

Minutes

Cabinet

4th June 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	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

R J Bolton, Chairman of the Halstead Area Committee

T J W Foster, Chairman of the Witham Area Committee

S M Walsh, Chairman of the Braintree Area Committee

J E Abbott, Leader of the Green Group

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

Dr R L Evans, Leader of the Labour Group

Councillors Ms C J Denise, A V E Everard, E R Lynch, D Mann, Mrs J M Money, A F Shelton, F Swallow and Miss M Thorogood were also in attendance.

The Leader welcomed Councillors and the press and public to this the first meeting of the Cabinet under the new Conservative Administration. Although there were fewer Cabinet Members a larger number of Members had been invited. This included deputy Cabinet Members, the Chairmen of the Area Committees (what will become Local Committees from Wednesday 6th June 2007), Group Leaders and the Chairman of the Overview and Scrutiny Committee. He welcomed contributions from all sides and anticipated that the presence of invited Members would enable two way communications between Cabinet and the respective groups. On the issue of Local Committees the Leader expected that Members of Cabinet and Deputy Portfolio Holders would make themselves available to attend these meetings, particularly if and when there were issues arising within their portfolios to be debated.

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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 David Triggs, Democratic Services, on 01376 552525 or email

davtr@braintree.gov.uk

1 **DECLARATIONS OF INTEREST**

There were no interests declared.

2 **MINUTES**

DECISION:

That the minutes of the meeting of the Cabinet held on 26th March 2007 be approved as a correct record and signed by the Leader.

3 **QUESTION TIME**

There were no questions asked or statements made.

4 **LOCALITY MANAGEMENT PILOT**

The Leader presented a report setting out the vision and aims of locality management, the objectives of the pilot, the idea of creating locality plans for the Braintree, Witham and Halstead areas. He introduced Michelle Jones, the Braintree Locality Manager and explained that this project was in its early stages. He was keen to establish links between the locality management and the local committees. Councillor Butland advised Cabinet that he had written to the Leader of Essex County Council with a view to having further discussions and these would include the issue of how locality management could involve Essex County Council and County Councillors. He wanted also to ensure that the expansion of this project across the District included Parish and Town Councils as well as other public agencies and discuss how this would link into the Local Area Agreement (LAA) targets and the Local Strategic Partnership (LSP or PACT) targets.

In responding to a question about resources the Leader explained that at the Council AGM he had announced that the Local Committees would receive initial funding of £300K to allocate to local projects of the committee's choice. In response to another question as to whether the local committees would consult with their local communities the Leader hoped this would be the case but did not wish to dictate to the Local Committees how they should operate.

DECISION:-

- (1) That a paper be prepared for discussion at Local Committees, County Council and Parish Council level on the opportunities for collective decision-making and influencing;
- (2) That the above paper be considered by all relevant partners by end of July 2007;
- (3) That the Chief Executive review and make recommendations on the appropriate level of resourcing of Local Committees and enhancing local engagement;
- (4) That the overall approach and outcomes set out in the report be endorsed; and
- (5) That arrangements be made for discussion between the District Council, the County Council and Parish Council representatives as to the development of multi-agency locality decision-making, influencing and shaping.

5 FINANCIAL OUTTURN

The Cabinet Member for Resources and Performance presented a report on the financial outturn of the Council for the financial year 2006/07, covering both revenue and capital. The report set out details the main reasons for variances and details proposed movements on financial reserves and these were highlighted by Councillor Lager. The report also made recommendations concerning requests to carry over budgets to be applied in 2007/08.

During consideration of the report Councillor Abbott expressed concern at the plight of the youth football team from Silver End following demolition of their pavilion and changing rooms situated at the Silver Street Playing Fields. Councillor Beavis, Cabinet Member for Community Support and Engagement was aware that discussions had been progressing with officers but as she did not know the exact position she agreed to follow this matter up urgently and report back to Councillor Abbott. It was further noted that a report on the Capital Programme would be brought to Cabinet in July for review.

DECISION:

1. That the financial outturn for 2006/07 and proposed action for the Medium Term Financial Strategy, be noted.
2. That the carry over of budgets for revenue and capital in to 2007/08, as detailed in Schedules A, B and D to the Cabinet report, be approved.
3. That the changes to earmarked reserves reflected in the outturn report, as detailed in Appendix C to the Cabinet report and including the additions shown in Schedule C to the Cabinet report, be approved.

Action Point: That Councillor Beavis investigates the situation so far as the Silver End Football Club is concern, takes appropriate action and provides a progress report to Councillor Abbott.

6 CORPORATE PERFORMANCE PLAN AND CORPORATE ACTION PLAN

Councillor Lager, Cabinet Member for Resources and Performance, introduced the draft Performance Plan and explained that this set out

- a summary of the Council's performance during 2006/7
- the improvement trend from 2005/2006; and
- projected performance in 2007/08

It was noted that this Plan would need to be approved by the Council at its meeting on 18th June and published by the statutory deadline of 30th June 2007.

He also referred to the draft Action Plan which had been circulated prior to the meeting, with a further update being available at the meeting. This outlined the high profile projects and initiatives which will be delivered in the community during 2007/08 together with details of the Council's achievements during 2006/07. Councillor Lager emphasised the excellent work that had been undertaken to improve performance on the Council's planning targets. He also emphasised the need for the Council to focus on performance during the next year as performance was not good enough in all areas.

DECISION:

- (1) That the draft Corporate Performance Plan and draft Corporate Action Plan be noted.
- (2) That the Leader of the Council be authorised to approve the final draft of both the Corporate Performance Plan and the Corporate Action Plan for recommendation to the Council.
- (3) That both Plans be communicated to all Members, partners, stakeholders and the public when complete.

7 **SCRUTINY ANNUAL REPORT**

The Leader invited the Chairman of the Overview and Scrutiny Committee to present the Overview and Scrutiny Annual Report 2006/07 to Cabinet. Councillor Gage highlighted the key pieces of work undertaken by the Scrutiny Panel and the Policy Development Groups during the last year. He then went on to report on the work programme of the Overview and Scrutiny Committee as agreed at its meeting held on 30th May 2007.

DECISION: That the report of the Overview and Scrutiny Chairman be noted.

8 ****COMMUNITY TRANSPORT**

Councillor Harley, Cabinet Member for Enterprise and Infrastructure, presented a report setting out proposed changes to the management of Essex County Council's community transport schemes and the transfer of the management of the Braintree scheme to this Council.

DECISION:

- (1) That Essex County Council (ECC) be advised that this Council endorses the transfer of the Braintree Community Transport to Braintree District Council, subject to ECC funding being maintained in accordance with the Partnership agreement (2006-2011), there being no additional cost to the Council, and a satisfactory transfer agreement being reached by both parties.
- (2) That the transfer of the Braintree Community Transport scheme to this Council take effect from 1st August 2007.

9 **HOUSING TRANSFER – SECTION 25 LOAN**

Councillor Lager. introduced a report setting out a request from Greenfields Community Housing (GCH) for an additional loan to enable them to start the acquisition of land for new premises as soon as possible. The report proposed that the request be recommended for approval to the Council subject to requiring GCH to continue to meet the accommodation costs that they are currently being charged until at least 31st December 2008. During discussion it was pointed out that although GCH could look to purchase existing facilities rather looking to build accommodation this decision was one for GCH to take and not this Council.

DECISION: That it be recommended to the Council that, subject to approval by the Department for Communities and Local Government (DCLG), the Council approve an additional loan of up to £1.5m to GCH under Section 25 of the Local Government Act 1988, subject to the terms and conditions as detailed in the Cabinet report.

10 YOUTH NUISANCE AND TOWN CENTRE SAFETY

Councillor Mrs Schmitt, Cabinet Member for Public Protection and Healthy Living, referred to the report of the Public Safety Policy Development Group following its examination of alcohol, young people and drug related crime. This report had been presented to the Council and the report and its recommendations were now referred back to Cabinet for consideration. Councillor Mrs Schmitt welcomed the report and thanked the Chairman and Members of the PDG for their hard work. She went on to clarify the position so far as the various conclusions and recommendations were concerned.

During the course of the debate and in considering the recommendations it was noted that the Government still had to issue Guidance regarding the Police and Justices Act.

DECISION:

- (1) That the recommendations of the Policy Development Group, as out below, be endorsed and taken forward by the Cabinet Member where possible.
- (2) That in respect of the last recommendation this be referred to the Local Government Reform Group as part of its review of the role of the front line Councillor
 - That the BDC Cabinet Member for Community Safety, in conjunction with Community Safety Partners,
 - reviews their interpretation of the data protection laws as they relate to Ward Members to enable them to fulfill their role as community representative, as set out the BDC Constitution,
 - have regard to the finding of this Group in respect of the feeling of lack of empowerment amongst Ward Members, and
 - ensures effective communication between those responsible for the implementation of the new scrutiny powers in Braintree with those responsible for the implementation of the new Crime and Disorder procedures by Essex Police in the District to avoid damaging the partnership.
 - That whatever the fora for dealing with Community Safety issues in Braintree exists, information is made readily available to the public and these are advertised widely.
 - That Ward Members are kept informed, using a simple “traffic light” system, about action taken in respect of community safety issues.
 - That “the role of the ward member as an empowered community champion” is adopted by Braintree District Council as a topic for scrutiny investigation in 2007/8, along the lines proposed in Neighbourhood renewal and social inclusion – a councillor’s guide to scrutiny: IDeA, October 2006.

11 ANTI-SMOKING LEGISLATION

Councillor Mrs Schmitt, Cabinet Member for Public Protection and Healthy Living, presented a report that set out a number of recommendations from the Council’s Management Board explaining how the Smoking Legislation due to come into force on 1st July 2007 should be implemented at the Council. The legislation would make it unlawful to smoke in enclosed public spaces, including places of work.

DECISION: That the following recommendations made by Management Board be endorsed:-

1. That the Council continues to allow smokers time to smoke.
2. That a temporary designated smoking area be made available at Causeway House and Millennium Tower until the future of office accommodation is decided once the Housing transfer process is complete.
3. That no smoking be permitted around entrances or exits or within 10 metres from main buildings.
4. That staff be allowed paid time off to attend non smoking programmes or counselling.
5. That the position be reviewed regularly.
6. That staff be informed that failure to adhere to the Council's Smoking Policy could result in disciplinary action being taken.

12 **PLAY STRATEGY**

Councillor Mrs Schmitt, Cabinet Member for Public Protection and Healthy Living, introduced the draft Play Strategy developed in conjunction with the Braintree District Play Partnership, a sub-group of the Children and Young People's Strategic Partnership (CYPSP), led by Braintree District Council.

Cabinet was informed that the strategy had been developed through consultation with over 4000 children and young people, based upon the ethos of free access and free choice, and therefore covers a much wider area than just access to fixed play areas and provision.

Through the consultation process a range of themes emerged around play, these were: -

- More facilities for younger teenagers aged 11-13 (identified by the children themselves and also younger children).
- The need for continued consultation with children and young people.
- A change of attitude by adults, to children's play
- The need for development of imaginative play for all ages.
- Specific opportunities for vulnerable groups.

It was accepted that in order for the strategy to be effective it would need to be adopted by all partners comprising the Play Partnership. During discussion it was noted that implementation of the Play Strategy would be resourced through bidding for part of the £124 million "Children's Play Fund" administered by the Big Lottery Fund. This Council's allocation of lottery money as allocated by the Department of Culture, Media and Sports is £270,849.

DECISION

- (1) That the Play Strategy, as attached to the Cabinet report, be adopted.
- (2) That the Cabinet Member with responsibility for Children and Young People take on the role of District Play Champion.

13 STANSTED GENERATION 2

Councillor Harley, Cabinet Member for Enterprise and Infrastructure, presented a report that outlined details of the BAA consultation on Stansted Generation2 Surface Access Strategy (SAS) which described the policies, infrastructure and service provision that would be necessary to support the proposed second runway at Stansted airport.

The consultation document published by BAA in collaboration with the Department for Transport (DfT), the Highways Agency and Network Rail outlined proposals for transport infrastructure that included:

- Reducing the need to travel by car (Restrictions on people using cars to access the airport)
- Improved public transport (Rail, Bus and Coach services)
- Make best use of existing highway infrastructure (road widening)
- Providing new highway infrastructure (New junctions on the M11 and A120)
- Allowing for local road stopping up and diversions.

In presenting the report Councillor Harley highlighted that little reference had been made by BAA to the impact caused on the environment to the west of Stansted including this District. During discussion it was agreed that greater emphasis should be placed on the need for improved public transport links from Colchester through to Stansted. It was also agreed that the Council should call on BAA to provide whatever measures they deem necessary, having undertaken thorough research, that will negate the environmental impact on the Braintree District, in particular the anticipated additional pollution and congestion. Finally it was felt that the Council should emphasise the importance of opposing off-site airport parking rather than 'park and ride', as such facilities would act as a magnet for additional traffic, congestion and pollution.

DECISION: That the Cabinet Member for Enterprise and Infrastructure be authorised to agree the final wording of the Council's response to the BAA consultation paper, in line with the comments of Cabinet, as set out above, with particular with reference being made to

- (a) the road infrastructure west of the airport
- (b) the rail link/public transport being provided from Colchester to Stansted and
- (c) the park and ride being referred to as off-site airport parking.

14 SUSTAINABILITY VISION STATEMENT

Councillor Walters, Cabinet Member for Environment and Sustainability, referred to the draft Sustainability Vision Statement as recommended by the Environment Policy Development Group and as already debated by the Council.

He explained that he fully supported the Statement as this was a key part of the Council's Direction and Ambition. Following a full debate and subject to one or two minor corrections Cabinet adopted the Statement as a working document.

DECISION: That the Sustainability Vision Statement, as set out at Appendix 1 to these minutes, be adopted as Council policy.

15 GREEN TRAVEL PLAN

Councillor Walters, Cabinet Member for Environment and Sustainability, presented a report outlining the different stages and work in progress towards a Council Green Travel Plan.

DECISION: That the development of a Green Travel Plan, as outlined in the Cabinet report, be approved.

16 WASTE STRATEGY

Councillor Walters, Cabinet Member for Environment and Sustainability, gave a very full verbal report on the work of the West Essex Area Waste Management Committee and its proposal to move forward with an outline business case seeking funding for large scale waste plants that would provide a solution in dealing with the residual waste within Essex. Councillor Walters touched upon the Council's policies and the need for the Council to consider its position by 31st July 2007, the date set by the West Area Panel for signing the Memorandum of Understanding. This document would set out what was hoped would be a jointly agreed solution signed by the twelve Essex Authorities.

Councillor Abbott expressed his strong concern that what he called a waste incinerator was being forced on Rivenhall and communities around Rivenhall would be detrimentally affected.

The Leader agreed that a full report would come to the July meeting of Cabinet and a recommendation would then be considered by Council on 30th July. In the meantime he would invite Group Leaders to join himself and Councillor Walters in meeting Councillor Peter Martin the County Councillor with responsibility for waste. The Leader would also consider if a special Council briefing for Members would be required. He emphasised that whatever solution was agreed it would impact upon the whole District and not just Rivenhall.

DECISION: That the oral report be noted and a full report be brought to Cabinet on 16th July.

17 DELEGATED DECISIONS

That the following delegated decisions be noted:

- (1) Councillor Walsh – decision to amend the adopted private sector housing renewal policy;
- (2) Councillor Mrs Schmitt – decision to amend the joint statement of intent between the Council and the Braintree District Museum and Study Centre Trust.

18 APPOINTMENTS TO OUTSIDE BODIES

DECISION: That the following appointments be made for the 2007/08 Civic Year:

Essex LGA (1)	G Butland
Local Government Information Unit	T Wilkinson
South Anglia Group	S Walsh
Blackwater Neighbourhood Board	S Walsh Ms C Denise Cllr Everard

Braintree District Access Group	Lady Newton
Braintree CAB Management Board	F Swallow
Braintree Enterprise Units Managing Body	N Harley
Braintree College Governing Body	Mrs C Sandbrook
Business Development Services (NW Essex)	N Harley T Wilkinson
Children's Trust Board	Mrs E Edey
Responsible Authority Group	Mrs W Schmitt
County Youth Strategy Group	Mrs W Schmitt A Meyer
Essex Supporting People Commissioning Body	S Walsh
The St Matthews Society	J Collar
Waste Management Advisory Board for Essex & S'end	R Walters
West Area Waste Management Joint Committee	R Walters
Braintree District Voluntary Support Agency	Mrs S Howell
Leisure Partnership Consultative Board	Mrs J Beavis and Mrs J W Schmitt
Essex Overview and Scrutiny Committee	A F Shelton

19 **APPOINTMENTS TO CABINET GROUPS/BOARDS**

DECISION: That the Membership of the following Cabinet Groups be agreed as set out below:-

- (a) Housing Transfer Programme Board: Councillors G Butland, J E B Gyford, M C M Lager, E R Lynch and S M Walsh.
- (b) Joint Consultative Group: Councillors G Butland, R G Walters and T S Wilkinson.
- (c) Braintree Pools Sub Group: Councillors G Butland, A F Shelton, Mrs W P Schmitt and two nominees from the Labour Group;
- (d) London 2012 Working Group: Councillors Mrs J C Beavis, N R H O Harley, Mrs J M Money and T S Wilkinson and two nominees from the Labour Group;
- (e) Local Government Reform Sub Group: Councillors J E Abbott, Mrs J C Beavis, G Butland, Dr R L Evans, M Gage, J McKee and N G McCrea;
- (f) Performance and Efficiency Programme Board: Councillors G Butland, M C M Lager and J McKee

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

Councillor Mitchell, Deputy Cabinet Member for Environment and Sustainability outlined the work being undertaken under the Local Authority Carbon Management Programme, a joint project involving Colchester Borough and Uttlesford District Councils. The Council had been successful in bidding for resources and part of the funding was supporting consultants employed by the Carbon Trust who would come in to look at the Council's systems and processes with the aim of measuring the Council's carbon footprint, leading to an action plan to reduce this footprint, reduce waste and help to educate the public and businesses as a result. He recommended that a small project board be established of three or four Councillors. The Leader agreed that this proposal be looked at further.

EXCLUSION OF PUBLIC AND PRESS

DECISION:-

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

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

21 **ASSET MANAGEMENT – LAND IN BRAINTREE**

The Cabinet Member for Resources and Performance introduced a report and a recommendation from the Braintree Area Committee. Members were asked to approve granting access over the Council's land on the terms to be agreed by the Asset Manager.

DECISION:- That a right of access be granted over the land as set out in the report to Braintree Area Committee on 24th April 2007, on terms to be agreed by the Asset Manager.

The meeting commenced at 7.15pm and closed at 9.40pm

G BUTLAND

(Leader)

Sustainability Vision Statement

A sustainable way of life is one that can continue to be enjoyed indefinitely. It must neither exhaust resources nor cause levels of pollution that would degrade the quality of life of future generations.

Although progress has been made locally in many areas, notably recycling, the overall impact of the way our society is organised in Essex means that if everyone on the planet lived the same way, it would take 3 Earth's to support us. This is not sustainable in the long term.

Sustainability is a vital element in the development of all of the Council's Strategies and Policies. Braintree District Council will organise its own operations to:

1. Minimise the use of fossil fuel and other non sustainable natural resources;
2. Improve energy efficiency and reduce energy wastage;
3. Minimise pollution, including reducing CO₂ emissions and other materials which cause climate change or damage health;
4. Minimise waste production and maximise re-use and recycling;
5. Protect the landscape and wildlife;
6. Conserve water resources.
7. Promote green travel plans

The Council will also encourage residents and businesses to act sustainably through education and appropriate incentives by the enactment and enforcement of regulations.

The principle of Sustainability is necessarily a major feature of the Local Development Framework and of Housing, Waste, Transport and Economic Development Strategies. It is also important in many other council policies.

Our Strategies and Policies will be focussed externally to:

- Reduce the need to travel and encouraging the use of public transport; walking and cycling
- Create a better balance between housing and local employment;
- Design new development so that housing, shops, schools, hospitals and public facilities are integrated with the public transport system;
- Co-ordinate private and public transport links [park and ride into town centres and parkway stations];
- Encourage the use of local supplies and services;
- Allow for solar capture when siting buildings and setting development densities;
- Require high standards of energy efficiency in new buildings through insulation, and efficient heating and ventilating systems;
- Improve the energy efficiency of new and existing buildings and reducing energy wastage (including light pollution);
- Require and encourage energy capture including active solar heating systems, photo voltaic and wind generation;
- Encourage the use of local Combined Heat and Power schemes where suitable;
- Conserve water resources;
- Improve biodiversity;
- Encourage the sourcing of goods and materials from more local, more ethical and more sustainable sources;

- Maximise re-use and recycling from households and businesses, minimising waste and providing safe disposal, and/or recovery of dangerous materials;
- Encourage citizens, businesses and developers to act sustainably by providing information and incentives;
- Encourage recreational activities which do not place an unacceptable burden on the environment;
- Use all these measures to bear down on impacts which adversely affect people's health including air pollution, environmental stress (such as noise and traffic) and road and transport safety.
- Actively resist developments or activities that have a demonstrable significant negative impact on these stated aims.

The Council will work with partners to promote a sustainable future. In January 2006, the Council committed itself to the Nottingham Declaration on Climate Change in a joint signing with Uttlesford District Council. The Council has also adopted a new policy and action plan in its Sustainable Energy Strategy.