CABINET MEETING

The CABINET will meet at COUNCIL CHAMBER, CAUSEWAY HOUSE, BOCKING END, BRAINTREE, CM7 9HB, on MONDAY 3rd DECEMBER 2012 at 7:15PM

Membership

Portfolio

Leader of the Council Councillor G Butland (Chairman)

People and Participation Councillor Mrs J Beavis

Councillor P Tattersley

Performance and Efficiency Councillor D L Bebb

Councillor J T McKee

Place Councillor Mrs W Schmitt

Councillor R G S Mitchell

Planning and Property Councillor Lady Newton

Councillor J O'Reilly-Cicconi

Prosperity and Growth Councillor C Siddall (Deputy Leader of the Council)

<u>Invitees</u>

Other invitees:- Group Leaders and the Chairmen of the Overview and Scrutiny Committee and the Local Development Framework Sub-Committee.

For enquiries on this agenda please contact:

Alastair Peace - 01376 552525

e.mail: alastair.peace@braintree.gov.uk

This agenda is available on

www.braintree.gov.uk/Braintree/councildemocracy

PUBLIC INFORMATION

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak about Council business or other matters of local concern. Whilst members of the public can remain to observe the whole of the public part of the meeting, Councillors with a Disclosable Pecuniary Interest or other Pecuniary Interest must withdraw whilst the item of business in question is being considered.

Members of the public wishing to speak should contact the Member Services Officer on (01376) 552525 or email <u>alastair.peace@braintree.gov.uk</u> prior to the meeting. The Council's "Question Time" leaflet explains the procedure and copies of this may be obtained at the Council's office.

Health and Safety

Any persons attending meetings are requested to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding, you must evacuate the building immediately and follow all instructions provided by the fire evacuation officer who will identify him/herself. You will be assisted to the nearest designated assembly point until it is safe to return to the building

Mobile Phones

Please ensure that your mobile phone is switched to silent or is switched off during the meeting.

Webcast

Please note that this meeting will be webcast.

INFORMATION FOR MEMBERS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest:-

- To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to paragraphs 6 to 10 [inclusive] of the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- Any member with a Disclosable Pecuniary Interest or other Pecuniary Interest to indicate in accordance with paragraphs 10.1(a)(i)&(ii) and 10.2(a)&(b) of the Code of Conduct. Such Member must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

AGENDA

1. APOLOGIES FOR ABSENCE			
	LARATIONS OF INTEREST		
	LIC QUESTION TIME		
	JTES OF LAST MEETING		
(i) To 201	approve as a correct record the minutes of the m 2 (Copy previously circulated).	eeting held or	n 29 th October
	(== / = ==== / = ==== / = ==== /		
No	Title & Purpose of Report	Executive Summary	Additional Papers
5. OVE	RALL CORPORATE STRATEGY AND DIRECTI	ON	
5a	Leader Update - The Leader of the Council to give a brief Update on key issues and activities.		
6. PER	FORMANCE AND EFFICIENCY		
6a	Second Quarter Performance Management Report 2012/13	Page 1	Pages 1 to 24
	Presented by: Cllr D L Bebb Officer Contact: Cherie Root		
7. PLAI	NNING AND PROPERTY		
7a	Welfare Reform - Localised Council Tax Support Scheme - Report to follow		
	Presented by: Cllr Lady Newton Officer Contact: Trevor Wilson		
7b	Leasehold transfer of playing field and allotments in Queens Gardens, Panfield	Page 3	
	Presented by: Cllr Lady Newton Officer Contact: Janet Whyte		
	•		
8. PLA	CE		
8a	Transfer of Land at Great Notley Country Park to 1st Gt Notley Scout Association	Page 6	
	Presented by: Cllr Mrs W Schmitt Officer Contact: Paul Partridge		

9. PR	OSPERITY AND GROWTH			
9a	Economic Development Team Restructure	Page 10		
	Presented by: Cllr C Siddall			
	Officer Contact: Jon Hayden			
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10. CABINET MEMBERS'UPDATES - to receive Cabinet Members' verbal reports on key issues within their portfolio				
	Councillor Mrs J Beavis			
11. RE	FERENCES FROM COUNCIL/COMMITTEES/GF	ROUPS		
11a	Local Development Framework Sub- Committee – 7 th November 2012 - Draft Master Plan for the Premdor/Rockways site at Sible Hedingham - Amendments	Page 13	Pages 25 to 27	
	Presented by: Councillor R Walters			
	Officer Contact: Eleanor Dash			
12. RE	PORTS/ DELEGATED DECISIONS/MINUTES TO	D BE NOTED		
12a	Minutes from Cabinet Sub Groups To receive the minutes of the following		Pages 28 to 35	
	 Local Development Framework Sub- Committee – 7th November 2012 			
12b	<u>Delegated Decisions</u> – to note recently made delegated decisions.	Page 15		
	RGENT BUSINESS AUTHORISED BY THE CHAI		C INI DDI\/ATE	
SESS	CLUSION OF PUBLIC AND PRESS TO CONSID ON – for reasons set out in Paragraph 3 of Par Covernment Act 1972	_	_	
Local	Government Act 1972			

The last page of the public agenda is numbered 16



Second Quarter Performance Management Report 2012/13		Agenda No: 6a	
Corporate Priority:	Performance		
Report presented by:	Cllr David Bebb		
Report prepared by:	Cherie Root – Head of Busin	Cherie Root – Head of Business Solutions	
Background Papers:		Public Report	
Second Quarter Performance September 2012.	Management Report July to		
Options:		Key Decision: No	
To endorse the report			
		1	

The purpose of the report is to summarise the performance of the Council at the end of the second quarter (July to September 2012) in relation to the publication of 'Our plans for the District 2012/2013' which sets out our key activities and measures used to check our performance for the forthcoming year and along with the Corporate Strategy 2012-2016 sets out the priorities we are working towards.

In summary at the end of the second quarter: Projects

- There are 40 projects in total of which:
 - o 3 projects are completed
 - o 33 projects are on track
 - o 3 projects have an amber status
 - o 1 project has a red status

In summary at the end of the second quarter :Performance Indicators

- There are 18 performance indicators reported on of which:
 - o 10 performance indicators have achieved target
 - o 4 performance indicators have missed target by less than 5%
 - o 3 performance indicators have missed target by more than 5%
 - 1 performance indicator is for information purposes only and does not have any target set

Of all the indicators:

- 9 have improved on their performance compared to last year
- 6 have deteriorated since last year
- 3 are new performance indicators and cannot be compared to how they performed last year

The second quarter of the year has been very challenging which has impacted on some areas on performance but overall the performance at the end of the second quarter remains good.

Financial Performance

The current projected outturn is a net spend of £15.524 million, compared with a budget of £16.159 million, giving a projected under spend of £635,090.

The projected under spend of £635,090 equates to -4% against the budget, and is a combination of expenditure variances of minus £420,350, and net over achievement of income of £214,740.

For a detailed explanation of the financial performance, please refer to page 17 onwards of the full report.

Decision:

To note and endorse the report

Purpose of Decision:

To inform the Cabinet of the performance of the Council

Corporate implications [should be explained in detail]		
Financial:	See page 17 of the report	
Legal:	N/A	
Equalities/Diversity	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Tracey Headford	
Designation:	Performance Improvement Officer	
Ext. No.	2442	
E-mail:	tracey.headford@braintree.gov.uk	



Leasehold transfer of playing field and allotments in Queens Gardens, Panfield	Agenda No: 7b

Corporate Priority: People – Encouraging flourishing communities

Portfolio Area: Planning and Property

Report presented by: Cllr Lady Newton

Report prepared by: Janet Whyte/Paul Partridge

Background Papers: None	Public Report
Options:	Key Decision: Yes
To approve or not approve the transfer of the playing field and allotments at Queens Gardens Panfield to Panfield Parish Council on a fifty year lease.	

Executive Summary:

On 30 July 2007 Braintree District Council (BDC) leased the playing field and allotments at Queens Gardens Panfield to the Parish Council for a period of 7 years that is due to expire on 31 July 2014. The Parish Council responsibility included the management, maintenance and operation of the facilities at a local level. Over the past 6 years or so the Parish Council has maintained these two facilities at no cost to BDC in line with local resident's expectations.

A recent request has been received from the Parish Council to enter into a new lease to transfer the two facilities over a longer-term as the Parish Council wishes to invest in these facilities but is reluctant to do so with just short-term lease arrangements in place.

This request is in line with the BDC's principle of transferring assets or services to local management as it will be at no cost.

Negotiations have taken place with the Parish Council and the intention would be to transfer the playing fields and allotments on a 50 year lease at a peppercorn rent by the end of March 2013. This is considered the best option for BDC given that the Parish Council has been directly managing and operating the facilities under the present lease.

Decision:

Cabinet are asked to approve a new 50 year lease with Panfield Parish Council, for the playing field and allotments at Queen Gardens Panfield.

Purpose of Decision:

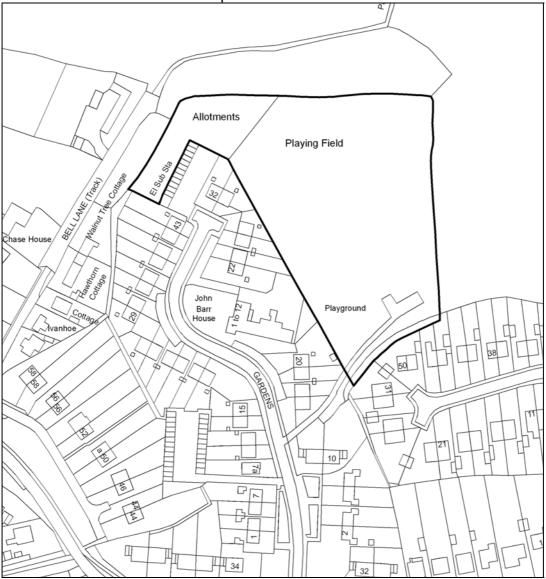
To seek approval to transfer Community Assets to Panfield Parish Council on a fifty year lease.

Any Corporate implications in relation to the following should be explained in detail		
Financial:	Nil	
Legal:	The proposed method of transfer would be on a leasehold basis. (50 year lease) with the use of the land restricted to playing field and allotments.	
	The intention would be to complete the lease by the end of March 2013.	
Equalities/Diversity	There are no equality and diversity implications as the use of the land will remain the same with no change of use.	
Customer Impact:	This arrangement will enable the Parish Council to continue managing and operating these local assets for the benefit of local residents.	
Environment and Climate Change:	None	
Consultation/Community Engagement:	The Parish Council has been engaged and consulted with on this matter.	
Risks:	No significant risks identified.	
Officer Contact:	Janet Whyte	
Designation:	Property Management Officer	
Ext. No.	2924	
E-mail:	Janet.whyte@braintree.gov.uk	

Background

At present the Panfield Parish Council have a 7 year lease of the playing fields and allotments in Queens Gardens, Panfield, which is due to expire on the 31st July 2014,

shown outlined in black on the plan below.



The Parish Council have now asked if the Council would consider transferring the land to them.

Following negotiations with the Parish Council, it has been agreed to transfer the playing fields and allotments by way of a long lease to the Parish Council on the following terms and conditions:-

Lease Term: 50 years

Rent: One peppercorn

Repairs and Maintenance: Tenant to repair and maintain the property

Use: Playing fields and allotments Insurance: Parish Council to insure

Assignment: Prohibition against assignment

Other Terms: And otherwise on the same terms as those contained

within the existing lease due to expire on the 31st July

2014.

There will be a simultaneous surrender of the existing lease and grant of the new lease.



Transfer of Land at Gr Notley Scout Associat	eat Notley Country Park to 1 st Gt ion	Agenda No: 8a
Portfolio Area: Corporate Priority: Report presented by:	Place Providing green space for everyone Cllr Wendy Schmitt	to enjoy
Report prepared by:	Paul Partridge, Head of Operations	
Background Papers:		Public Report
Minutes of the meeting Venture Board - 18 July	of the Great Notley Country Park Joint 2012	
Options:		Key Decision: No
Great Notley Country	e, to the proposed transfer of land at y Park to the Scout Association. sal put forward by the 1 st Great Notley	

Executive Summary:

Back in July 2012 the Council received a formal request from 1st Great Notley Scout Group to consider whether any land at the Country Park could be made available to enable the Group to secure a permanent and sustainable home on a long-term basis.

The Group was established in 2002 and over the past ten years has grown extensively from two sections of Cubs and Scouts with 32 young people (girls and boys aged between 6 and 14) to approximately 160. The Group is currently the largest within the Braintree District and demand for entry remains high with approximately 100 young people on the waiting list.

The Group currently uses two facilities: Great Notley Community Centre and Great Leighs Primary School. Whilst both locations have been satisfactory, they restrict the opportunity for continued growth and development of the Group and its ability to provide a more varied and progressive range of activities.

The Group has looked at various options to address their accommodation requirements and has concluded that the best option is to have a purpose built facility that is local and accessible to the community within which is operates. The Country Park is considered an ideal location and, following a site meeting, an area of land originally earmarked for allotments, but subsequently deemed unsuitable, has been identified as a potential site. Details are given at Appendix A.

The proposal was discussed and supported by Members of the Joint Venture Board for the Country Park at their meeting on 18 July 2012, who considered that it would be advantageous to the Park as it would increase use of the facilities and provide the

Group with a permanent home. The proposal is also supported by Great Notley Parish Council who recognise the success of the Group and the important role it plays within the local community.

Before the Scout Group incurs professional fees in commissioning a detailed Feasibility Study and design plan, they are keen to seek the Council's agreement in principle to transferring the land to the Scout Association to enable the new facility to be built. The facility will be fully funded by the Group's own fundraising activities.

The proposal is to transfer the land on a leasehold basis for a nominal sum (peppercorn) for a minimum term of 50 years. This is subject to the Group determining the exact area of land they require, obtaining funding and planning permission, project managing the new build and addressing all ecological/environmental issues).

Members will be aware that on another part of the site a similar leasehold arrangement exists with Play and Resource Centre (PARC).

Decision required:

To approve, in principle, the transfer of a piece of land at Great Notley Country Park to the Scout Association (Trust Corporation) on a leasehold basis for new accommodation for the 1st Great Notley Scout Group.

To agree to the negotiation of the detailed lease terms with the Scout Association should they wish to proceed with the land transfer.

Purpose of Decision: To obtain support in transferring an area of land at Gt Notley Country Park to Scout Association (Trust Corporation).

Corporate implications	
Financial:	Other than the cost of completing the legal transfer of the land, BDC would not incur/be responsible for any other costs associated with the Group's project. The Group's intention is to use their own funds to meet the initial cost of professional fees and seek capital funding to deliver the project through its own fund raising activities.
Legal:	The proposed method of transferring the land would be on a leasehold basis with a minimum length of 50 years to satisfy potential grant funding conditions.
Equalities/Diversity	None for BDC. As a 'service provider', the Scout Association must comply with the Disability Discrimination Act and ensure that all young people are able to join in the fun and adventure of scouting, with facilities that are accessible to all.
Customer Impact:	This will demonstrate the Council's support and commitment to working in partnership with a community organisation to help secure a much needed facility for local youths between the ages of 6-14.
Environment and Climate Change:	None.
Consultation/Community	Essex County Council and Gt Notley Parish Council
Engagement:	have been engaged on this matter.
Risks:	None for BDC.
Officer Contact:	Paul Partridge
Designation:	Head of Operations
Ext. No.	3331
E-mail:	paul.partridge@braintree.gov.uk

Appendix A

Proposed land for transfer is marked in red below.





Economic Developmen	t Team Restructure	Agenda No: 9a	
Corporate Priority:	Prosperity		
Portfolio Area:	Prosperity and Growth		
	Planning and Property		
Report presented by:	Cllr Chris Siddall		
	Cllr Lady Newton		
Report prepared by:	Jon Hayden		
Background Papers:		Public Report	
None			
Options:		Key Decision: No	
Head of Economic Devel	ve the establishment of the post of lopment and Graduate Trainee to rowth priorities as set out in the egy.		

Executive Summary:

In February 2012 Council approved the 2012-16 Corporate Strategy. The Prosperity priorities in the strategy relate to:-

- Improve Infrastructure Encourage infrastructure improvements and sustainable growth to improve quality of live and business growth
- Business Enterprise Support the development of innovation and enterprise including business start up
- Development of Workforce Improve access to employment, training, skills and improved educational attainment
- Inward Investment Maximise economic wellbeing through inward investment providing direct/indirect opportunities for District Businesses
- Business Retention & Growth Sustainable development of the market towns and rural economy
- Regeneration- provide opportunities for employment/business/retail growth through regeneration

Since the adoption of the Corporate Strategy, the Economic Development team has been awarded Portas Pilot status, as well as advancing the case for improvements to major infrastructure and providing opportunity to grow business enterprise in the District. A management vacancy within the team has also reduced available resource. There has also been increase recognition from the Haven Gateway and County for the District to improve frequency of the Braintree rail service as well as the need to improve our major road infrastructure (A120) and ability to access high speed broadband in the District. Through these increase priorities there is need to add additional resources to the team.

Increased resource in the Economic Development team are required to enable:-

- Improved Management Capacity build upon work with partners/stakeholders
- Economic Development strategy requires revision for 2013 up to end of Local Development Framework timescale of 2026
- Strategic direction and technical/lobbying document required for A120/ Rail
- Increased programme management resource in department
- Stronger relationship with business sector required
- Workforce development in District shortfall in skills, educational attainment, NEET level

The proposed increased resource to include:

- Head of Economic Development post (permanent and full time) to be funded within existing resources; and
- Economic Development Graduate Trainee post (two-year fixed term contract and full-time) to be funded from New Homes Bonus reserve at an estimated cost of £23,000 per annum.

Decision:

- 1. To agree the establishment of the post of Head of Economic Development; and
- 2. To approve the allocation of £46,000 of New Homes Bonus to establish the post of Economic Development graduate trainee for a fixed term of two years.

Purpose of Decision:

To seek increase resource in the Economic Development team to deliver the Prosperity priorities as set out in the 2012-16 Corporate Strategy.

Any Corporate implication detail	ns in relation to the following should be explained in
Financial:	Funding for the increase in resource would come from :-
	Head of Economic Development from existing salaries budget together with a virement of £16,000.
	Economic Development Graduate Trainee from an allocation of £46,000 from the New Homes Bonus reserve.
Legal:	N/A
Equalities/Diversity	The posts would be filled in line with the District Councils Human Resources Policies.
Customer Impact:	This increase in resource would allow increase delivery of District prosperity priorities
Environment and Climate Change:	None
Consultation/Community Engagement:	N/A
Risks:	No significant risks identified.
Officer Contact:	Jon Hayden
Designation:	Corporate Director
Ext. No.	2560
E-mail:	Jon.hayden@braintree.gov.uk



Recommendations from the Local Development Framework Sub-Committee – 7 th November 2012 – Draft Master Plan for the Premdor/Rockways site at Sible Hedingham - Amendments	Agenda No: 11a
Background Papers:	Public Report

Minute Ex	xtract:
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Local Development Framework Sub-Committee – 7th November 2012

39 <u>DRAFT MASTER PLAN FOR THE PREMDOR/ROCKWAYS SITE AT SIBLE HEDINGHAM - AMENDMENTS</u>

INFORMATION: Members were reminded that on 27th September 2012, the Local Development Framework Sub-Committee had recommended that Cabinet should approve the Master Plan for the Sible Hedingham Premdor/Rockways regeneration site. This Master Plan safeguarded 0.2ha of land for the provision of a new medical surgery.

Members were advised that the NHS had carried out a revised Health Impact Assessment based on the approved Master Plan of approximately 230 dwellings and the approved alternative option, which could deliver around 200 homes and a 100 bed care home. The NHS had concluded that capital developer contributions of between £72,000 and £79,200 would be required from the site to meet the health need arising from the new dwellings.

Following a question regarding the amount of land that should be safeguarded if a new medical surgery was to be procured in the future, Sible Hedingham Parish Council had requested the District Council to revert to earlier advice received in 2009 and to safeguard 0.25ha of land for the new medical surgery. In the circumstances, Cabinet at its meeting on 29th October 2012 had asked the Sub-Committee to consider approving the safeguarding of a further 0.05ha of land within the Master Plan for the new facility.

In discussing this item, Members expressed concern that increasing the area required for the health facility could impact on the proposed work hub.

DECISION: That it be Recommended to Cabinet :-

(1) That the area of land to be safeguarded for the health facility in the Premdor/Rockways, Sible Hedingham Master Plan be increased to 0.25 ha.

(2) That the Planning Officers be requested to work with the site agents to amend the Master Plan to take account of the proposed enlargement to the health facility site and the requested financial contribution to health provision, subject to the Officers using their best endeavours to retain the area identified for the work hub.



Cabinet Member Decisions made under Delegated Powers		Agenda No: 12b
Portfolio Area: Report presented by: Not applicable – for noting only Report prepared by: Emma Wisbey, Local Governance Manager		
Background Papers:		Public Report
Cabinet Decisions made by individual Cabinet Members under delegated powers (signed copies retained by Member Services)		
Options:		Key Decision: No
For noting only		

Executive Summary:

All delegated decision taken by individual Cabinet Members are required to be published and listed for information on next Cabinet Agenda following the decision.

Since the last Cabinet meeting the following Cabinet Members have taken delegated decisions:-

Councillor Wendy Schmitt – Cabinet Member (Place)

Decision taken on 15th November 2012 – To formally approve the transfer of the following three Braintree DC owned and managed assets to three Parish Councils by 31st March 2013:

- Finchingfield Parish Council Pubic Conveniences (Stephen Marshall Avenue, Finchingfield – beside recreation area)
- Castle Hedingham Parish Council Public Conveniences (behind the Castle Hedingham Club, Ruffles Yard, Church Lane, Castle Hedingham)
- Coggeshall Parish Council Car Park (Stoneham Street, Coggeshall)

Councillor Wendy Schmitt – Cabinet Member (Place)

Decision taken on 15th November 2012 – To formally approve the transfer of the following three Braintree DC owned and managed assets to one Parish Council by 31st March 2013:

Earls Colne Parish Council – Car Park, Public Conveniences and Allotments at Queens Road, Earls Colne.

Cabinet Decisions made by individual Cabinet Members under delegated decisions can be viewed on the Access to Information page on the Council's website.

www.braintree.gov.uk

Decision:

For Members to note the delegated decisions

Purpose of Decision:

The reasons for each decision can be found in the individual Delegated Decisions

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Designation: Local Governance Manager

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