development will be asked to complete an evaluation form so that the effectiveness and the value of the learning can be assessed. The information collected will be used to identify improvements to the Council's learning and development activities as well as assisting with the preparation of future plans.

This policy has been jointly developed by Members and officers and demonstrates the commitment to the effective development of elected Members. The importance of Member Development is demonstrated by a dedicated budget and Cabinet Member whose portfolio responsibility includes Member Development.

*July 2007
Head of Law and Governance*