

Minutes

Cabinet



1st February 2010

Present:

Cabinet Members	Portfolio	Present
Councillor G Butland	Leader	Yes
Councillor N R H O Harley	Deputy Leader and Cabinet Member for Enterprise & Culture	Yes
Councillor Mrs J C Beavis	Customers & Communication	Yes
Councillor M C M Lager	Efficiency & Resources	Yes
Councillor Lady Newton	Housing & Well-Being	Apologies
Councillor Mrs J W Schmitt	Communities	Yes
Councillor R G Walters	Environment and Sustainability	Yes

Deputy Cabinet Members	Portfolio	Present
Councillor D L Bebb	Customers & Communication	Yes
Councillor Mrs E Edey	Communities	Apologies
Councillor N McCrea	Enterprise & Culture	Yes
Councillor J McKee	Efficiency & Resources	Yes
Councillor R G S Mitchell	Environment & Sustainability	Yes
Councillor Mrs C Sandbrook	Efficiency & Resources	Yes
Councillor C Siddall	Leader's Portfolio	Apologies
Councillor Mrs G Spray	Housing & Well-Being	Yes
Councillor T Wilkinson	Enterprise & Culture	Apologies

The following Councillors were also present as invitees of the Leader

Councillor J E Abbott, Leader of the Green Party, Dr R L Evans, Leader of the Labour Group, and Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association.

Apologies for absence were received from Councillor T J W Foster, Chairman of Witham Local Committee, and Councillor S M Walsh, Chairman of Braintree Local Committee.

Councillors G Cohen, M Dunn, J H G Finbow, E R Lynch, D Mann, Mrs J M Money, R Ramage, A F Shelton and Mrs J A Smith were also in attendance.

The Leader of the Council welcomed everyone to the meeting and advised that the presentation from the Mid Essex Primary Care Trust would be taken first on the agenda.

104 **PRESENTATION FROM THE MID ESSEX PRIMARY CARE TRUST**

INFORMATION: John Niland, Director of Central Essex Community Services explained that they are the current providers for the Braintree area (as part of

the Mid Essex Primary Care Trust) on a wide range of community services for adults and children, including community nurses, physiotherapy, Braintree Community Hospital, health centres and GP surgeries.

The Mid Essex and South East Essex Primary Care Trusts are to separate from the provider parts of their organisations, and be fully independent of each other by April 2011; and views are being requested of the proposed merger of the current providers - Central Essex Community Services (NHS Mid Essex) and Community Healthcare (NHS South East Essex). The original four organisational models had now reduced to two – (i) integration under a Community Foundation Trust or (ii) forming a social enterprise as described in the consultation booklet ‘Delivering modern community health services’. The aim is to provide viable, sustainable and competitive health services in the community and the booklet containing the proposals is to be provided to all Councillors for their views.

During the discussion it was clarified that the contract for the new service provider would be for a three year period, although there is no guarantee that service provision may all eventually be decided by the tender process. Concerns were expressed to the impact on users of the services and that boundaries are not clear, and a ‘seamless’ organisation should be supported. Mr Niland stated that close working is essential and it will be a future challenge to work with other health sector colleagues, i.e. social care.

The Leader of the Council thanked Mr Niland for the presentation, and requested Councillors to forward their comments to the Chief Executive by the deadline of 1st March 2010.

All Councillors

The Leader of the Council, on receiving apologies of absence for the meeting, sent best wishes on behalf of Cabinet to Councillor Mrs Edey who had recently been in hospital; and to Lord Newton who is currently in a London hospital.

105 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

- Councillor R G Walters declared a personal interest as a Museum Trustee appointed by the Council, in Agenda Item 8d - Council Budget and Council Tax 2010/11 that has reference to funding allocation to Braintree Museum.
- Councillor J E Abbott declared a personal interest as Chairman of Rivenhall Parish Council who had made representation on the Local Development Framework referred to in Item 6a – Housing and Planning Delivery Grant.
- Councillor Mrs J W Schmitt declared a personal interest in the Question Time item as being the Cabinet Member that covers the voluntary sector she knew all three speakers.

In accordance with the Code of Conduct all Members remained in the meeting for all the items, unless stated otherwise, and took part in the debate and decision thereon.

106 **QUESTION TIME**

INFORMATION: The Leader of the Council, on introduction of this item that involved three speakers on proposed changes in the Council’s Landscape Services staffing,

stated that the Cabinet had decided not to delete the Community Landscape officer post that provides support to voluntary organisations.
There were three statements made the details of which are appended to these minutes.

107 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 7th December 2009 be approved as a correct record and signed by the Leader.

108 **HOUSING AND PLANNING DELIVERY GRANT 2009/10**

Councillor Harley, Cabinet Member for Enterprise and Culture, presented proposals for expenditure of the Housing and Planning Delivery Grant 2009/10.

Councillor Abbott welcomed the commitment to Development Control and Enforcement issues and put forward the suggestion that the forthcoming enquiry between Braintree District Council and Rivenhall Parish Council/Witham Town Council regarding proposed development in the Local Development Framework at Forest Road and Rectory Lane could be avoided and costs saved, if all parties could meet to discuss the issue. The Leader of the Council advised that the Local Development Framework Panel would need to deal with this matter.

Councillor Dr Evans requested an update to the proposed Development Brief for the Rickstones Pavilion (Item 9 of the report). In response, Councillor Harley stated that Councillors would be advised when further information is available.

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

That the expenditure of Housing and Planning Delivery Grant 2009/10, as set out in the report, be approved.

109 ****REVIEW OF OFF-STREET CAR PARKING**

Minutes Published: 11 th February 2010 Call-in Expires: 19 th February 2010
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Councillor Walters, Cabinet Member for Environment and Sustainability, presented the feedback report on consultation with the public and all groups/stakeholders regarding the proposals within the Review of Parking Operations and Charges. This resulted with an amendment on charges at the commuter car park at White Horse Lane, Witham; and it was requested that the Portfolio Holder has delegated powers for any minor changes following the statutory notice period.

DECISION:

- (1) That feedback from the public consultation as set out in the report be noted.
- (2) That the recommendations contained within the Review of Parking Operations and Charges, as stated in (a) to (e) of the report, be approved.
- (3) That an increase to £5 per day be agreed for long-stay parking at White Horse Lane car park, Witham.
- (4) That the necessary amendments to the Council's Off-Street Parking Places Order be authorised, to take account of the agreed changes.
- (5) That the Cabinet Member for Environment and Sustainability has delegated authority to approve any minor changes following the Statutory Notice period.

110 ****WITHAM LEISURE CENTRE**

Councillor Mrs Spray, Deputy Cabinet Member for Housing and Well-Being, referred to the survey results following public consultation and advised that this information will soon be available to view on the Council's website. The Standard Option specifications and the additional options for the project as stated in the report are the proposed revised options for investigation, with costings to be submitted to Cabinet on 29th March 2010.

Cabinet noted that the 'two good-sized dance studios' in the project relate to two spaces suitable for table tennis, gym work and other activities; and that there is no provision on the Bramston site for a sports hall as this will be provided at the Spinks Lane Sports Academy and the Rickstones Academy.

DECISION:

- (1) That feedback received from the Consultation process be noted.
- (2) That the production of a detailed Business Case be agreed based on the Standard Option, along with detailed capital costs and revenue implications for the additional options identified during the period of Consultation, as listed in the report.

111 **BRAINTREE DISTRICT LOCAL AREA AGREEMENT**

The Leader of the Council advised that the Braintree District Local Area Agreement had been approved by the Local Strategic Partnership (LSP) in December 2009, and is a jointly owned partnership agreement.

A query was raised on Targets for 2010/11 for NI192 – the Percentage of household waste being reused, recycled or composted, as they were identical to the results of 2008/09. It was agreed that officers would investigate whether the target level should be higher.

DECISION: That the Braintree District Local Area Agreement be approved.

112 **ACCOMMODATION OPTIONS REVIEW**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the options paper, including the reduction of accommodation requirements and flexible ways of working for staff. The Financial Model (Item 5 of the report) was referred to; and an explanation given to the refurbishments costs of Causeway House - a value that was initially £6m - £6.5m that had fallen to £3.5m - £4m due to a high original specification of works which was reduced on detailed review and that staff would not now need to be decanted to alternative accommodation whilst the works are undertaken.

Councillor Lager moved amended recommendations to the report.

In response to a query regarding the Net Present Value (NPV) and for reduced running costs by sharing with Essex County Council the report did not display a significant difference - Councillor Lager agreed to provide a written response regarding the running costs for Causeway House.

Cllr Lager

All Members agreed that the future of Mayland House, Witham had to be determined as quickly as possible as from 1st July 2010, the Council will be responsible for the building

and the running costs. The Leader of the Council stated that Cabinet will receive regular reports on this issue.

Councillor Mrs Beavis proposed that local tradesmen should be used, as far as possible, to undertake the refurbishment works, and this should be a consideration for the proposed Sub Group on a suitable tender. It was noted that legal issues may restrict this.

Members noted that a letter of intent from Essex County Council (ECC) to occupy part of Causeway House, had not been received. However, the Chief Executive is in detailed negotiations with ECC on this issue, and progress reports will be made to future meetings.

Councillor McKee queried the Braintree town centre project in the Three Towns ;One Vision project and whether Causeway House not being sold will affect this. The Leader reassured Cabinet that this will not impinge on the project, and the localism agenda will continue in all three towns of the district. The Braintree Town Centre project will now allow developers more scope as a Civic Office is not required.

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

- (1) That Braintree District Council retains and continues to occupy Causeway House, Braintree.
- (2) That capital provision of £3.8m be made available in the Capital Programme, for the refurbishment of Causeway House.
- (3) That specifications of refurbishment works be drawn up prior to going out to tender.
- (4) That a Sub Group (for the refurbishment project) be established consisting of Councillors Butland, Dr Evans, M Gage, Lager and Mitchell before going out to tender.
- (5) That the footprint required by the Council for office space be reduced, and allows for modern, flexible ways of staff working.
- (6) To explore with Essex County Council the opportunity of the County Council purchasing or leasing Mayland House, Witham.
- (7) If (6) above does not prove possible, to sell or rent Mayland House on the open market.

113 **CAA ORGANISATIONAL ASSESSMENT (including Audit Management letter)**

Councillor Lager, Cabinet Member for Efficiency and Resources commended the report to Cabinet, and referred to the two key parts of managing performance, and the use of resources. This was an excellent report on both Council performance and delivery, it is a credit to the organisation.

DECISION: That the CAA Organisational Assessment for Braintree District Council be noted.

114 LEADERS' BOARD – EAST OF ENGLAND

The Leader of the Council referred to the demise of the East of England Regional Assembly (EERA) on 31st March 2010, and the establishment of a Leaders' Board for the East of England, as detailed in the report.

DECISION: That the arrangements for the establishment of a Leaders' Board for the East of England be supported.

115 COUNCIL BUDGET AND COUNCIL TAX 2010/11

Cabinet received the finance proposals for 2010/11, including the following budget references :

- Audit Committee 14th January 2010 – Treasury Strategy
- Braintree Local Committee 24th November 2009 – Local Committee Budget Priorities
- Halstead Local Committee 20th January 2010 – Parish Support Grant
- Overview and Scrutiny Committee – 27th January 2010

Councillor Lager, Cabinet Member for Efficiency and Resources, presented proposals for the Council's budget and Council Tax for 2010/11. With regard to the Braintree Local Committee reference the amounts had to be identified; and for the Halstead Local Committee reference it would be for the Overview and Scrutiny Committee to consider if a Task and Finish Group be established to look at Parish Support Grants.

Councillor M Gage, Chairman of the Overview and Scrutiny Committee, advised that the Overview and Scrutiny Committee had recommended that the price increase proposed from £5.00 to £10.00 for hiring a Market Charity Stall, within Proposed Fees and Charges, should not go ahead and the amount be frozen at £5.00. Councillor Lager agreed to this.

The following issues were advised:

- that the Portfolio Holder for building control will investigate the current funding situation – as demand has decreased for this service
- the Tourism Service will be delivered differently, including website promotion
- the viability of delivering a Braintree Museum Service in conjunction with the Colchester and Ipswich Museum Services, with £40,000 provision for 2009/10 and £50,000 for 2010/11
- to rationalise the function of Community Wardens together with other enforcement resources and other community providers, e.g. Village Agents and Highway Rangers, to improve levels of performance and to promote a cleaner and greener environment
- with regard to the Council's losses with the Icelandic Banks, the Government has ruled that the Council cannot debit this to the Capital Account, and this will be charged to Revenue
- Service Charge increases at Bradford Street and Craig House, Braintree (Appendix J refers)
- Proposed budget provision for Capital Projects – to refurbish six play areas; repair headstones in cemeteries, and maintain footpath networks
- Proposed £800,000 allocation for a community facility in Halstead

Members raised the issues as listed below:

- that interments at cemeteries in Proposed Fees and Charges (Page 56) should refer to double interments as well as single and treble as listed in the report

- that the proposed charge for parking at White Horse Lane car park, Witham will be £5.00 per day (Page 54 states old amount of £3.50)

DECISION:

- (1) That £40,000 to the Braintree Museum Trust be released from the provision set aside in the 2009/10 budget.

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

Revenue

- (2) The changes to service provision as detailed in Appendix E to the Cabinet report together with a budget of £10,250, funded from the LABGI reserve, for the development of the tourism website be approved.
- (3) The budget variations to the current base budget as summarised in Appendix G to the Cabinet report be approved.
- (4) The Service Demands detailed in Appendix C of the Cabinet report be approved.
- (5) That a provision of £50,000 be set aside in 2010/11 for the Braintree Museum Trust. To be funded from the General Fund balance and payments to be released with agreement of the responsible Cabinet Portfolio Holder.
- (6) The increases to existing Fees and Charges for 2010/11 as detailed in Appendix D to the Cabinet report, and as amended above regarding Charity Market Stalls and parking at White Horse Lane car park, Witham, be approved.
- (7) A single concessionary rate of 25% applicable to fees and charges as appropriate be agreed
- (8) Concessions to be available for the following persons:
 - in receipt of means tested benefit
 - under 16 years of age, or
 - in full time educationOr to organisations making block or regular bookings.
- (9) The additional Housing Benefit Administration Subsidy for 2010/11, of £315,880, be applied to maintain/improve the service, with an immediate allocation of the funds of £56,000, to extend the contracts by one year of two temporary Benefit Assessor posts.
- (10) The provision set aside to meet the cost of redundancies be increased by £500,000 to £1million, by transfer from the General Fund balance, be agreed.
- (11) The transfer of £654,000 to the General Fund balance from the Earmarked Reserves, as detailed in Appendix K to the Cabinet report be approved.

Housing Revenue Account

- (12) No increase is applied to housing rents for 2010/11.

- (13) No increase is applied to housing service charges for 2010/11
- (14) The proposed Housing Revenue Account budget for 2010/11, as detailed in Appendix I to the Cabinet report, be approved.

Capital

- (15) The General Fund Capital bids for 2010/11 as listed in Appendix L to the Cabinet report together with an allocation of provision of £800,000 for a community centre in Halstead, be approved.

Treasury Management

- (16) The revised CIPFA Code of Practice in Treasury Management in the Public Services be adopted.
- (17) The Prudential Indicators and limits set out in Appendix N to the Cabinet report be approved.
- (18) The Policy on Minimum Revenue Provision as recommended in Appendix N of the Cabinet report be approved.
- (19) The Treasury Management Strategy, including annual investment strategy, for 2010/11 be approved.

Council Tax

- (20) The proposed estimates detailed in Appendix P to the Cabinet report and the Council Tax increase of 2.5% be approved, having taking into consideration
 - the consultation feedback received, and
 - the Section 151 Officer's report on the robustness of the estimates and the adequacy of the balances (Appendix O of the Cabinet report)

Future Efficiencies

- (21) Given the anticipated budget gap, coupled with the possibilities of the Government Grant reducing and the pension costs increasing by more than that currently provided over the next three years, that an overall strategic approach to efficiency and service delivery options be brought forward to a future meeting.
- (22) The Medium Term Financial Strategy is updated to take account of the information detailed in the report and the decisions made.

116 **CABINET MEMBERS' UPDATES**

INFORMATION: There was no verbal update received from Cabinet Member's.

117 **REFERENCES FROM OTHER COMMITTEES**

The budgetary implications under references from other Committees were taken within the budget report at Minute 115.

- Audit Committee – 14th January 2010.

DECISION: That the minute extract be noted.

- Braintree Local Committee – 24th November 2009.

The Leader advised that further work was required on the Local Youth Forum; and that expansion of the Community Transport scheme across the district could be considered in the future.

Councillor McCrea stated that the Halstead Local Committee had committed funds to a community transport scheme, and had been advised that Essex County Council are increasingly active on community transport provision at this time, and it would be worthwhile to wait and see the outcome of ECC proposals.

DECISION: That this issue and the minute extracts from 24th November 2009 and 26th January 2010 be noted.

- Halstead Local Committee – 20th January 2010.

The Leader considered it was not the role of Cabinet to take the Parish Support Grant issue forward, and should be directed to the Overview and Scrutiny Committee and their Work Programme for the coming year.

DECISION: That the recommendation regarding a Task and Finish Group being established to investigate the equalisation in the longer term of local tax within the District, be referred to the Overview and Scrutiny Committee.

- Recommendations from Programme Boards – There were none to be received.

118 **MINUTES FROM CABINET SUB-GROUPS AND REFERENCES**

Consideration was given to the minutes of the Joint Consultative Group held on 23rd November 2009.

DECISION: That the minutes of the Joint Consultative Group of 23rd November 2009 be noted.

INFORMATION: The minutes of the Local Government Reform Cabinet Sub Group held on 25th November 2009 were not available.

119 **DELEGATED DECISION**

DECISION: That the following delegated decision be noted

- Councillor Walters approved the submission of a tender for the Greenfields Community Housing Grounds Maintenance Contract.

EXCLUSION OF PUBLIC AND PRESS

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

Although the following item was taken in Private Session it does not contain any confidential information and is therefore admissible in the public domain.

120 **DECLARATION OF INTEREST**

The following interests were declared:-

- Councillor M Gage declared a personal interest as a member of Halstead Town Council.
- Councillor Mrs Spray declared a personal interest as an employee of Age Concern, who does work at the Senior Citizens' Centre in Halstead.

In accordance with the Code of Conduct, both Councillors remained in the meeting and took part in the debate, and the decision thereon.

121 **HALSTEAD COMMUNITY CENTRE**

Councillor Mrs Schmitt, Cabinet Member for Communities presented the report and the options therein. It was proposed that £800,000 capital provision be allocated towards this project in the Capital Programme.

DECISION:

- (1) That a Feasibility Study be developed for a Community Centre in Halstead, following on from the provision of £800,000 in the Capital Programme
- (2) That work continues with all stakeholders, in particular those covering all three tiers of local government, to develop a full business case and project plan, and to report back to Cabinet when feasible.

The meeting commenced at 7.15pm and closed at 9.28pm.

G BUTLAND

(Leader)

APPENDIX

CABINET MEETING

1ST FEBRUARY 2010

QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Terry Brooks, representing 'Friends of Bocking Blackwater'
Agenda Item 8d – Budget Proposals – Changes in Landscape Services

Mr Brooks was pleased that no change was to be made to voluntary sector support from the Council's Landscape Services staff. The Friends of Bocking Blackwater had been formed, by grant funding, in 2007 and comprises of many volunteer helpers. The support received from the Landscape Services section had been 'superb' and provides advice on trees, plants and flowers. The 'Friends' are responsible for the Bocking Blackwater Nature Reserve and its preservation is important for the environment and for the local community to enjoy, and the continued support is essential.

2. Dermod Malley, representing Halstead Conservation Group
Agenda Item 8d – Budget Proposals – Changes in Landscape Services

Mr Malley endorsed the appreciation that the Landscape Services post was not being deleted, and thanked the Council on their decision.

Mr Malley advised that the Braintree District contains 251 wildlife sites – an eighth of the whole county of Essex. Reference was made to Bio Diversity Action Plans and the importance of wildlife sites to preserve wild life and to allow residents to be exposed to nature – this was supported by scientific papers that identify the intrinsic benefits to nature and public health. Visitors are allowed unlimited access, and school children can touch, feel and observe nature to encourage them to become custodians of nature later in adult life. The numerous volunteers appreciate working in the open air, benefit by learning, and develop civic awareness.

The comprehensive support received from the Landscape Services department, Mr Malley advised, provides professional guidance on many aspects of nature, and an example of a situation for suitable drainage for a specific ditch was quoted. A decline in the environment would result with resident fauna and flora being lost and the Council should be commended for the assistance it provides to retain the benefits of nature.

3. Roger Smith, representing Gosfield Nature Reserve
Agenda Item 8d – Budget Proposals – Changes in Landscape Services

Mr Smith spoke of the importance of the Conservation Volunteer Programme that maintains and sympathetically improves wildlife habitat, and supports the planting of trees, bulbs and hedgerows.

Mr Smith stated that he had been Warden at Gosfield Nature Reserve for 6½ years and through volunteer work footpaths have been maintained, coppicing of trees, and

introduction of wildlife initiatives have taken place. It was reported that otters – that were in decline – are now flourishing on the River Colne; and barn owl numbers are increasing generally in the area.

Volunteers come from various backgrounds, and bring knowledge and opportunities to wildlife sites to preserve the countryside and natural habitat for future generations, and allow other groups e.g. Mencap, to enjoy nature and take part in conservation programmes. The expertise and professional guidance received from staff in Landscape Services assists all this work.