

# Minutes

## Cabinet

14<sup>th</sup> June 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 & Community Support	Yes
Councillor M C M Lager	Efficiency & Resources	Yes
Councillor Lady Newton	Housing & Well-Being	Yes
Councillor Mrs J W Schmitt	Clean, Green and Safe	Yes
Councillor R G Walters	Environment and Sustainability	Yes

Deputy Cabinet Members	Portfolio	Present
Councillor D L Bebb	Customers & Community Support	Yes
Councillor N McCrea	Enterprise & Culture	Apologies
Councillor J McKee	Efficiency & Resources	Yes
Councillor R G S Mitchell	Environment & Sustainability	Yes
Councillor Mrs C Sandbrook	Efficiency & Resources	Apologies
Councillor C Siddall	Leader's Portfolio/Clean, Green and Safe	Yes
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 Dr R L Evans, Leader of the Labour Group, and Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, and Leader of Halstead Residents' Association.

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

Councillors G Cohen, E Lynch, D Mann, R Ramage, and Mrs J A Smith were also in attendance.

### 1 DECLARATIONS OF INTEREST

**INFORMATION:** The following interests were declared:-

- Councillor G Butland declared a personal interest item 15a, Affordable Housing Programme – Allocation of Housing Capital, as a question arose on a site owned

by Essex County Council and located in his Essex County Council Division.

- Councillor Mrs J C Beavis declared a personal interest in Item 5b, Housing Stock Transfer - Tracking the Promises, as Greenfields Community Housing is a customer to her business.

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.

## 2 **QUESTION TIME**

**INFORMATION:** There were no questions asked or statements made.

## 3 **MINUTES**

**DECISION:** That the minutes of the meeting of the Cabinet held on 29<sup>th</sup> March 2010 be approved as a correct record and signed by the Leader.

## 4 **DC LEISURE – ANNUAL REPORT**

Cabinet received a slide presentation and verbal report from Mark Taylor, Contract Manager, DC Leisure, on their Annual Report for 2009-10.

Points raised included:

- The Accounts show a loss of £71k although this includes a credit of £90k from the previous year.
- Swimming income was £106k up on budget.
- Staffing costs had increased by £87k.
- A Quality and Customer Care, independent industry benchmarking scheme rated DC Leisure customer satisfaction at 77%, being 4% above the national average in the scheme.
- There had been participation in a number of health living agenda initiatives.

Members noted that the credit to the 2009/10 accounts from the previous year effectively meant that a loss of £161k had been incurred. In responding to a question on addressing the loss, Mr Taylor advised that DC Leisure was taking every step to maximise income though looking at new activities.

Mr Taylor also advised that the increase in staff costs was due mainly to spinal increments for 400 staff across the District.

Members noted the significant number of registrations for free swimming visits. Members asked to know the proportion of free swimming visits in relation to the total number of visits. Mr Taylor agreed to provide this information. Members noted that the free swimming was funded by DCMS until March 2011 and remarked that as such, it is not “free” but publicly funded and that consumers should recognise this. Members also noted that the position of funding from DCMS beyond March 2011 was unclear.

The Leader thanks Mr Taylor for his presentation and mentioned that the Council would need to have discussions with DC Leisure in the coming months in challenging financial times.

**DECISION:** That the verbal Annual Report of DC Leisure be noted.

Cabinet received a report from Phil Adams, Chief Executive, Greenfields Community Housing (GCH).

Mr Adams described the performance of GCH as strong and he expects all promises to be delivered in the period to 2012. He thought that customers were now more confident that GCH was listening to their needs although highlighted that improvements were required in the following areas:

- Re-letting homes more quickly.
- Achieving a quicker response time to answering phones.
- Achieving a quicker response time on repairs and getting them right first time.
- Dealing better with complaints.

Mr Adams also mentioned that GCH is expecting a full housing inspection from the Audit Commission shortly with the results expected to be publicly available around September.

In responding to a question on dealing with hardship cases, Mr Adams advised that a specialist income team had been established. The team sought to recover rent whilst looking to assist customers remain in their homes. He thought the approach had been successful with the welfare benefits service securing over £400,000 in benefits for vulnerable customers.

Members noted the areas highlighted for improvement. Those related to re-letting homes quicker, the time it takes to do repairs, and whether they are successful first time round, were familiar to Members as being issues when the Council managed the service. Members queried how the service in these areas had improved since GCH had taken over. Mr Adams responded that to reduce the time between lets, contractors were now working in a more co-ordinated way and that improvements had been noticed in the last few months.

As regards improving on repair times, new technology has been introduced which was helping. Last year, 90% of repairs had been completed on target with recent performance reaching 97%. GCH have an aim of reaching 99%.

In responding to a question on being an exemplar on the Community Gateway Model, Mr Adams advised that GCH still had some way to go. He advised that inspections in two of the other three Gateway associations had been carried out and he was looking forward to comparing the performance of GCH when they had been inspected.

In replying to a query on service provision for older people, Mr Adams advised that GCH has recently surveyed its residents and now has information which will assist in tailoring its service to people including older people.

As regards responding to complaints, Mr Adams said GCH set out to respond positively and speedily, and to resolve the issue as quickly as possible. However, he recognised that improvement was required and advised that this was being addressed.

In dealing with antisocial behaviour, Mr Adams advised that GCH had been proactive in working in partnership with the Council and the Police. He said that 70% of customers who reported anti social behaviour are now satisfied with the outcome and the service.

One Member thanked GCH for its cooperation in a cleanup of the Templars Estate, Witham, even though only half the estate is tenanted.

In responding to a question on building new houses, Mr Adams advised that it was early days for GCH to do so and that they had focused on getting the services right. He added that GCH had started work with the Council to identify suitable sites for new affordable housing and that he hoped houses would be built in partnership with the Council in the next 12–18 months.

The Leader thanked Mr Adams for his presentation and mentioned that the Council would be seeking further feedback on the issues related to the turnover of lettings, time for dealing with repairs, and the Community Gateway Model.

**DECISION:**

- (1) That the verbal Annual Report from Greenfields Community Housing be noted.
- (2) That the progress on meeting the housing transfer promises be noted.

**6 CORPORATE PERFORMANCE AND FINANCIAL PLAN, FOURTH QUARTER AND ANNUAL REPORT – 2009/10**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the Corporate Performance and Financial Plan, Fourth Quarter and Annual Report 2009/10.

Members noted the overall good performance of the Council against its performance measures. In noting the good performance, the Leader thought staff had shown a tremendous level of service to meet the targets, particularly in times of reducing headcount. All Members joined the Leader in thanking all staff for their high level of service and asked that the Chief Executive pass on the thanks of the Members to staff.

**DECISION:** That the Corporate Performance and Financial Plan, Fourth Quarter and Annual Report 2009/10 be endorsed.

**7 FINANCIAL REPORT**

Councillor Lager presented the report on the Financial Outturn 2009/10 and an Update Profile 2010/11 to 2013/14.

In responding to a question on looking again at capitalising Icelandic bank investment losses, Councillor Lager agreed to consult with Finance officers.

The Leader mentioned his recent comments in the Press of the financial situation being “Dire”. He said the budget process this year would be unlike previous years in looking for savings. He added that he had asked the Chief Executive to ensure very tight controls on recruitment.

Cabinet agreed to the request from Local Committees that their unspent funds from 2009/10 be carried forward into 2010/11 but stressed that no such undertaking could be made for 2011/12.

**DECISION:**

- (1) That the General Fund and Housing Revenue Account financial outturns for 2009/10 including the movements on the Earmarked Reserves as detailed in Appendix D be

accepted.

- (2) That the capital outturn for 2009/10 as detailed in Appendix C be accepted.
- (3) That the amount of savings to be identified in the Medium Term Financial Strategy for 2011/12 be increased from the original target of £458,261 to £1,000,000.
- (4) That the process for the savings to be identified as outlined in section 2.6 of the report be agreed.
- (5) That unspent Local Committee funds from 2009/10 be carried forward into 2010/11 but that no commitments be given in respect of 2011/12.
- (6) That it be **RECOMMENDED TO COUNCIL:**

That the costs of holding vacant Mayland House, Witham, and 19/21 Bocking End, Braintree, until decisions are taken and actioned on their future, be met from the General unallocated balance.

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## **\*\*DEPOT RELOCATION**

Minutes Published: 17<sup>th</sup> June 2010  
Call-in Expires: 25<sup>th</sup> June 2010

Councillor Lager presented the report on options for Depot Accommodation.

### **DECISION:**

- (1) That Option (3) in the report ie. to lease two units at Lakes Road (Unit 4 for office and front line staff and Unit 6 for plant workshop and mess facilities) and relocate the Materials Recycling Facility operation to Cordons Farm be approved.
- (2) That the terms of the lease negotiated in respect of Units 4 and 6 Lakes Road Industrial Estate, Braintree, as set out at Appendix 1 be approved.
- (3) That a capital allocation of £40,000 be agreed to cover the costs of project management.

9

## **ORGANISATIONAL DEVELOPMENT**

Councillor Butland, Leader of the Council, presented the report on organisational development.

In the interests of transparency, he brought Members' attention to his delegated decision to approve the revised terms and conditions of service for Directors to secure the right skills and experience against the current market rates. The Leader stated that any comparisons with other local authorities would show that Braintree was getting excellent value for money. Year on year, the paybill was reducing whilst also ensuring that of the Council had the right management structure in place for the future.

### **DECISION:**

- (1) That the management structure as set out in the Appendices of the report be endorsed.
- (2) That the decision on changes to terms and conditions of employment for Directors (delegated decisions taken by the Leader of the Council) be noted.

(3) That the designation change from Head of Enterprise and Development to Service Director (Sustainable Development) be agreed.

(4) That as required by the Constitution, an Appointments Panel be set up to deal with the appointment to this post.

10 **GREEN HEART OF ESSEX**

Councillor Mrs Schmitt, Cabinet Member for Clean, Green and Safe, presented the report on the Green Heart of Essex Programme.

Councillor Mrs Schmitt highlighted that Phase One, covering the launch date and 3 months beyond, planned to start by focussing on the “Cleaner” part of the Programme and in particular, around dealing with litter.

**DECISION:** That the recommendations and plans outlined in the report for Phase One be accepted.

11 **REPORT ON THE OUTCOMES FROM THE RECOMMENDATIONS OF THE BUS AND RAIL TASK AND FINISH GROUP**

Councillor Harley, Cabinet Member for Enterprise and Culture, presented the report on the outcomes from the recommendations from the Bus and Rail Task and Finish Group.

Members welcomed the progress on taking forward the recommendations from Task and Finish Group.

Councillor M G Gage said that the outcomes demonstrated the importance of Task and Finish Groups and encouraged Members to participate in Groups such as the current one on services to older people. He added that participation was rewarding and can make a positive contribution to the lives of residents.

In respect of the recommendations relating to Witham Station, Councillor Lager reminded Members that the car park at Whitehorse Lane was now in the control of the Council and secured for continued use as a car park. He also reported that National Express East Anglia was participating in work looking to bring another access to the Station.

The Leader suggested that Councillor Harley may wish to consider involving the Halstead Local Committee in seeking more volunteer drivers for Community Transport from the north of the District.

**DECISION:** That the outcomes of the Bus and Rail Task and Finish Group final report recommendations as set out in the report be approved.

12 **CABINET MEMBERS’ UPDATES**

Councillor Harley informed Members that the second runway at Stansted Airport would now not take place.

13 **REFERENCES FROM OTHER COMMITTEES/BOARDS**

- Witham Local Committee – 18<sup>th</sup> May 2010  
Carry Forward of Unspent Witham Local Committee funds from 2009-10 into 2010-



11.

- Halstead Local Committee – 26<sup>th</sup> May 2010  
Carry Forward of Unspent Halstead Local Committee funds from 2009-10 into 2010-11.

Members noted that Cabinet had already agreed to the carry forward of Local Committee funds in considering the Financial Report (Minute 7).

14 **CHIEF EXECUTIVE'S REPORT**

**INFORMATION:** There was no report from the Chief Executive.

15 **CORPORATE HEALTH AND SAFETY ANNUAL REPORT**

**INFORMATION:** Councillor Lager presented the Annual Corporate Health and Safety Report.

Members were informed that the report had been discussed in detail earlier in the day in the Joint Consultative Group.

Councillor Dr R L Evans thought that on the Summary of Accidents, the number of reported accidents should be read as “recorded” and not “reported” accidents.

It was also agreed, in response to a question, that the health and safety training needs of Cabinet portfolio holders would be reviewed and that the outcome would be made available at the next Cabinet meeting.

**DECISION:**

- (1) That the Annual Corporate Health and Safety Report be noted.
- (2) That the health and safety training needs of Cabinet portfolio holders be reviewed and that the outcome be made reported at the next Cabinet meeting.

16 **EMERGENCY PLANNING, ANNUAL AUDIT COMMISSION SELF-ASSESSMENT TOOL 2009-10**

**INFORMATION:** Councillor Mitchell, Deputy Portfolio Holder for Environment and Sustainability, presented the self-assessment position for 2009/10 and action taken to ensure the emergency preparedness of the Council.

**DECISION:** That the Emergency Planning self-assessment position for 2009/10 and action taken to ensure the emergency preparedness of the Council be noted.

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

**INFORMATION:** Consideration was given to the minutes of the following:

- Cabinet Working Group, London 2012, held on 6<sup>th</sup> April 2010
- Local Government Reform Cabinet Sub Group held on 25<sup>th</sup> November 2009.

**DECISION:** That the minutes of the above meetings be noted.

18 **DELEGATED DECISIONS**

**DECISION:** That the following delegated decisions be noted:

- Councillor Butland approved revised terms and conditions of service for Directors to secure the right skills and experience against the current market rates.
- Councillor Harley endorsed the Council's support for the Dedham Vale and Stour Valley Project Management Plan 2010.15 and agreed to adopt the Memorandum of agreement for 2010/11.
- Councillor Mrs Schmitt approved a reduction in the Cemeteries charges for the annual maintenance of graves for 2010/11.
- Councillor Mrs Schmitt agreed that fees and charges for community halls should be kept static for six months until halls are transferred over to community groups.
- Councillor Walters approved a schedule of fees relating to Building Control and local authority pollution prevention control for inclusion in the Council's Fees and Charges Schedule 2010/11.
- Councillor Walters approved the dissolution of the Essex Waste Management Joint Committee, the proposal to create a Waste Member Partnership Board and Inter-Authority Member Working Group, and the Council's representation on the new Board and Group.

19 **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE ORGANISATIONS 2010/11**

**DECISION:** That the following appointments be made for the 2010/11 Civic Year:

<u>Organisation</u>	<u>Councillor</u>
Blackwater Neighbourhood Board	Lady Newton Mrs G Spray A V E Everard
Braintree District Access Group	Lady Newton
Braintree District CAB Management Board	F Swallow
Braintree District Voluntary Support Agency	Mrs S Howell
Braintree Enterprise Units Managing Body	N R H O Harley
Business Development Services (North West Essex)	N R H O Harley T S Wilkinson
County Youth Strategy Group	A Meyer Mrs J W Schmitt



Essex Supporting People Commissioning Body	Lady Newton
Great Notley Country Park – Joint Governance with Essex County Council	G Butland One Braintree Local Committee Member
Growth Fund Board – with Chelmsford Borough Council	G Butland
Joint Committee – Parking Service, with Colchester Borough Council and Uttlesford District Council	R G Walters R G S Mitchell
Leisure Partnership Consultative Board	Lady Newton T S Wilkinson
Local Government Association General Assembly	G Butland
Local Government Information Unit	Mrs J C Beavis
Responsible Authority Group	Mrs J W Schmitt
South Anglia Group	Lady Newton
Stansted Airport Consultative Group	N R H O Harley

## 20 **APPOINTMENTS TO CABINET GROUPS FOR 2010/11**

**INFORMATION:** Councillor Butland presented the report on the Programme Board Process for 2010/11.

### **DECISION:**

- (1) That the Programme Board process for 2010/11 be endorsed.
- (2) That membership of the following Cabinet Groups/Board for the 2010/11 Civic Year be agreed:
  - (a) Clean and Green Programme Board - Councillors Abbott, Bolton, Collar, Dr Evans, Foster, Mitchell, Ramage, Mrs Shepherd and Walters (Cabinet Member)
  - (b) Economy and Infrastructure Programme Board – Councillors Harley (Cabinet Member), Hughes, Lambourne, E Lynch, Mann, McCrea, Messenger, Mrs Money, O'Reilly-Cicconi, Mrs Scattergood and Wilkinson.
  - (c) Performance, Innovation and Efficiency Programme Board – Councillors Banthorpe, Ms Barlow, Dunn, Gyford, Hume, Lager (Cabinet Member), McKee, Rice, Mrs Sandbrook, Siddall and Mrs Smith
  - (d) Supporting our Communities Programme Board – Councillors Baugh, Mrs Edey, Finbow, Ms Flint, Mrs Gage, Meyer, Lady Newton (Cabinet Member), Mrs Pell, Shelton, Mrs Schmitt (Cabinet Member), Mrs Spray and Ms Thorogood

- (e) Joint Consultative Group - Councillors Mrs Beavis, Butland, and Walters.
- (f) Local Government Reform Cabinet Sub Group- Councillors Mrs Beavis, Butland, Dr Evans, M Gage, E Lynch, McCrea and McKee.
- (g) London 2012 Cabinet Working Group: Councillors Ms Barlow, Mrs Beavis, Everard, Mrs Money, Mrs Spray and Wilkinson.

## **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 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.*

## 21 **AFFORDABLE HOUSING PROGRAMME – REQUEST FOR DELEGATED AUTHORITY FOR ALLOCATION OF HOUSING CAPITAL**

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, presented the report requesting delegated authority for the allocation of housing capital in respect of the Affordable Housing Programme.

A question arose on the possible use of a site owned by Essex County Council. Councillor Lady Newton replied that all options would be considered.

### **DECISION:**

- (1) That the schemes to secure additional affordable housing be supported and that the final decision on which schemes proceed be delegated to the Cabinet Member, Housing and Well Being, to approve.

- (2) That it be **RECOMMENDED TO COUNCIL:-**

That authority be delegated to agree that capital funding be allocated to any scheme that is approved subject to the agreement of the Cabinet Member, Resources and Efficiency.

The meeting commenced at 7.15pm and closed at 9.38pm.

G BUTLAND

(Leader)