

Minutes

Cabinet

29th October 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	Yes
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	Yes
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

Councillor J E Abbott, Leader of the Green Group

Councillor Dr R L Evans, Leader of the Labour Group

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

Councillor S M Walsh, Chairman of Braintree Local Committee

Councillors M J Banthorpe, J H G Finbow, Mrs M E Galione, E R Lynch, D Mann, Lady Newton, Mrs W D Scattergood 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 Councillor T J W Foster, Chairman of the Witham Local Committee.

54 **DECLARATIONS OF INTEREST**

Councillor J E Abbott declared a personal interest in Agenda item 5(c) – Recommendation of the Local Government Reform Cabinet Sub Group regarding the Role of Members of the Planning Committee, as he is a Member of the Planning

27

Those minutes identified by the prefix ** may be the subject of the "call-in" provisions of the Constitution within 6 working days of the publication of these minutes. Any decisions made and not "called in" by this date and time will become effective. For further information regarding these minutes please contact Eileen Self, Democratic Services, on 01376 552525 or email eileen.self@braintree.gov.uk

Committee. Councillor Abbott remained in the meeting for this item but did not participate.

Councillor M G Gage declared a personal interest in Agenda item 5(c) – Recommendation of the Local Government Reform Cabinet Sub Group regarding the Role of Members of the Planning Committee, as Councillor Mrs Gage is a Member of the Planning Committee. Councillor M Gage remained in the meeting for this item but did not vote on the issue.

55 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 3rd September 2007 be approved as a correct record and signed by the Leader.

56 **QUESTION TIME**

There were no questions asked or statements made.

57 **TRANSFER OF THE HOUSING STOCK TO GREENFIELDS COMMUNITY HOUSING**

The Leader presented a report on the proposed transfer of the Council's housing stock to Greenfields Community Housing (GCH) on 12th November 2007, and summarised the assets being transferred, the total of staff being transferred under TUPE arrangements, and the Service Level Agreements to cover services that the Council will currently continue to supply to GCH. In terms of accommodation GCH will initially remain in Causeway House, with separate signage to their service, with a requirement to find new premises within a year of transfer.

The value of the transfer was specified and it was noted that this may slightly fluctuate as negotiations are ongoing that might impact on the final capital receipt.

Members were reminded of the four potential options at the offset of the housing process to achieve the Decent Homes Standard, the following ballot of tenants and leaseholders on the stock transfer option and the final agreement. Intense negotiations and discussion had followed since then between the Council and GCH, with some minor issues to be resolved between now and transfer. It had been recognised on both sides of unanimity to make the process work and utilise the opportunities as a Registered Social Landlord to access funds and improve substantially areas of the District. Post transfer discussions will be held to agree a protocol on how elected Members can work with GCH, support the development of the Community Gateway Model and work with elected tenant/leaseholder representatives.

In response to a concern that the capital receipt seemed 'open-ended' Simon Martin of PricewaterhouseCooper advised that any substantive changes are not expected, although some issues are still to be resolved. Following discussion the Leader gave an undertaking that consultation would occur with the portfolio holder and the Group Leaders if there were a significant change to the capital receipt.

The Leader provided clarification on the current position with shops owned by the Council, and it was confirmed that if any shops were surplus to requirements and suitable for transfer they would be considered at the Local Committees.

DECISION: That it be **RECOMMENDED to Council:-**

- (1) That the Transfer Agreement to be made between Greenfields Community Housing Ltd and the Council, and any other agreement, to be entered into pursuant to the Transfer Agreement be approved
- (2) That the transfer be approved, subject to receipt of the consent of the Secretary of State for Communities and Local Government pursuant to Sections 32-34 and 43 of the Housing Act 1985 for the disposal of the Council's housing stock to the Association
- (3) That the Chief Executive, in consultation with the Leader of the Council and the Cabinet Member for Resources and Performance, be authorised to agree any final financial issues and take any other necessary action which must be settled before completion of the transfer. (The Leader of the Council undertook to consult other Group Leaders on any significant changes)

58 **HOUSING TRANSFER PROGRAMME BOARD – 19TH SEPTEMBER & 17TH OCTOBER 2007 - RECOMMENDATIONS**

Consideration was given to the minutes of the Housing Transfer Programme Board and the recommendations set out in Minute 8 of the 19th September 2007 meeting, and Minutes 11 & 15 of the meeting held on 17th October 2007.

DECISION:

- (1) That the minutes of the Housing Transfer Programme Board meetings of 19th September and 17th October 2007 be noted.

RECOMMENDED to Council:-

- (2) That the principle of obtaining insurance as set out in the report and minutes of the Programme Board be agreed and the Director of Finance be authorised to obtain cover subject to obtaining competitive quotes in accordance with the Council's financial regulations
- (3) That Environmental Warranty Insurance be taken out covering up to £10m over the next 10 year term at a cost of £164,900
- (4) That the Right to Buy arrangements where Greenfields Community Housing be allowed to retain approximately £20,000 of each sale, with the remainder of the sale proceeds retained by the Council, be accepted.

**LOCAL GOVERNMENT REFORM – CABINET SUB GROUP – 11TH OCTOBER 2007
– RECOMMENDATION ON ROLE OF MEMBERS OF THE PLANNING COMMITTEE**

Members considered the recommendation at Minute 10 with regard to Special Responsibility Allowance (SRA) for Members of the Planning Committee.

DECISION: That it be **RECOMMENDED to Council**

- (1) That the Independent Remuneration Panel (IRP) be advised that a SRA payment of £800 be made to each member of the Planning Committee subject to conditions of (i) mandatory training and (ii) a minimum attendance level of 75% of the total meetings of the Planning Committee in each civic year.
- (2) That the restriction in the current Members' Allowance Scheme be disapplied to those members of the Planning Committee who are already entitled to a SRA

WORKING TOGETHER – COLCHESTER BOROUGH COUNCIL

The Leader presented the report on proposals to pursue the development of a strategic partnership with Colchester Borough Council to identify and explore joint ways of delivering services efficiently and effectively. It was clarified it was not a merger and was a way for two authorities to work together across both Districts for the benefit of the Council Tax payer.

A joint meeting of the Cabinet of Colchester Borough Council and the Cabinet of Braintree District Council, together with Chief Officers, had recently been held and it had proved a constructive meeting, with a good rapport between members on both sides and a desire to move forward. It was considered vitally important that other members of the Council become involved and it is proposed that a seminar be held early in the New Year for all Members of both Councils. Robert Davidson, Leader of Colchester Borough Council, is keen and supportive of the Council's building a sound foundation on joint working. However, it was accentuated that the 'sovereignty' of both Council's will remain, with some issues being done together especially where there can be a shared statutory or common responsibility, and to share learning and expertise across the District boundaries.

The Leader also advised that himself and the Leader of Colchester Borough Council had wrote jointly to Lord Hanningfield, the Leader of Essex County Council, on the initiative and the opportunity for the County Council to have a role in the joint-working process.

Generally, Members welcomed the opportunities of the proposal and the potential of working together, however, there was some concerns on 'a single brand' for the project and whether it should be revised to a 'single purpose'. The Leader reassured Members that the proposal is for practical service delivery and not for marketing promotions. There is also concern on the concept of localism, i.e. merging of services, and effects to Parish Councils, and it was paramount that communities and the public are kept up to date and are involved on the proposal. There are also issues on divided responsibilities, both in legal and policy terms, with both Councils and the

perception by the public of one joint electorate. The Leader explained there are governance arrangements for each authority that will be 'sovereign' in the decision making process, and he concurred the public need to be up to date. To address the localism issue it is vital that elected members are involved in any early opportunities and be clear on the process so they may reassure their electorate. It was also considered that the exercise may be to drive down costs and that may impinge on service quality and for the genuine involvement of backbench members to ensure real engagement of the proposal.

DECISION:

- (1) That the joint understanding commitment outlined in the report be endorsed.
- (2) That a Joint Programme Board be established consisting of
 - Council Leaders
 - One additional Portfolio holder
 - Chief Executives
 - One additional Senior Manager
- (3) A project manager (a third party) be appointed supported by a joint project team of relevant officers of each Council.
- (4) A joint project fund of £100,000 (£50,000 from each Council) is established to be used for specialist support if appropriate.
- (5) A single brand for the project and its communication to all individuals and stakeholders, including the public at an early stage.
- (6) That the Terms of Reference of the Programme Board be endorsed.
- (7) That a joint seminar is held early in the New Year for all Members of both Councils.

61 DRAFT MEDIUM TERM FINANCIAL STRATEGY 2008/09 TO 2011/12

Councillor Lager, Cabinet Member for Resources and Performance, presented the draft Medium Term Financial Strategy (MTFS), including the Capital Strategy, and the supplementary paper produced following the Government's 2007 Pre-Budget report and Comprehensive Spending Review (CSR07) on 9th October 2007.

Councillor Lager referred to the CSR settlement, inflation levels, Council wage costs and pension costs, a continued capping regime, and productivity requirements. It was noted that the Treasury are making £150m available for supportive funding with a scope to acquire more grants although more detail is to follow. Reference was made to Appendix 1 of the supplementary paper and the savings required for 2008/09 to 2011/12 and the Council Tax percentage increase. Members noted the reasons for the additional amount to the Invest to Save Reserve, and the prudential indicator limitation to accommodate the Housing Transfer proceeds. It is the intention to produce a report to the Cabinet meeting on 4th February 2008 to look at options to invest that revenue.

There are also plans by Government to revamp the Planning Delivery Grant and to

simplify the Fee and Charges Handbook. The Local Committees will also have £100,000 allocated for revenue purposes.

During the discussion it was noted Sustainability Issues are included in the supplementary paper that had not been included at Item 14.2.2.2 of the main report. However, there is still work to be done on this heading.

Members considered there were many uncertainties of funding, i.e. Planning Delivery Grant, business grants, internal and external business demands, and the Council are under pressure to keep Council Tax at a reasonable level.

Investment Income (Item 11.6.1. of the main report) was referred to, and the additional interest that would be raised, and whether there are plans for investment. There was also an assumption under 14.2.3.3. on Stansted Airport Expansion where 'will' should read 'would'. Councillor Lager explained that an investment approach would be developed for the General Fund/housing transfer funds.

DECISION:

1. That the above comments and amendments are noted.
2. That the process for identifying the projected savings required: by means of the Business Efficiency reviews, the joint office accommodation project, managers reviewing 2007/08 spending (as at half year) to identify potential areas for savings and for a review of fees and charges be noted.
3. That authority be delegated to the Cabinet Member for Resources and Performance to consider any bids for funding in 2008/09 Capital Revenue in conjunction with the appropriate Cabinet Member, and to report any such bids to the next meeting of Cabinet in December 2007, with recommendations.

RECOMMENDED to Council

4. That an addition of £367,050 to the Invest to Save Reserve be funded from the projected underspend against budget in the current year.
5. That the prudential indicator limiting investments longer than 364 days be increased to £25m with immediate effect.

62 **PERFORMANCE AND EFFICIENCY PROGRAMME BOARD - 18TH SEPTEMBER 2007**

Councillor Lager, Cabinet Member for Resources and Performance, presented the minutes of 18th September 2007 and advised there was considerable work still to be done.

DECISION: That the minutes of the Performance and Efficiency Programme Board of 18th September 2007 be noted.

63 **A VISION FOR THE BRAINTREE DISTRICT**

The Leader advised that the Vision had to be agreed with partners through the Local Strategic Partnership and also link with the work of the Local Development

Framework, and feed into the Braintree contribution to the Essex Local Area Agreement and Essex Local Strategies. To allow for this to progress further it was proposed that this item be rescheduled for the Council meeting in December to allow all-Member participation.

DECISION: That the report on the draft Vision for the Braintree District be considered at the Council meeting on 17th December 2007.

64 **REFERENCE FROM BRAINTREE LOCAL COMMITTEE – 18TH SEPTEMBER 2007 – COMMUNITY CENTRE IN VICTORIA STREET, BRAINTREE**

Councillor S M Walsh, Chairman of Braintree Local Committee, presented the extract from Braintree Local Committee on 18th September 2007 regarding Question Time and Mr Vernon Rolls, Secretary of the Braintree Community Association's issues regarding the Community Centre in Victoria Street, Braintree.

DECISION: That the reference by Mr Rolls at the Braintree Local Committee of 18th September 2007 be noted.

65 **DRAFT GUIDE TO TACKLING FLY-POSTING IN THE BRAINTREE DISTRICT**

Councillor Walters, Cabinet Member for Environment and Sustainability, presented the report that had been discussed at Local Committees, referred to the clarity in the proposed guide and the Council's 'zero tolerance' approach.

Councillor E R Lynch joined the table, reminded Members that he had requested the Scrutiny investigation into this topic and considered that the proposed guide had no practical changes to the procedures followed for the past years and that any advertisement can still be placed on private land. There had been no indication from Essex County Council and Highways on possible sites for charities to place their advertisements/posters or which planning applications are required. Private individuals had also received a negative response. This topic had been discussed at Braintree Local Committee, and it was suggested that a stamp of approval be placed on posters to make the Clean Team aware of its validity. Councillor Lynch questioned if the Guide was approved, when evidence of 'A' frames being removed from town centre and village locations would occur.

Many Members agreed with the problems caused by 'A' frames being placed on pavements, especially for those persons partially sighted; and on the concerns raised by charities, and it was suggested that guidance be revisited after one year. It was considered that the proposal by Halstead Local Committee that the Council should adopt a more robust and rigorous approach to enforcement had not been noted.

Councillor Walters advised he would determine the definition of charitable events, i.e. pubs, scouts or church issues, and address these concerns as follows-

- To review the process, including issues relating to charitable organisations and their events, after one year
- To write to the Local Committees to acknowledge their input and suggestions
- To formally write to Head of Highways and Transportation at Essex County Council for guidance, including 'A' frames being removed from pavements, and any delegated authority

DECISION: That the draft Guide to Tackling Fly-posting in the Braintree District and the draft advisory leaflet entitled Temporary Advertising of Events Held for Charitable Purposes be approved.

66 **DRAFT GREEN TRAVEL PLAN**

Councillor Walters, Cabinet Member for Environment and Sustainability, presented the draft Green Travel Plan and advised that funding for the Plan must be cost neutral. The Plan will establish and test the principles of greener travel for staff and Members on Council business, including getting to and from work, and is based on three strands of evidence – review of the Green Travel Plan 2001, the Energy Savings Trust Green Fleet Review 2007 and the Staff Travel Survey of 2007.

Members welcomed the proposals and requested that ‘joined up’ thinking is encouraged. To demonstrate this request the planning application for the expansion of the Discovery Centre at Great Notley that had recently been determined at the Planning Committee was described, and the omission of a Green Travel Plan and no guarantee of public transport. Councillor Walters advised it was anticipated that local people would visit the Discovery Centre by using the cyclepaths or on foot. However, the issues were noted.

DECISION: That progress on the draft Green Travel Plan be noted and that appropriate actions are built in and incorporated into the Corporate Action Plan 2008/09.

67 **DELEGATED DECISIONS**

That the following delegated decisions be noted:

- (1) Councillor Harley – response to Network Rail in response to the proposed Greater Anglia Utilisation Strategy;
- (2) Councillor Mrs Beavis – to re-affirm Braintree District Council’s commitment to the Local Compact framework document.

68 **REPORTS FROM CABINET MEMBERS ON ISSUES THAT NEED TO BE BROUGHT TO THE CABINET’S ATTENTION**

There were no reports.

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.

69 **TEMPORARY ACCOMMODATION FOR THE HOMELESS**

Councillor Mrs Beavis, Cabinet Member for Community Support and Engagement, presented a report on funding towards the proposed extension to the New Directions scheme in Braintree.

DECISION:

- (1) That an allocation of funds, as specified in the report, from the Affordable Housing capital budget towards the proposed extension at New Direction, subject to a successful Housing Corporation bid, be approved.
- (2) That the Council representatives on the First Stop Group (New Directions) – Councillors A V E Everard, M Lynch and Miss M Thorogood – be kept informed on the scheme.

70 **ASSET MANAGEMENT - DISPOSAL OF LAND AT FINCHINGFIELD AND SIBLE HEDINGHAM**

Councillor Mrs Beavis, Cabinet Member for Community Support and Engagement, presented a report outlining proposals to declare land surplus to requirements at Finchingfield and Sible Hedingham

DECISION: That the land, as specified in the report, at Finchingfield and Sible Hedingham be declared surplus to requirements and be sold on terms agreed by the Head of Asset Management.

71 **REPORTS FROM CABINET MEMBERS ON ISSUES THAT NEED TO BE BROUGHT TO THE CABINET'S ATTENTION (PRIVATE SESSION)**

There were no reports.

The meeting commenced at 7.30pm and closed at 9.07pm

G BUTLAND

(Leader)