

# Minutes

## Cabinet

4<sup>th</sup> February 2008



Present:

<b>Cabinet Members</b>	<b>Portfolio</b>	<b>Present</b>
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	Apologies

<b>Deputy Cabinet Members</b>	<b>Portfolio</b>	<b>Present</b>
Councillor N G McCrea	Leader's Portfolio	Yes
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	Yes

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 T J W Foster, Chairman of the Witham Local Committee

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

Councillors E R Lynch, Lady Newton, D Mann and Ms M Thorogood were also in attendance.

Apologies for absence were also received from Councillor R J Bolton, Chairman of the Halstead Local Committee and Councillor S M Walsh, Chairman of the Braintree Local Committee.

### 85 **DECLARATIONS OF INTEREST**

Councillor G Butland declared a personal interest in Agenda Item 6(a) – Joint Governance Arrangements – Great Notley Country Park, as he lives at Great Notley Garden Village. In accordance with the Code of Conduct for Members, he remained in the meeting for this item and took part in the debate and decision thereon.

86 **MINUTES**

**DECISION:** That the minutes of the meeting of the Cabinet held on 3<sup>rd</sup> December 2007 be approved as a correct record and signed by the Leader.

87 **QUESTION TIME**

There were no questions asked or statements made.

88 **CORPORATE STRATEGY 2008-2012**

Cabinet received the draft Corporate Strategy, pending submission to Full Council on 18<sup>th</sup> February 2008, and two important additions to the Strategy were emphasised. These are for (i) the local economy and prosperity in the District, and (ii) Civic Pride and for people to take pride in their local area, with devolving decision making to Members through the Local Committee process.

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

That the draft Direction and Ambition Statement and the related four-year objectives be approved.

89 **DRAFT MEDIUM TERM FINANCIAL STRATEGY 2008/09 TO 2011/12**

Councillor Lager, Cabinet Member for Resources and Performance, presented the updated draft Medium Term Financial Strategy 2008/09 to 2011/12.

The Leader requested clarification of the 'pooled' funding of £255,000 quoted at paragraph 2.3 of the report, Local Area Agreement. This is revenue and capital monies from Central Government in respect of the Waste Performance and Efficiency grant and the Building Safer Communities funding, which were paid to the Council in 2007/08 via Essex County Council under the LAA. A question regarding concessionary fares (Item 12.2.2.2. Braintree) and the possibility of higher reimbursement rate to the bus operators was also raised, and the potential additional cost. The position is based on best advice received from MCL Transport Consultants, consultants to the Essex Concessionary Fare scheme.

**DECISION:**

- (1) That the Medium Term Financial Strategy 2008/09 to 2011/12 be agreed

**Recommended to Council:-**

- (2) That the Medium Term Financial Strategy 2008/09 to 2011/12 be approved.

90 **COUNCIL BUDGET, COUNCIL TAX & RENTS 2008/09**

Cabinet received a report on the financial proposals for the General Fund and Housing Revenue Accounts, covering both revenue and capital, for 2008/09. The report

contains budget consultation feedback and provides details of the Council's borrowing and investment requirements for 2008/09 that are contained in the Treasury Management Strategy and Prudential Indicators and Limits.

Councillor Lager, Cabinet Member for Resources and Performance, took members through the report, highlighting proposed allocations for new demands on revenue, the less than satisfactory increase in the formula grant received from central government at only 2.7% and that the figures were presented on the basis of an increase in council tax of 3.3%, as provided in the Medium Term Financial Strategy. The overall position provided a residual funding gap of £186,940 for 2008/09, with a £1m deficit over the next three years, which needed to be addressed

The projected deficits in 2009/10 and 2010/11 are to be addressed through the Business Efficiency Programme of frontline services and reviews of all Service Level Agreements with Greenfields Community Housing (GCH).

Councillor Lager referred to Fees and Charges (paragraph 7) and that it is not proposed to increase car-parking charges in 2008/09. A review of car parking charging, focusing on the way the council charges and to be responsive to customers, has been commissioned for early in 2008/09. Generally, increases to fees and charges, over which the Council has discretion, have been limited to the rate of inflation.

Councillor Lager provided details of how the funding shortfall of £186,940 for 2008/09 is to be addressed and issued a revised version of Appendix D at the meeting. The changes were:

- A reduction in the ongoing allocation for the extension of Recycling from £150,000 down to £120,000 but with any requirement for one-off costs in 2008/09 up to £30,000 being met from underspends carried forward from the current year;
- The withdrawal of the provision of £80,000 for senior management review, on the basis that the funding required for the two-year period would be found from within existing resources;
- An increase in the council tax levy from 3.3% to 4.3%.

The Council retained just over 50 properties from the transfer of the housing stock, the majority in Bailey Bridge Road, Braintree until the site is redeveloped, and therefore has a requirement to set rent levels and service charges for 2008/09. Details of the increases were provided in paragraphs 10.2 and 10.3 of the report. This is, however, a short-term measure as it is expected that the Housing Revenue Account will close in April 2009.

In the Capital Programme it was noted that proceeds from surplus property sales are decreasing and additional funding will need to be sought externally. Proposed new schemes totalling £2.324million were outlined in Appendix H to the report.

During the discussion the following issues were raised –

- Councillor Dr Evans requested clarification on Member Allowances (Appendix B) and the allowance of £16,000 for a Special Responsibility Allowance for members of the Planning Committee, and £2,660 for Chairmen of the Task &

Finish Groups, with no allowance for Task & Finish Group members

- Councillor M Gage was concerned on the additional 1% increase to the Council Tax increase and the impact on residents, in particular pensioners and those on fixed income. He proposed that the Council with other local authorities approach the LGA to make representation to government. In response, Councillor Lager explained that whilst local government had gained new duties in recent years, i.e., dog catching, licensing duties from local Magistrate Courts, it had not received necessary increases in funding and this together with price increases, i.e. fuel and energy, etc, have contributed to this overall position on the Council's finances and agreed that he would request the LGA to make representations.
- Councillor Butland referred to Fees and Charges (Paragraph 7 of report) and proposed that Councillor M Gage, Chairman of the Overview & Scrutiny Committee, and Councillor Dr R L Evans with the most appropriate Task and Finish Group look at the report 'Positively Charged' from the Audit Commission with regard to the Council's policy on its fees and charges, including car parking charges. The timeframe for this was proposed as two months for the Task and Finish Groups, with a complete report by 30<sup>th</sup> June 2008, following on to Cabinet and Council, with proposals to take affect in September 2008.
- Councillor Butland stated that the Capital Programme currently had provision for the closure of facilities at Forest Road, Witham and for rebuild work at Rickstones Road, Witham. He requested that officers revisit these proposals and come forward with alternative measures, with a target to refurbish Forest Road, and continue to provide changing facilities at the Rickstones site.
- Councillor Lager advised that changes are required to the existing scheme on concessionary fares where the Council prefers 9.00am as the starting time for the scheme to be effective, with the rest of Essex on 9.30am. It was considered that this should be examined in further detail, including any available statistics on the 9.00 - 9.30am period, and report to the next Cabinet meeting on 31<sup>st</sup> March 2008.

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

- (i) That the budget variations to the current base budget as summarised in the revised Appendix D to the Cabinet report be approved;
- (ii) That the budget bids detailed in Appendix B to the Cabinet report, as amended for the reduction of £30,000 on Waste Management and the withdrawal of the Senior Management Review ongoing budget of £80,000 (the latter to be found from within existing resources over a two-year period) be approved;
- (iii) That the Fees and Charges for 2008/09 as shown in the Appendix C to the Cabinet report be approved, with a review to be undertaken by the Overview & Scrutiny Committee on the Council's Fees and Charges policy as indicated above;
- (iv) That rent increases for 2008/09 be:
  - 4.4% plus £2.00 per week for rents below target rent; and
  - 4.4% per week for rents at target rent (all figures on a 48 week basis)

- (v) That the Housing service charges for 2008/09 as detailed in Appendix F to the Cabinet report be approved;
- (vi) That the General Fund Capital bids for 2008/09 as listed in Appendix H to the Cabinet report be approved;
- (vii) That the Prudential Indicators and limits set out in Appendix I to the Cabinet report be approved;
- (viii) That the Policy on Minimum Revenue Provision as recommended in Appendix I to the Cabinet report be approved;
- (ix) That the Treasury Management Strategy, including annual investment strategy, for 2008/09 be approved;
- (x) That the policy framework and virement levels as detailed in Appendix J to the Cabinet report be approved;
- (xi) That the proposed detailed estimates, as amended during the discussion above, in Appendix D to the Cabinet report and the Council Tax increase of 4.3% be approved, having taken into consideration:
  - The consultation feedback received (Section 3 of report); and
  - The Finance Director's report on the robustness of the estimates and the adequacy of balances (Appendix K)
- (xii) That the Medium Term Financial Strategy is updated to take account of the information detailed in the report and the decisions made.

**ACTION POINTS:**

- (1) *The Scrutiny Manager to liaise with the Chairman of the Overview and Scrutiny Committee with regard to a review on fees and charges, with a report deadline of 30<sup>th</sup> June 2008*
- (2) *Officers to seek alternative proposals, as indicated above, for the sites at Forest Road and Rickstones Road, Witham*
- (3) *Officers to provide a report to 31<sup>st</sup> March 2008 Cabinet meeting on concessionary fares, as stated above.*

91 **STRATEGIC RISK MANAGEMENT**

Councillor Lager, Cabinet Member for Resources and Performance, presented the annual risk assessment report and referred to the Risk Profile Template, and Risk 30 being most vulnerable. Members considered that Risk 30, that involves the expansion of Stansted airport and development within the M11 corridor was beyond the Council's control. However, it was emphasised that the Council as a 'Leader of the Community' should express, evaluate and represent residents and businesses on their concerns. Councillor Beavis suggested that more input from Members would be welcomed into the Council's Risk Management processes.

**DECISION:** That the updated schedule of strategic risks and the action plans for each of those risks currently above the risk tolerance line, be noted.

92 **USE OF RESOURCES – KEY LINES OF ENQUIRY 2006/07**

Cabinet received the report detailing the Council's Use of Resources Judgement, and noted the overall score as level 3 'Performing Well'. Action Plans are in progress to address the decline in the Financial Management score from 3 to 2, together with action planning for the changes in criteria being introduced by the Audit Commission

for the 2008 judgement. A question was raised for comparisons on the performance assessments with the Council's neighbouring authorities, and it was noted these would be circulated when available.

**DECISION:** That the report on the Use of Resources Key Lines of Enquiry 2006/07 from PKF, the Council's external auditors, be received and noted.

*ACTION POINT: That Finance Officers circulate to Councillors comparisons from neighbouring authorities on this topic, when available.*

93 **LICENSING ENFORCEMENT STUDY**

Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, commended to Cabinet the Enforcement Study – Module 3 – Licensing Enforcement, and drew attention for more staff resources in the Licensing section, and the comprehensiveness of the report. He continued to explain the many interviews and discussions held to achieve the report, and extended thanks to those participants, including the Portfolio Holder, Councillor Mrs Schmitt. It was noted that the Study, that has the full support of Councillor Banthorpe, Chairman of the Licensing Committee, would go to Council on 18<sup>th</sup> February 2008 and return to Cabinet within the three months deadline for a response.

**DECISION:**

**Recommended to Council** – That the recommendations at Pages 15,16 & 17 of the Licensing Enforcement Study be noted, and resubmitted to Cabinet.

94 **HOUSING TRANSFER PROGRAMME BOARD**

The Leader presented the minutes of the meetings of the Housing Transfer Programme Board for 4<sup>th</sup> December 2007 and 28<sup>th</sup> January 2008 and referred to the report by the Audit Manager received at the January meeting on the Review of Stock Valuation. This report addressed the issue regarding the significant variations in the value of the Housing Stock that had an original valuation of £4.5m, and the latest agreed valuation (after various deductions) of £37.6m. A major part of the variances was the difference post ballot in the cost review of kitchens (£12m) and bathrooms (£8.5m), and these additional funds will enable Greenfields and the Council to exceed the provisions stipulated in the Offer Document, and bring more benefits to tenants.

Arising from the audit report on the housing project management process, a report from the Chief Executive was presented entitled Project Management. Process improvements had been identified to strengthen and ensure greater robustness of the project management process and are listed in the decision below.

**DECISION:**

- (1) That the minutes of the meetings of the Housing Transfer Programme Board of 4<sup>th</sup> December 2007 and 28<sup>th</sup> January 2008 be noted.
- (2) That the report of the Audit Manager and the covering report of the Chief Executive be circulated to all Councillors.

- (3) That the following process improvements should be incorporated within the Council's current project management process -
- (i) That all projects valued over £50,000 for a period of greater than three months be required to apply the Council's full project management systems and have clear and suitable governance arrangements in place
  - (ii) That the Council's project management process has a change control process notice embedded in the system. This includes any instruction to vary the project or instruction to a third party and must therefore be in writing and signed off by the project manager.
  - (iii) That every project that falls into (i) above will be notified to the audit service who will conduct spot checks on the governance and processes being operated for any project.
  - (iv) That where a project involves the transfer of any of the Council's business to a third party, no officers or consultant can act for both parties. A clear separation of roles should be established to ensure no conflict of interest.

*ACTION POINT: That all Councillors receive the reports, Review of Stock Valuation and Project Management (Item (2) above)*

95 **LOCAL GOVERNMENT REFORM CABINET SUB GROUP**

The Leader presented the minutes of the meetings of the Local Government Reform Cabinet Sub Group for 5<sup>th</sup> December 2007 and 30<sup>th</sup> January 2008, and referred to the recommendations regarding a response to the draft guidance for 'Creating Strong, Safe and Prosperous Communities (Minutes 21 & 26 refer). A copy of the draft response would be circulated to Members.

**DECISION:**

- (1) That the minutes of the meetings of the Local Government Reform Sub Group of 5<sup>th</sup> December 2007 and 30<sup>th</sup> January 2008 be noted.
- (2) That the Group submit a response, on behalf of the Council, on the draft guidance for 'Creating Strong, Safe and Prosperous Communities' to the Department for Communities and Local Government.

*ACTION POINT: That Members receive copy of the draft response sent to the DCLG.*

96 **PERFORMANCE AND EFFICIENCY PROGRAMME BOARD**

Consideration was given to the minutes of the Performance and Efficiency Programme Board of 13<sup>th</sup> December 2007, including the proposed Terms of Reference for the Board.

**DECISION:**

- (1) That the minutes of the meeting of the Performance and Efficiency Programme Board of 13<sup>th</sup> December 2007 be noted.
- (2) That the Terms of Reference of the Board, as set out in Appendix 1 of the minutes, be approved.

## 97 **JOINT GOVERNANCE ARRANGEMENTS – GREAT NOTLEY COUNTRY PARK**

The Leader presented the report on the joint venture between Braintree District Council (BDC) and Essex County Council (ECC) to create a 'flagship' country park for the District. The principles of the venture, the development and new attractions at the park were to encourage families and increase footfall, provide access for pedestrians and cyclists (linking to the Flitch Way) with improved parking and play areas for children. A joint decision making group would be established comprising two ECC members and two BDC members (one Cabinet member and one Local Committee member).

Members raised the following issues-

- Consideration to car parking charges in line with other country parks in Essex
- The opportunity to improve fitness and sustainability of users
- To provide a clear audit trail, with detailed minutes of meetings including agreement to operational issues
- National non-domestic rate for the park and on-going revenue savings
- Provision of a bus to the site/current bus routes and access to the park
- Signage to the underpass walkway from Cuckoo Way to the park
- Signage to the two main entrances

The Leader advised these issue would be explored.

### **DECISION:**

- (1) That the outline proposals, as stated in the report, be approved.
- (2) That the Head of Operations in consultation with the Cabinet Member for Environment and Sustainability be authorised to agree any amendments prior to the Joint Venture Agreement being entered into.

*ACTION POINT: That the Finance Director checks the rateable value issue for the park*

## 98 **THE ESSEX LOCAL AREA AGREEMENT – INITIAL COMMENT**

The Head of Policy presented the report and referred to the process for agreeing the priorities across Essex and how Local Area Agreement 2 (LAA), 'Liberating Potential', will be taken forward in the Braintree District. It was emphasised that the process will improve outcomes for local people and ensure that no organisation has to work in isolation. The role of Essex County Council (ECC) was explained, how the LAA will be developed with partners and stakeholders, and for initial comment to ECC by 11<sup>th</sup> February 2008, with further comment following our Cabinet meeting on 31<sup>st</sup> March 2008. A Member Briefing on the LAA will be held late February/early March.

Councillor Abbott drew attention to Items 19 and 21 of Appendix 1 and queried how the Council could measure its' carbon footprint and Council projects, without an appropriate budget. To realise this an officer/member group was proposed. In response Councillor Mitchell advised of the Local Authority Carbon Management project and the possibility for a Carbon Manager post, to monitor the carbon footprint

of the Council and on carbon management and sustainability issues.

Councillor Lager considered that the new LAA has many improvements and is centred on people, places, the community and the economy. However, more focus was considered for teenagers - with more things for them to do, local jobs and industry and the economy, and to save people travelling out of the area. The need for well-managed urban settlements was also important for those residents living in towns.

Other Members questioned No 11 of Appendix 1 on 'Greater participation in voluntary clubs and groups' and considered that many clubs and groups do require extra volunteer organisers and that statutory rules and laws impede their roles. It was also considered that lack of resources would affect these proposed outcomes and priorities.

**DECISION:** That the report be noted.

99 **BRAINTREE SWIMMING CENTRE SUB-GROUP**

Consideration was given to the minutes of the Braintree Swimming Centre Sub-Group of 25<sup>th</sup> January 2008. The Leader stated that projects are going ahead, and that the Council's legal department are seeking a written guarantee from Transco regarding long-term gas pressures.

**DECISION:** That the minutes of the meeting of Braintree Swimming Centre Sub Group of 25<sup>th</sup> January 2008 be noted.

100 **LOCAL DEVELOPMENT FRAMEWORK PANEL**

Councillor McCrea presented the extract from the minutes of the Local Development Framework Panel of 30<sup>th</sup> January 2008, regarding the progress report. There had been recognition of further studies to be completed by the end of May, with the Preferred Options Document for publication by end of September 2008. Existing funding from the Planning Delivery Grant was noted, and the need for additional funding for other studies, estimated at £70,000 plus Inspectors and programme officer costs.

**DECISION:** That the identified future funding requirements be met from the Planning Delivery Grant and Growth Area funding, as appropriate.

101 **DELEGATED DECISIONS**

That the following delegated decision be noted

- Councillor Harley – to approve the Council's response to the consultation by Uttlesford District Council on their Core Strategy Preferred Options Local Development Document.

102 **APPOINTMENT OF REPRESENTATIVE – BRAINTREE COLLEGE GOVERNING BODY**

Cabinet considered the re-affirmation of the appointment of Councillor Mrs Sandbrook as the Council representative to serve on the Braintree College Governing Body.

**DECISION:** That Councillor Mrs Sandbrook be appointed as the Council's representative on the Braintree College Governing Body up to 22<sup>nd</sup> July 2011.

103 **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) **Notice of Temporary Increase in Investment Limits**

Councillor Lager presented a briefing note on the 'Notice of Temporary Increase in Investment Limits', and explained that under the VAT Shelter arrangement between the Council and Greenfields Community Housing (GCH) the Council had received an amount of £27m in December 2007 to be invested for a three-month period, the benefits of which would be divided on a 50:50 basis between GCH and the Council. The top two categories of counterparty with which the Council could place investments had been increased on a temporary basis (until 28<sup>th</sup> February 2008).

**DECISION:** That the briefing note on 'Notice of Temporary Increase in Investment Limits' be agreed.

(ii) **Mountain Biking event at the Olympics 2012**

Councillors expressed their disappointment on Weald Country Park at Brentwood not be chosen to host the mountain biking event at the Olympics in 2012.

**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 paragraphs 1& 3 of Part 1 of Schedule 12 (A) of the Act.

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104 **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 7.15pm and closed at 8.56pm

G BUTLAND

(Leader)