

# Minutes

## Cabinet

31<sup>st</sup> March 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	Apologies
Councillor Mrs J C Beavis	Community Support and Engagement	Yes
Councillor M C M Lager	Resources and Performance	Apologies
Councillor Mrs J W Schmitt	Public Protection and Healthy Living	Yes
Councillor R G Walters	Environment and Sustainability	Yes

<b>Deputy Cabinet Members</b>	<b>Portfolio</b>	<b>Present</b>
Councillor N G McCrea	Leader's Portfolio	No
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	Apologies
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 R J Bolton, Chairman of Halstead Local Committee  
Councillor Dr R L Evans, Leader of the Labour Group  
Councillor T J W Foster, Chairman of Witham Local Committee  
Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association

Councillors D L Bebb, A V E Everard, D Mann, J P O'Reilly-Cicconi and Miss M Thorogood were also in attendance.

Apologies for absence were also received from Councillor S M Walsh, Chairman of Braintree Local Committee.

### 105 **DECLARATIONS OF INTEREST**

The following Declarations of Interest were made

- Councillor G Butland declared a personal interest during Agenda Item 9(f), the minutes of the Local Government Reform Cabinet Sub Group of 20<sup>th</sup> February 2008, and the issue of a Members Training Day on 7<sup>th</sup> June 2008 – the same date as the Braintree Carnival. Councillor Butland is the Chief Executive of East Anglia Children’s Hospices, which is a nominated beneficiary from the Carnival.
- Councillor R G Walters declared a personal interest during Agenda Item 10(a), Licensing Enforcement Study, as the recommendation referred to Essex Trading Standards. Councillor Walters, in his capacity of County Councillor is the Executive Member for Trading Standards at Essex County Council.

In accordance with the Code of Conduct both Members remained in the meeting for these items and took part in the debate and decision thereon.

106 **MINUTES**

**DECISION:** That the minutes of the meeting of the Cabinet held on 4<sup>th</sup> February 2008 be approved as a correct record and signed by the Leader.

The Leader referred to Minute 89 – Draft Medium Term Financial Strategy 2008/09 to 2011/12 and the reference to concessionary bus fares, and Councillor Wilkinson informed the Cabinet that there are to be no changes to the scheme and the public can continue to use the concessionary fares service from 9.00am.

107 **QUESTION TIME**

There were three statements made, a summary of which is attached as an Appendix to these minutes.

108 **REFERENCE FROM COUNCIL MEETING 18<sup>TH</sup> FEBRUARY 2008 – BDC ALLOTMENTS TASK & FINISH GROUP REPORT**

At the Chairman’s discretion this item was moved forward on the agenda and Councillor Bebb, Chairman of the BDC Allotments Task & Finish Group, presented the report and its findings. Reference was made to a recent article in the national press where the Local Government Association are calling on developers to set aside areas of greenery within new building projects, where a shortage of allotments is a local problem. This article substantiated the findings of the report and the need for allotments by young and old persons, and the links with national and local priorities on environmental, social and health functions. The findings of the Task & Finish Group were emphasised, including the recommendations at Pages 25 & 26 of the report.

The Leader advised that Cabinet had three months to consider the recommendations of the Task & Finish Group, and stated that the Portfolio Holder for Environment & Sustainability, Councillor Walters, would initiate a report and recommendations to be received at Cabinet on 7<sup>th</sup> July 2008.

Councillor Abbott proposed that dormant allotments sites could be brought back into use, i.e. at Rivenhall, although the legal ramifications would need to be explored.

Councillor Dr Evans advised that whilst he held an allotment at Cut Throat Lane, Witham it was frequently vandalised, and that the Council as a landlord should ensure security and help to promote the creation of allotment associations.

Councillor M G Gage agreed it was an excellent report and considered it is the person that is involved in these schemes that make the difference, i.e. Nick Day, and Councillor Mrs Gage at Halstead, as they encourage action to be taken.

Councillor Walters congratulated the Task & Finish Group on its report, advised that the allotment problems could not be solved overnight, and stated that the comments made during Question Time and any other valued comments will be taken into account.

Closing this item, the Leader proposed that a comprehensive response be produced, clarifying the short and long term strategic objectives, including opportunity costs, with clear decisions and choices, and displaying a key role for front line Councillors.

*ACTION POINT: Report and recommendations to 7<sup>th</sup> July 2008 Cabinet meeting.*

#### 109 **SAFEGUARDING CHILDREN**

Councillor Mrs J W Schmitt, Cabinet Member for Public Protection & Healthy Living, advised that under the Children's Act 2004 the District Council has a duty on safeguarding children, and this new policy is in line with the Southend, Essex and Thurrock Child Protection Procedures produced by Essex Safeguarding Children Board. The report explains the role of the Council and relevant procedures, including contacts, the referrals process and guidance on staff behaviour.

Councillor Butland queried whether Criminal Record Bureau (CRB) checks are made for elected Members, as their role may include contact with children, i.e. at the Crucial Crew event. It was agreed that the authority should consider its position on this issue.

**DECISION:** That the revised Safeguarding Children policy be adopted.

*ACTION POINT: That the Council considers CRB checks for Councillors involved in activities that bring them into close proximity to children.*

#### 110 **LONDON 2012 CABINET WORKING GROUP – WORK PROGRAMME 2008/09**

Cabinet received an extract from the meeting of the London 2012 Cabinet Working Group held on 28<sup>th</sup> February 2008 on their Work Programme 2008/09, and the initiatives that require part funding.

Members congratulated the London 2012 'team' on securing four venues in the Braintree District that may be used by international teams for training purposes during the Olympics, and for the caption 'Active Braintree'.

**DECISION:** That revenue expenditure totalling £8,000 for the Work Programme 2008/09, as outlined at Minute 5 of the London 2012 Cabinet Working Group's meeting of 28<sup>th</sup> February 2008, be approved.

111 **BRAINTREE SWIMMING CENTRE SUB GROUP**

Consideration was given to the minutes of the Braintree Swimming Centre Sub Group held on 27<sup>th</sup> February 2008. The Cabinet stated that the new Swimming Pool at Freeport, Braintree that opened on Saturday 29<sup>th</sup> March 2008, was a 'first class' facility at the heart of north Essex. The Leader also thanked all staff and Members in the delivery of the swimming pool.

**DECISION:** That the minutes of the meeting of the Braintree Swimming Centre Sub Group of 27<sup>th</sup> February 2008 be noted

112 **DRAFT ESSEX LOCAL AREA AGREEMENT**

The Leader presented the report on the draft Essex Local Area Agreement, and the links with Essex County Council and other organisations to support the priorities across Essex.

**DECISION:**

- (1) That the report be noted
- (2) That authority be delegated to the Leader of the Council to sign off the final version of the Essex Local Area Agreement on behalf of Braintree District Council.

113 **GROWTH AREA FUNDING**

Cabinet received a report on proposed governance arrangements for the Growth Area Funding initiative between Braintree District Council and Chelmsford Borough Council. This would comprise representation on a Growth Fund Board jointly with Chelmsford Borough and Essex County Councils for strategic decisions, and a Braintree Programme Board to oversee the Braintree District elements of the growth funding.

The Leader proposed the following representatives

Growth Fund Board – The Leader of the Council

Braintree Programme Board - Cabinet Member for Enterprise & Infrastructure  
Chairman of the Local Development Framework Panel  
Chairman of Braintree Local Committee  
Chairman of Halstead Local Committee  
Chairman of Witham Local Committee  
The Leader of the Council (ex-officio Member)

It was agreed that the Vice Chairman of the Local Committee could act as substitute if the Local Committee Chairman was unable to attend.

**DECISION:** That the governance arrangements for growth area funding as set out in the report, and specified above, be agreed.

## 114 **CLIMATE CHANGE PROGRESS REPORT 2008**

Councillor Mitchell, Deputy Cabinet Member for Environment & Sustainability, presented the report on ways the Council, under the Sustainable Energy Strategy, has played a leading role in carbon emission reduction in its buildings and services, and in the wider community. It was noted that a new post of Climate Change Manager is to be created to ensure the improvements stated within the report are implemented.

Councillor Abbott considered there were notable omissions from the report and he had compiled a short report. The Council has opportunity to do much more, particularly in planning development where conditions are not exercised on energy issues, and other areas - using renewable energies in the refurbishment of the community halls, the destruction of trees and wildlife habitat at the Spring Lodge site in Witham.

It was agreed that the report list be passed to the Cabinet Member for consideration, and Councillor Abbott requested that the Council act pro-actively, e.g. by ensuring that car parks in the District are not lit all night.

The Leader agreed that many issues and policies had to be encompassed to give the Council an integrated approach on Carbon Management.

### **DECISION:**

- (a) That the progress made on climate change during the past year, the actions proposed for 2008/09 and the climate change indicators in the new national performance framework be noted.
- (b) That a revised climate change strategy be developed encompassing the various strands already adopted by the Council. Strategy to be presented to Cabinet 9<sup>th</sup> October 2008

*ACTION POINT: Revised climate change strategy to Cabinet on 9<sup>th</sup> October 2008.*

## 115 **CHOICE BASED LETTINGS**

Councillor Mrs Beavis, Cabinet Member for Community Support & Engagement, reported that the progress and policy changes on Choice Based Lettings had been supported by all three Local Committees, and the proposals on partnership working undertaken by the Greater Haven Gateway Sub-region.

**DECISION:** That the consultation being undertaken by the Greater Haven Gateway Sub-region on the Choice Based Lettings Draft Allocation Policy be noted, and (i) the changes to the current banding scheme as set out in the Draft Allocations Policy be supported, and (ii) the cross boundary mobility pilot scheme be agreed

## 116 **ANNUAL AUDIT MANAGEMENT LETTER**

Cabinet received the Annual Audit and Inspection Letter and noted its' key messages including performance levels, improvements to the benefits service, and overall assessments.

Councillor M Gage, as Chairman of the Overview & Scrutiny Committee, referred to

'actions' needed by the Council (Page 4 of report) and on support for the revised structure on overview and scrutiny arrangements to ensure effectiveness. The present staffing levels working on overview and scrutiny were quoted, and a request was made for additional resources.

In response, the Leader considered that Councillors themselves could enhance resources as the process should be a combination of officer and member input.

**DECISION:** That the Annual Audit and Inspection Letter be noted, and views be sought from the Audit Committee.

*ACTION POINT: - That the Audit Committee considers appropriate actions following the Annual Audit & Inspection Letter.*

## 117 **SHAPING UP FOR EXCELLENCE**

The Chief Executive referred to the comments in the Annual Audit Letter, and how improvements at the Council can be delivered through Customer Service, Performance, Efficiency and Quality. Outcomes over the next three years are to improve satisfaction levels – for both customers and staff, increase performance on a national and local level, to reduce costs and provide greater value through the Medium Term Financial Strategy, and to generally increase public participation.

Four corporate project groups are to be established to drive forward improvements, including engagement with all Members, and on looking to make small improvements that make a difference. Action Plans and Improvement Plans will be produced annually, and link in with the Direction and Ambitions Statements of the Council.

Early action is important and this will be addressed through

- the Local Development Framework
- Growth Areas
- economic development changes
- changes in the way we work, and greater efficiencies – working with Essex County Council and Colchester Borough Council
- communication to inform and involve
- improved customer satisfaction
- action on carbon management/sustainability issues, and
- to drive up performance and provide more valuable service to the customer.

The Leader emphasised that 'Shaping up for Excellence' is not only for officers, but also an enhanced role for the elected Member, and a seminar will be held on a Saturday during June to explain this significant period of activity over the next three years.

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

## 118 **PERFORMANCE AND EFFICIENCY**

**Minutes of Performance & Efficiency Programme Board – 19<sup>th</sup> February 2008; Quarterly Monitor for Quarter Three 2007/2008, Action and Performance Indicator updates, and Financial Report – 1<sup>st</sup> April to 31<sup>st</sup> December 2007**

Councillor McKee referred to the Performance Indicators of the Quarterly Report

received at the meeting of the Performance and Efficiency Programme Board, and provided explanations to those areas currently at red (below target) or amber (slightly below target). Reference was made to the Business Efficiency Reviews and restructuring in the payroll section.

The Leader moved the adoption of the minutes of the Programme Board and the acceptance of the Performance and financial reports.

**DECISION:**

- (1) That the minutes of the Performance & Efficiency Programme Board of 19<sup>th</sup> February 2008 be noted.
- (2) That the Quarterly Monitor for Quarter Three 2007/2008, Action and performance Indicator updates be noted.
- (3) That the anticipated revenue outturn for the General Fund Revenue and Housing Revenue Accounts for 2007/08 be noted.
- (4) That the expenditure incurred on capital schemes for the period 1<sup>st</sup> April to 31<sup>st</sup> December 2007 be noted.

**That it be RECOMMENDED TO COUNCIL:-**

- (5) (a) That requests for budget allocations to be carried forward to 2008/09, as detailed in the report, be approved  
  
(b) That a budget allocation of £45,000 from the LABGI reserve be approved to fund one-off support in developing the Economic Development Strategy for the district.

119 **CORPORATE ACTION PLAN**

The Leader requested Cabinet Members to scrutinise the Draft Corporate Action Plan 2008-2009 that was tabled at the meeting, in relation to their portfolios and discuss any queries with officers.

**DECISION:** That the draft report be noted and the Leader sign off the final Plan by end of April 2008.

120 **WEBCASTING**

Councillor Mrs Beavis, Cabinet Member for Community Support and Engagement, presented the report on webcasting and advised further work had to be done, including publicising the facility and to explore into new areas, i.e. contentious applications at the Planning Committee.

Councillor Butland considered that the Council should also use the facility to promote its services, and the new projects that are created for the District, e.g. the new Braintree pool, and provide support to tourism in the area.

**DECISION:** That the Council continues to support webcasting on an ongoing basis, and a budget be set aside of £2,000 to support evening meetings.

121 **LOCAL GOVERNMENT REFORM CABINET SUB GROUP**

The Leader presented the minutes of the meeting of the Local Government Reform Cabinet Sub Group held on 20<sup>th</sup> February 2008, including Member Development and meeting the new role as a frontline Councillor.

Councillor Dr Evans referred to the Member Conference item in the minutes, and advised that the first Saturday in June that had been proposed as a conference date, is also the same day as the Braintree Carnival. The Leader replied that alternative dates would be considered although it may not be possible to re-arrange the event.

**DECISION:** That the minutes of the meeting of the Local Government Reform Cabinet Sub Group of 20<sup>th</sup> February 2008 be noted.

*ACTION POINT:- Officers to reconsider the proposed date (7<sup>th</sup> June) of the Member Conference.*

121 **REFERENCES FROM COUNCIL/COMMITTEES/GROUPS**

(a) **Council Meeting 18<sup>th</sup> February 2008**

▪ **Licensing Enforcement Study**

Councillor M Gage, Chairman of the Overview & Scrutiny Committee, presented the recommendations in the Licensing Enforcement Study and accentuated the need to consider additional resources to enable a number of ancillary activities in the Licensing Section to be undertaken, one of these being action to target binge drinking/the sale of alcohol to children. It was felt that partnership working with Essex County Council Trading Standards and the Police needed to be reviewed, and that more contact was required with the Police. A further request was made for a greater Police presence, particularly in supporting the Licensing Enforcement Officer when dealing with high risk issues.

The Leader advised that the Study and recommendations would be considered by the Portfolio Holder, Councillor Mrs Schmitt, and recommendations made to the Cabinet meeting on 7<sup>th</sup> July 2008.

*ACTION POINT:- Report and recommendations to 7<sup>th</sup> July 2008 Cabinet meeting*

▪ **Refuse/Recycling Task & Finish Group report**

The Chairman of the Refuse/Recycling Task & Finish Group, Councillor E R Lynch, has requested this report is received at Cabinet on 2<sup>nd</sup> June 2008.

*ACTION POINT:- Report to be included on 2<sup>nd</sup> June 2008 agenda*

(b) **Braintree Local Committee 20<sup>th</sup> February 2008**

- **\*\*Disposal of Council-owned property – Grenville Road, Railway Street and Spencer Square, Braintree**

**DECISION:** That the three properties as defined in the report at the above locations be disposed of on the open market.

- **Disposal of Council land at Leywood Close, Braintree and Swanside, Braintree**

**DECISION:** That the land at Swanside Braintree and Leywood Close, Braintree as defined in the report, is declared surplus to requirements and sold on terms to be agreed by the Head of Asset Management.

122 **DELEGATED DECISIONS**

That the following delegated decision be noted

- Councillor Lager – to approve the Audit Fees Consultation document

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

There were no reports from Cabinet Members.

**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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124 **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 8.59pm

G BUTLAND

(Leader)

## APPENDIX

### CABINET

31<sup>ST</sup> MARCH 2008

### PUBLIC QUESTION TIME

#### Summary of Questions Asked / Statements Made During Public Question Time

1. Relating to Agenda Item 10(a) BDC Allotments Task & Finish Group report

(i) Statement by Councillor J P O'Reilly-Cicconi

Councillor O'Reilly-Cicconi commended the Task Group on a clear, comprehensive and readable report, and referred to the recommendations, including the health and leisure initiatives, that demand outstrips supply of allotments and the Council should supply more allotments. Nick Day, the Council officer who manages the allotments (except Halstead) without a dedicated budget was to be congratulated for his endeavours. However, Councillor O'Reilly-Cicconi proposed that Allotment Associations should be formed by allotment holders to manage sites, keep them in a fit and proper manner, and to collect rents on behalf of the Council. The Allotment Agreement to the rear of the report was referred to, and that for security of tenure the lease should be for 50 years. This proposal was considered to benefit the Council as it would provide better managed, maintained sites without Council involvement, has one source of management, with less officer involvement, less expenditure and the Council remaining as the owner/overseer of the allotments. Alternative sources of funding could be explored, with Allotment Associations having fund raising initiatives, or Local Committees and other outside bodies being approached for funds. Self-management was considered to be the best option.

(ii) Statement by Richard Playle, Church Street, Witham

Mr Playle explained he was at the meeting with George Bale and Ron Flint, who are fellow plot-holders at the Cut Throat Lane allotment site in Witham – the only remaining working allotment site in Witham. Mr Playle considered that the Task & Finish Group had produced a 'first class' report, but felt that the Council had been negligent in their duties, and allotments had suffered from bad management. The Council did not seem aware of allotments under its control, or the outstanding issues at the Cut Throat Lane site.

Mr Playle continued to quote that the Council had allowed 23% of allotments to disappear in the last 10 years, and asked the Council to ensure their allotment is safe in Witham. Whilst the Council promotes its Aims and Objectives under environmental, communities and healthy living statements, they should look to bring these ideals to allotments and protect them for the future.

(iii) Statement by Ron Flint, Bulford Close, Cressing

Mr Flint advised that he had been a plot-holder at the Cut Throat Lane allotments for the past four seasons, and during that time his plot had been vandalised five times. As Mr Flint lives at Cressing he stores his tools in the shed on the site, and on one occasion the shed had been completely 'gutted' by fire and £500 of equipment had been lost. Therefore, security at the site was requested – not just a paling fence, but something more substantial to protect his neat and tidy plot, and safeguard the plants from being stolen or vandalised.

(i)