

Minutes

Cabinet

5th February 2007



Present:

Cabinet Members	Portfolio	Present
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

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

Councillor J E B Gyford was also present and an apology for absence was received from Councillor R A G Tincknell.

At the start of the meeting the Chairman announced that he would be taking the items concerning BIDs and the Braintree Swimming Centre immediately preceding the item on the budget as both of these items had financial implications. However, the items below are recorded in the order they appear on the agenda.

75 **DECLARATIONS OF INTEREST**

Councillor Mrs Beavis declared a personal interest in the item relating to the implications of the housing ballot for reasons of her being a member of the Housing Shadow Board. In accordance with the Code of Conduct for Members, she remained in the meeting for this item and took part in the debate and decision thereon.

76 **MINUTES**

DECISION:

That the minutes of the meeting of the Cabinet held on 27th November 2006 be approved as a correct record and signed by the Leader.

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

78 **IMPLICATIONS OF BALLOT DECISION**

Cabinet received a report on the process leading up to the transfer of the housing stock following the positive vote of the tenant ballot and set out details of the ballot result, appointment of consultants, transfer date, delegation and financial arrangements. It was also noted that at the meeting of the Housing Transfer Programme Board held on 27th November 2006, delegation was sought and terms of reference were recommended for approval. Councillor Butland took Members through the report and drew their attention to the main points. It was noted that, following the positive result of the tenants' ballot to transfer the Council's Housing stock, a significant amount of work was required in terms of negotiations between the Council and Greenfields Community Housing to agree the arrangements and processes to ensure a satisfactory transfer of the stock within 12 months of the ballot date. Members were also advised that, between now and the transfer, Greenfields Community Housing will need to incur costs to enable the set up of the organisation. Although it will be registered and thereby it will have a legal entity, it will not have sufficient funds. Under Section 25 of the Local Government Act 1988, the Council can apply to the relevant minister to get permission to provide financial assistance by way of a grant or a loan and it is usual that such set up costs be met from capital receipts with pre-transfer costs being met from the Housing Association on the day of transfer. In connection with this, Councillor Butland advised that the Chairman of the Housing Shadow Board was requesting a loan and the details of this were set out in the report.

DECISION:-

That it be **recommended to Council**

- (i) That the ballot result, appointment of consultants and the proposed transfer date be noted;
- (ii) That the process, terms of reference and delegation to the Programme Board as detailed in the report, be agreed;
- (iii) That the Section 25 loan request of £3.575m and post ballot budget of £395,000 be approved;
- (iv) That officers be requested to consider the benefits/risks of other loan requests detailed in the report and that the results be reported back to the Housing Programme Board.

79 **COUNCIL BUDGET, COUNCIL TAX & RENTS 2007/08**

Cabinet received a report on the financial proposals for the General Fund and Housing Revenue Accounts, covering both revenue and capital, for 2007/08. The report provided an update on recent developments since the Priorities and Budget 2007/08 report was agreed by Cabinet on 27th November 2006. Feedback received from each of the elements of the budget consultation process was also included in the report and it provided details of the Council's borrowing and investment requirements for 2007/08, as set out in the Treasury Management Strategy and Prudential Indicators and Limits. Councillor Lager took Members through the report and reminded Cabinet that, some months ago, the Council signalled its intention to set the Council Tax at 3.8% and outlined a process to

meet this, namely the Medium Term Financial Strategy [MTFS]. He advised that this sets out an affordable spending envelope and has been widely consulted upon by local businesses, members of the public and Councillors. He added that the MTFS envisages a balanced budget for 2007/08 meaning that income is in line with expenditure. The Implication for the overall strategy is on the lines of 'doing less but doing it better'. Partnership working and joint working with local authorities and agencies will be most important. Councillor Lager drew Members' attention to the main points in the report and the corresponding appendices. He then referred to the recommendations as set out on page 2 of the report.

The Leader asked the Finance Director to clarify how it was proposed that the additional funding in relation to the swimming pool and the BIDs project, as referred to in minutes 80 and 86 below, would be incorporated into the budget.

Chris Fleetham, Finance Director advised that the initial costs for the BIDs would be met from existing resources under Local Authority Growth Business Incentives [LAGBI] funding with future costs being met from the Planning Delivery Grant so there would be no impact on the council tax. With regard to the swimming pool, the summary of the capital programme, which currently shows an amount against the swimming pool for 2007/8 as £2.963m will need to be increased by £250k. The balance of resources which currently shows a figure of £652k will need to be reduced to show £402k.

DECISION:-

That it be **recommended to Council**

- (i) That the budget variations to the current base budget, as summarised in Appendix F to the Cabinet report be approved;
- (ii) That the budget bids detailed in Appendix C to the Cabinet report be approved, providing the necessary resources required are found within existing resources;
- (iii) That the budget bids detailed in Appendix D to the Cabinet report be approved;
- (iv) That the Fees and Charges for 2007/08 as shown in Appendix E to the Cabinet report, be approved;
- (v) That the Housing Revenue Account revised estimates for 2006/07 and the full estimates for 2007/08 as shown in Appendix H to the Cabinet report, be approved;
- (vi) That the overall rent increase for 2007/08 be limited to 5% and that this be achieved by:
 - Increasing rents by 4.1% plus £2.00 per week for all rents currently more than £6.00 below target rent
 - Increasing all other rents by a maximum of 4.1% minus 40 pence per week (all figures on a 48 week basis)
- (vii) That a change of policy on the rent charged to new tenants of a property be approved. Such that all re-let rents be set at the target level for the property, the change to be effective from 1st April 2007;
- (viii) That the Housing service charges for 2007/08 as detailed in Appendix I to the Cabinet report, be approved;
- (ix) That the priority rankings assigned by the Cabinet sub group to the General Fund Capital bids for 2007/08, as listed in Appendix K to the Cabinet report, be approved;

- (x) That the Housing Investment Programme for 2007/08, as detailed in Appendix K to the Cabinet report, be approved;
- (xi) That the Prudential Indicators and limits set out in Appendix L to the Cabinet report be approved;
- (xii) That the Treasury Management Strategy, including annual investment strategy, for 2007/08, be approved;
- (xiii) That the policy framework and virement levels as detailed in Appendix M to the Cabinet report, be approved;
- (xiv) That the proposed detailed estimates in Appendix G to the Cabinet report and the Council Tax increase be approved taking into consideration:
 - The consultation feedback received (Appendix A); and
 - The Finance Director's report on the robustness of the estimates and the adequacy of balances (Appendix N).
- (xv) That the Medium Term Financial Strategy be updated to take account of the information detailed in the report and the decisions made.

80 **BUSINESS IMPROVEMENT DISTRICTS (BIDS) PROJECT**

Cabinet received a report on the Business Improvement District [BIDs] project which enables local authorities to raise a levy, in addition to the business rate, which is then invested locally on a specific project. Councillor Harley took Members through the report which outlined a proposal from Witham Industrial Watch Group. It was noted that BIDs projects, which usually have a town centre or industrial site focus, must address the Government's Cleaner, Safer, Greener Communities policy, and can provide initiatives for transport, security, environmental improvements, and crime reduction initiatives. The levy cannot be used to fund any statutory services including street cleaning, litter picking, nameplate maintenance and grass cutting. BIDs projects are business led and can run for up to 5 years on a specific site. Projects are delivered by a (small) business set up for that purpose and are implemented by a simple majority in a postal ballot of all Non-Domestic ratepayers who will be liable to pay the additional levy.

On discussing this report Members welcomed this initiative as they felt that it would be a significant first for this part of Essex and was a great example of partnership working. It would also ensure greater security and make the industrial sites more attractive to local businesses. Members wished the Witham Industrial Watch Group every success.

DECISION:

That the proposal by Witham Industrial Watch Group to initiate a BIDs project in Witham, and to make provision for additional revenue and capital costs, as detailed in the report, in the Council's financial estimates from April 2007 to March 2013, be endorsed and actively supported.

81 **FRAMEWORK FOR PARTNERSHIP WORKING**

Cabinet was reminded that the Audit Commission recommended in its Annual and Audit Inspection Letter 2004 / 2005 that the Council should have in place a robust process for evaluating partnership working. A report comprising a draft Framework for Partnership Working which meets this requirement and sets out guidance for setting up partnerships was received by Members.

On discussing the report, Members welcomed the framework and the associated toolkit and felt that it might be useful if it was referred to PACT. Clarification was sought on the boundary between a partnering contract and a contract for the supply of services. Sara Moutard, Head of Partnerships and Performance, reported that the Audit Commission had advised that the partnering contracts should be included in the framework and that there were only two such contracts. The contracts for the supply of services are excluded as reliance is placed on the terms of the contracts to enforce each particular relationship and to ensure the services are delivered on time.

DECISION:-

- (1) That the Framework for Partnership Working at Braintree District Council, as set out in the report, be approved;
- (2) That it be applied to all to all partnerships which are proposed to be established from this point on;
- (3) That the evaluation toolkit be completed by the partnerships listed in Appendix 1 of the Framework over the course of the next calendar year (subject to final agreement on the list) – linking in with the Business Efficiency Review process where necessary.

82 **CONDUCT AND USE OF ENFORCEMENT POWERS ACROSS THE COUNCIL'S SERVICES. - RECOMMENDATION FROM THE SCRUTINY PANEL.**

The Chair of the Scrutiny Panel referred Cabinet to the Panel's report on the 'Conduct and Use of Enforcement Powers Across the Council's Services' following a series of hearings which had been held. It was noted that the recommendations could be characterised partly as an attempt to try and tidy up a number of grey areas and loose ends. A particularly major area looked at by the Panel was that of fly posting on which there did not appear to be a formally documented policy.

Councillor Mrs Schmitt thanked the Scrutiny Panel for the in-depth investigation. She reported that many of the recommendations had already been addressed and that a Working Group had been set up to look at the issue of fly posting and a report would be submitted to the Cabinet on this issue on 16th July 2007.

DECISION:-

- (1) That the Scrutiny Panel's report on the 'Conduct and Use of Enforcement Powers across the Council's Services' be received and noted;
- (2) That Cabinet provides the Scrutiny Panel with a rolling report on the issues raised in the recommendations on how they will be addressed.

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

Cabinet received the minutes of the meeting of the Local Government Reform Cabinet Sub Group of 10th January 2007. It was noted that the Group had been established in order to oversee the implications of the White Paper on Local Government Reform. It was also noted that the next meeting of the Group was scheduled to take place on 7th February 2007 where issues surrounding Overview and Scrutiny, Member Development and current issues would be discussed. Councillor Butland advised that there may some issues arising

from the discussions which would be reported to a future meeting of Cabinet.

DECISION:

That the minutes of the meeting of the Local Government Reform Cabinet Sub Group held on 10th January 2007 be received and noted.

84 ****REVIEW OF PARTNERSHIP AGREEMENT WITH THE NEW MID ESSEX PRIMARY CARE TRUST**

Cabinet was reminded that it had considered a report at its meeting on 25th September 2006 and authority was delegated to enter into an Interim Partnership Agreement in view of the dissolution of the Witham, Braintree and Halstead Care Trust on the 1st October 2006. Members were also reminded that in October 2003, the Council transferred its Housing Elderly Services Team into the newly established Witham, Braintree and Halstead Care Trust. Thirty- eight members of staff from the service, including sheltered housing scheme managers and cleaners, Carecall officers and service managers were transferred into the new organisation and the Mid Essex Primary Care Trust currently employs these staff.

Councillor Walsh advised Cabinet that it was envisaged that a more detailed report on the future of the partnership will need to be considered by the Cabinet at its meeting on 26th March 2007. Pragmatically, the Interim Agreement is likely to need to operate beyond the 31st March 2007 and therefore authority was being sought to extend the agreement for a further 7 months.

DECISION:

That authority be delegated to the Cabinet Member for Housing and Customer Services in consultation with the Lead Member for Children and Young People, to enter into the required agreement to extend the current working arrangements until 1st November 2007.

85 **PROPOSED CHANGES TO THE EAST OF ENGLAND PLAN**

Cabinet received a report setting out the main changes proposed by the Secretary of State to the East of England Plan following consideration of the report of the Panel that conducted the examination in Public of the Plan. Councillor Mrs Scattergood took Members through the report which identified a number of areas of concern for this Council as the basis for making representations on the proposed changes. Members also received an extract of the minutes of the meeting of the District Development Committee held on 25th January 2007 where this issue had been debated and a decision made to include reference to the need for jobs to be created near to new homes.

On discussing this report, Members expressed concern at the omission of reference to the A120 as part of the trans European road network and also asked that reference be made to the consideration of the Halstead bypass and the improvements to the Braintree branch line. It was also asked that the response be more robust when referring to minimum numbers of new housing and that local authorities should not be expected to demonstrate that they will exceed these figures and that the response be linked to the need to invest in infrastructure. A Member also asked that reference to the potential for flooding be included.

DECISION:-

That it be **recommended to Council** :-

That the comments set out in paragraphs 13 to 22 of the report, together with the issues referred to above, be used as the basis of this Council's representations on the Secretary of State's proposed changes to the East of England Plan and that the Cabinet Member for Planning and Rural Issues submits the representations to Government using delegated powers following further discussion of the changes within the Council and with our partners. The response to include the following points:

- i) That the Council considers that the Plan as proposed is neither deliverable or sustainable with its lack of funding to support the infrastructure needed for this District and the region;
- ii) The Plan should recognise the contribution that the District has made to meeting the region's housing needs over the last ten to fifteen years with the appropriate investment in infrastructure and employment.
- iii) The Plan should include a stronger policy that links development to the provision of the necessary infrastructure.
- iv) Concern that the housing figures are now expressed as a minimum. This is likely to encourage unnecessary development exacerbating the problems of infrastructure and employment imbalance and undermining the overall regional spatial strategy.
- v) Concern that the Plan does not contain clear guidance for LDDs on the minimum level of affordable housing to be achieved and that the 35% referred to in the Plan is expressed as an aspiration rather than a requirement.
- vi) Concern that the proposed changes to the Plan have made it less sustainable with little consideration of improvements to the public transport network.
- vii) Objection to proposed paragraphs 4.32 and Policy E8 of the Plan which support a new runway at Stansted Airport.
- viii) The Plan should give greater emphasis to rail improvements, particularly the Braintree line, and improvements to East-West routes.
- ix) The A120 as part of the Trans European road network should be listed in the table of inter-regional linkages and impacts on the north/south routes such as the A131 should not be ignored.
- x) Policy T15 of the Plan should refer to implementing improvements in the London to Ipswich corridor identified by the LOIS study.
- xi) Concern that the requirements for other infrastructure such as health, education, adult social care, water and sewerage will now be dealt with in a non-statutory Implementation Plan.
- xii) The reference to a possible extension of the Green Belt to the north of Chelmsford at paragraph 13.61 of the Plan is inappropriate and should be deleted.
- xiii) Welcome the new Chapter on Carbon Dioxide Emissions and renewable Energy but suggest that these should be backed up by changes to building regulations.

86 **BRAINTREE SWIMMING CENTRE**

Cabinet received a report on the progress in relation to the swimming pool in Braintree. Councillor Mrs Schmitt took Members through the report. It was noted that a capital bid was being made in the sum of £250,000 in order to reinstate the contingency and pay for the Omega Timing System, the raised plinth, a potential claim and landlord costs. Full details of the costs were set out in the report. It was noted that the project was currently four weeks behind schedule but that no further slippage was anticipated.

DECISION:-

That it be **recommended to Council**

- (i) That the progress of the Braintree Swimming Centre project be noted;
- (ii) That the Capital Bid in the sum of £250,000 be approved

87 **CLIMATE CHANGE POSITION STATEMENT**

Cabinet received a report on the progress made on climate change issues since the adoption of a Sustainable Energy Strategy in December 2005 and the subsequent signing of the Nottingham Declaration on Climate Change in January 2006. It listed a number of new and ongoing initiatives that contribute to the reduction of climate change or help adapt to the effects of the changing climate. This includes a wide range of activities from the obvious energy efficiency and promotion of renewable resources to biodiversity and the major impacts of waste. Wherever possible the effect of the initiatives is quantified in terms of carbon dioxide savings. The report concluded with a summary of initiatives planned for the coming year and discussed possible revisions to the reporting format and frequency in subsequent years.

On discussing this report it was noted that Braintree has always been at the forefront of environmental initiatives and this report demonstrates how far it has come. Clarification was sought on the action being taken to address the issue of the diversion from landfill of industrial waste. Councillor Gage reported that a pilot scheme was currently in progress to address this adding that many companies recycle their own waste but it is the manufacturers of the packaging which need to be targeted.

DECISION:

That the progress made on climate change initiatives since signing the Nottingham Declaration in January 2006 be noted

88 **DELEGATED DECISIONS**

DECISION:

Members noted the following decisions made by Cabinet Members:-

- (i) The decision by Councillor Lager to declare surplus to requirements a piece of land in Halstead.
- (ii) The decision by Councillor Mrs Schmitt to approve the licensing of a vehicle as a Private Hire Vehicle which is 5 months outside the Council's accepted guidelines.

- (iii) The decision by Councillor Mrs Scattergood to approve the Council's representations concerning Chelmsford Borough Council's Core Strategy and Development Control Policies.
- (iv) The decision by Councillor Mrs Scattergood to approve the Annual Monitoring Report which assesses the effectiveness of local development documents.
- (v) The decision by Councillor Mrs Scattergood to provide comments in response to consultation by Essex County Council on further information concerning a planning application for a waste treatment facility at Rivenhall Airfield.

89 **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) **Local Development Framework.**

The Leader referred to the last meeting of the District Development Committee held on 25th January 2007 where the issue of the Local Development Framework had been considered and debated. An extract of the minutes of this meeting was circulated prior to the meeting for the Cabinet's information.

DECISION:-

That it be **recommended to Council**

That the establishment of a Local Development Framework Panel be agreed in principle and the Council be requested to agree the constitution and membership of the Panel.

(ii) **Primary Care Trust**

The Leader advised that both he and the Chief Executive had met with the Chairman of the new Primary Care Trust [PCT] to explore a number of issues including the community hospital for Braintree and the concern by local people regarding the delay. It appears that there is no imminent decision likely and there was talk that the services could be provided in alternative ways. The Council's position was made quite clear, that a community hospital is still expected. A number of other issues were discussed including that of a close working relationship and it was noted that the Chairman would be ensuring that a non-executive director of the PCT would be involved in the Local Strategic Partnership, which was welcomed. There is also a commitment from both sides to work together on the health of the district in general. Councillor Lager advised that, as Chairman of PACT, he had written a letter to Sheila Bremner, Chief Executive of the PCT. He had received a written response with a slight ambiguity in the wording but she had offered to visit PACT to enable them take up the issue of the failure of the PCT to deliver on a longstanding promise to provide a community hospital.

(iii) **Working Together with Essex County Council**

The Leader advised Cabinet that a demonstration of the working relationship between Braintree District Council and Essex County Council was the Radio Five Live project being undertaken enabling communities from two wards in Braintree to decide upon a project for which £50,000 has been made available. The shortlist will be decided on 11th February 2007 which will then be voted upon.

(iv) **Warner Archive**

Councillor Mrs Schmitt reported that the Warner Archive has been shortlisted for the very prestigious Gubenkian Prize. She advised that she had a list of the other nine contenders and the list of judges. Last years winner was the SS Great Britain in Bristol. The four finalists will be decided in early April and they will be invited to a ceremony on 24th May 2007 when the winner will be announced. A website has been created to enable people to vote. Congratulations were extended to the Museum Trustees. The link to vote is:-

<http://www.24hourmuseum.org.uk/nwh/ART43382.html>

EXCLUSION OF PUBLIC AND PRESS

DECISION:-

That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the Act.

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

90 ****PREMATURE RETIREMENTS**

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

DECISION:-

- (1) That the planned changes to the Local Government Pension Scheme be noted;
- (2) That the three recommendations identified as (ii), (iii) and (iv) in the report be approved as it is considered that they meet the business case criteria;
- (3) That the recommendation identified as (v) in the report not be approved as it is considered that there is no business case to support the application.

The meeting commenced at 7.15pm and closed at 8.45pm.

G BUTLAND
(Leader)