

Minutes

Cabinet



22 November 2010

Present:

Cabinet Members	Portfolio	Present
Councillor G Butland	Leader	Yes
Councillor Mrs J C Beavis	Customers and Community Support	Yes
Councillor N R H O Harley	Deputy Leader and Cabinet Member for Enterprise and Culture	Apologies
Councillor M C M Lager	Efficiency and Resources	Yes
Councillor Lady P Newton	Housing and 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 and Community Support	Yes
Councillor N G McCrea	Enterprise and Culture	Yes
Councillor J McKee	Efficiency and Resources	No
Councillor R G S Mitchell	Environment and Sustainability	Yes
Councillor Mrs C Sandbrook	Efficiency and Resources	Apologies
Councillor C Siddall	Leader's Portfolio/Clean, Green and Safe	Yes
Councillor Mrs G A Spray	Housing and Well-Being	Yes
Councillor T S Wilkinson	Enterprise and Culture	Yes

The following Councillors were also present as invitees of the Leader

Councillor J E Abbott, Leader of the Green Party, Councillor 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 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 A V E Everard, Mrs B A Gage, E R Lynch, D Mann, R Ramage, A F Shelton and Mrs J A Smith were also in attendance.

38 **DECLARATION OF INTEREST**

INFORMATION: The following interest was declared:-

- Councillor Lady Newton declared a personal interest in Agenda Item 8a –

Update on Community Halls as her husband is President of the Braintree and Bocking Community Association who runs the Community Centre in Victoria Street, Braintree.

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.

39 **QUESTION TIME**

INFORMATION: There was one statement made, a summary of which is contained in the Appendix to these minutes.

40 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 13th September 2010 be approved as a correct record and signed by the Leader.

41 **LOCAL ENTERPRISE PARTNERSHIPS AND THE INTEGRATED COUNTY STRATEGY**

Councillor McCrea, Deputy Cabinet Member for Enterprise and Culture, introduced the new Kent - Greater Essex - East Sussex Local Enterprise Partnership (LEP) and the need for effective engagement through sub-groups and regional partnerships, i.e. Heart of Essex area, and the Haven Gateway.

In response to whether Braintree should link to the north of the area, i.e. Suffolk, it was reported that Suffolk County Council had expressed interest in joining the Kent – Greater Essex – East Sussex LEP, with discussions taking place. It was also reported that significant consultation had already been undertaken with the business community – as the LEP will be business-led – and overwhelming support had been shown. It was recognised that greater involvement is important for the Council and business representatives, as the first bids can be submitted from 31st January 2011, and the majority of the seats on the LEP Board are allocated to the business community.

Within the Appendix to the report, it was clarified that new employment land to the north-east of Witham had been withdrawn from the Local Development Framework Core Strategy. However, it was noted that employment land does exist south-east of Witham at the Maltings Lane development.

It was also recognised that improvements to Witham town centre had been omitted from the emerging priority list, under the preparation of the Integrated County Strategy (ICS).

The Leader advised that the method of feedback to Local Authorities on development and success of the LEP has to be considered further, and that steps will be taken to report back to Braintree District Council and local residents.

DECISION:

1. That the new LEP arrangements for Kent-Greater Essex-East Sussex be endorsed and supported, and ongoing discussions to Braintree's position in a sub-region be noted.
2. That the progress made on the Local Economic Assessment and the Integrated County Strategy and Braintree's contribution to the process be noted.

42 **CULTURE AND LEISURE STRATEGY 2010-2015**

Councillor Wilkinson, Deputy Cabinet Member for Enterprise and Culture, presented the report and referred to Leisure now being incorporated into the Strategy and the District involvement and participation in London 2012. The inclusion of survey results into the Strategy, the Customer Impact, and the role of the Culture and Leisure Partnership Board in looking after the Strategy through the Action Plan, was noted.

Councillor Mrs Spray spoke as a Member of the Partnership Board, and recorded appreciation for the work of the Partnership Board in preparation of the new Strategy. Although budget cuts are current news, the importance of the Strategy was emphasised and for local people to enjoy sport and leisure.

Further discussion ensued on the financial element and it was advised that the Strategy provides a platform for the Council and partners to work from, on their aspirations. Support from local groups has already been recorded, through engagement with the Partnership Board, and promotion at Arts events.

The Leader confirmed the Council are only an enabler to the Strategy, and has to prioritise its involvement in the current economic climate.

DECISION: That the Culture and Leisure Strategy be approved, subject to consultation through the Local Committees with final approval by delegated authority of the Cabinet Member for Enterprise and Culture.

43 **STRATEGIC PRIORITIES FOR THE BRAINTREE DISTRICT COMMUNITY SAFETY PARTNERSHIP**

Councillor Mrs Schmitt, Cabinet Member for Clean, Green and Safe, referred to the Annual Strategic Assessment and the reduction in crime in the Braintree District under initiatives introduced through Community Safety. The six Priorities for the Braintree District derived from the 2009 Strategic Assessment are quoted at Section 6 of the report.

Members referred to the priorities and queried the availability of statistics in the six categories. The Portfolio Holder agreed to provide statistics that are available, but did register that some issues are not taken to Court, and some data is underground, e.g. through facebook, twitter and video texting.

With regard to industrial, commercial and agricultural crime, it was noted this is within the remit of the local Police.

DECISION: That the Strategic Priorities derived from the Community Safety Partnership Annual Strategic Assessment be supported.

44 **RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS SECTION 106 AGREEMENTS: MANAGING CONTRIBUTIONS**

Councillor Wilkinson, Deputy Cabinet Member for Enterprise and Culture, presented an update report detailing progress to the eight recommendations received by Cabinet in

September 2010 for management of contributions from S106 Agreements.

Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, raised concern to the responses by Officers regarding:-

- Item 2 Update of S106 balances quarterly and the lack of an appropriate accounting system – whereas a normal accounting process would achieve this.
- Items 6 & 8 Delaying training for Parish and Town Councils & the way the County Council uses S106 money.

It was accentuated that Parish and Town Councils are not certain that S106 money is spent effectively by the County and they have a real need to understand where the District and County Council use the S106 funds.

The Deputy Portfolio Holder agreed to take these comments forward.

DECISION:

1. That Cabinet thank the Members of the Overview & Scrutiny Committee for their examination and analysis of the Council's S.106 management arrangements.
2. That the progress made on the Overview & Scrutiny Committee recommendations be endorsed.

45 **APPOINTMENTS TO SOUTH ANGLIA HOUSING, ESSEX ACTION GROUP**

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, referred to the current Council representatives on the Blackwater Housing Association Board of Councillors Lady Newton, Mrs Spray and Everard. This South Anglia Neighbourhood Board is merging into a regional group to form the Essex Action Group, and two nominations were requested for the remainder of the Civic Year.

DECISION: That Councillor Lady Newton and Councillor A V E Everard be appointed at the Council's representatives to the South Anglia Housing Essex Action Group, for the remainder of the 2010/11 Civic Year.

46 **SCOPE, GRANGEWOOD CENTRE, 10-12 HIGH STREET, KELVEDON - RELEASE OF COVENANT**

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, presented a request for the release of a restrictive covenant at the Scope site in Kelvedon. This will enable Scope – a provider of special needs for people with severe physical disabilities – to unlock land for development. The 3 x two bedroom houses will have an equivalent value of £375,000 gain towards the provision of affordable housing.

In answer to whether Greenfields Community Housing Association (GCH) could be considered as a Housing Association nominated by Braintree District Council for transfer of the affordable housing, it was noted that GCH with other Housing Associations may be considered.

It was also clarified that Scope's existing accommodation is to be completely

reprovided.

With regard to financial implications, the Portfolio Holder assumed that the Council's Legal Department would be used for appropriate documentation. This is to be advised by the Council.

DECISION: That the release of the restrictive covenant in consideration of receiving the benefit of 15 x 1 bedroom special needs units and 3 x 2 bedroom affordable housing units subject to planning consent and subject to completion of appropriate legal documentation, be approved.

Action Point: That the Solicitor to the Council advises if the Council's Legal Department will complete the appropriate documentation on this issue.

****47 UPDATE ON COMMUNITY HALLS**

Key Decision –	Items 1, 2 & 3
Minutes Published:	29 th November 2010
Call-in Expires:	7 th December 2010

Councillor Siddall, Deputy Cabinet Member for Clean, Green and Safe, presented an update on the Halstead Community Centre project and for community halls managed by the Council at Goldingham Hall, the Glebe Hall, The Institute and Victoria Street Community Hall – all in Braintree; and the Forest Road Community Hall, Witham and Silver End Village Hall.

Members thanked the Portfolio Holders and Officers for their role in Silver End Village Hall and the other venues, and during the discussion the following issues were raised:-

- the brief report on Silver End Village Hall, and further detail required on fees and agreements, the closure of the Pre-School, and improvements to the Hall, i.e. the heating system
- more details to the Hall at Dengie Close, and the Public Hall – both in Witham

Councillor Siddall thanked Members for their comments, and stated that priorities were being addressed and worked through with the limited resources available, to look for best use, cost effective use and opportunities for each venue. It was noted that more information is to be provided later.

Councillor Lager was pleased and encouraged by the progress made on the halls, and continued to suggest that other community facilities operated by the Council, e.g. sports grounds, changing rooms, sports facilities may also benefit by being managed locally by groups and organisations. It was considered that the Council Policy could come to a future meeting to explore this possibility.

The Leader of the Council stated that the Council are interested in being contacted by any voluntary group or organisation who wishes to operate their local community facilities.

Councillor Lager also made reference to a piece of land transferred to the Council under a S106 Agreement in the Maltings Lane area in Witham, for the building or funding of a community facility. The current position on this was queried.

Councillor Mrs Schmitt, Cabinet Member for Clean, Green and Safe, officially accepted the petition submitted by the Braintree and Bocking Community Association, in relation to the Victoria Street Community Centre, Braintree and advised talks are ongoing.

DECISION:

- **1. That a Business Case on the revenue costs and sustainability of a locally managed new Community Centre in Halstead be approved.
- **2. That the agreement of a long term lease and associated conditions for the transfer of The Institute to a Consortium (who will form a Trust) be approved in principle and delegated authority given to the Head of Asset Management, in consultation with the Cabinet Member for Clean, Green and Safe, to negotiate and agree the terms of the lease.
- **3. That the closure of Forest Road Community Hall, Witham be approved as it is surplus to requirements and instruct the Head of Asset Management to dispose of the property.
- 4. That progress of the other community halls detailed in the report be noted.

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

That the capital allocation of £450,000 be approved, for the refurbishment of 19/21 Bocking End, Braintree in order that the Braintree and Bocking Community Association is relocated under the terms of their current lease

- 6. That delegated authority be approved to the Head of Asset Management, in consultation with the Cabinet Member for Clean, Green and Safe, to negotiate and agree the terms of a new lease.
- 7. That in response to the petition it be noted that there are ongoing discussions with the Braintree and Bocking Community Association on the relocation to 19/21 Bocking End.

Action Point: That the Development Control Manager provides an update to the Council-owned land at Maltings Lane, Witham and the provision of a community facility.

48 **STRATEGIC RISK MANAGEMENT**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented a report on the Council's Risk register, and referred to the Strategic Risk Profile diagram at Appendix A and on facing serious risks from the changing environment and challenges on the economic situation.

DECISION: That the updated schedule of strategic risks be approved and referred to the Audit Committee for regular monitoring.

49 **SECOND QUARTER PERFORMANCE MANAGEMENT REPORT 2010/11**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the Second Quarter Performance Management report for the period July to September 2010, and advised of improvement in managing projects and achieving or exceeding targets on performance indicators.

Congratulations were made to Council staff and residents on the average recycling rate exceeding 56%. On the aspect of recycling, it was noted that following a visit to a Recycling Facility at Tilbury, it had been identified that the clarity of recycling advice provided to residents may require updating, on plastic and cardboard guidance.

Reference was also made to the Health and Safety data and significant increases and on the legal requirement to have targets to ensure a safe, hazard free, healthy workplace. The Leader agreed the presentation and detail under Health and Safety requires attention.

In response to a query whether Braintree District Council would revise their Performance Indicators, in line with Government advice, it was agreed this measure would be beneficial and the Council's Overview and Scrutiny Committee/Audit Committee could recommend appropriate Indicators, including those locally significant. The Leader of the Council confirmed it was an overall good performance.

DECISION: That the Second Quarter Performance Management report 2010/11 be noted.

50 **CABINET MEMBERS' UPDATES**

Councillor Mrs Beavis, Cabinet Member for Customers and Community Support, advised that on Friday 10th December 2010, the Chairman of Essex County Council with the Chairman of Braintree District Council will officially launch **the joint Council partnership at Halstead Library** – as the joint service with GCH in Halstead is coming to a close. Invitations will be coming to Cabinet and local Ward Members.

Councillor Bebb, Deputy Cabinet Member for Customers and Community Support, reported on **Community Transport** and stated that 4,500 passenger journeys are made per month focused on the frail, elderly and disabled; and Officers were thanked for sustaining that service. The local Braintree shopper bus service had also been short-listed in the national UK Bus Awards. In the local area there are two smaller awards - The Area Forum Fund responsible for £3,000 for a Christmas Party for the elderly, frail and disabled and community transport users; and £4,000 for 60 community transport users to partake on a ten week course.

51 **CHIEF EXECUTIVE REPORT**

INFORMATION: The Chief Executive will make a report to the special Cabinet meeting on 7th December 2010, which is also to include budget proposals.

52 **MINUTES FROM CABINET SUB-GROUPS**

Local Government Reform Cabinet Sub Group - 4th November 2010

Councillor Butland, Chairman of the Local Government Reform Cabinet Sub Group, presented the following references and recommendations.

- Financial Procedure Rules.

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

1. That the revised Financial Procedure Rules be adopted by Council for inclusion in the Council's Constitution.
 2. That the Monitoring Officer be authorised to make the necessary amendments to the Constitution.
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- Proposed Changes to the Petitions Scheme

Councillor Butland summarised the content of the minute, and presented the proposals. The Monitoring Officer was requested to incorporate the proposed amendments into the Petitions procedure, for inclusion in the Council agenda.

Members welcomed the proposals but a query was raised in relation to the procedure to be followed at Full Council.

The Leader of the Council stated that if following publication of the revised procedure (with the Council agenda) there were any issues outstanding then a meeting of all Group Leaders could be convened to achieve a suitable solution.

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

1. That the changes proposed by the Local Government Reform Cabinet Sub Group be incorporated into the Petitions Scheme.
 2. That the Monitoring Officer be authorised to make the necessary amendments to the Constitution and Petitions Scheme.
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- Decision Making Arrangements

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

1. That the Strong Leader model be adopted.
 2. That the implementation date is 8th May 2011.
 3. For the avoidance of doubt, that the Leader elected under the current arrangements shall be the Leader for the purposes of the Strong Leader model until the Annual General Meeting on 26th May 2011.
 4. That the Monitoring Officer be authorised to make the necessary amendments to the Constitution in order to implement the Strong Leader model.
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DECISION: That the minutes of the Local Government Reform Sub Group held on 4th November 2010 be noted.

53 **DELEGATED DECISIONS**

Cabinet received a report on Cabinet Member decisions made under delegated powers.

DECISION: That the six delegated decisions as quoted in the report be noted.

The meeting commenced at 7.15pm and closed at 8.58pm

G BUTLAND
(Leader)

APPENDIX

CABINET MEETING

22 NOVEMBER 2010

QUESTION TIME

Summary of Questions Asked / Statements Made During Question Time

1. Statement by David Sayers, Chairman of the Braintree and Bocking Community Association
Agenda Item 8a – Update on Community Halls

Mr Sayers spoke as Chairman of the Braintree and Bocking Community Association which runs the Community Centre in Victoria Street, Braintree. They had submitted a petition to Council of 900 users and interested parties urging the Council to retain the Community Centre in its present position in Victoria Street.

Mr Sayers read from a prepared statement:-

‘The roots of this petition originated in the Three Towns:One Vision concept which allowed for a new community facility. However, this plan has been frozen out.

Subsequently, the Association was offered a refurbished 19/21 Bocking End with a hall built in the grounds. Whilst there were some reservations on the location it did have great possibilities for the Association. Unfortunately, this offer was withdrawn.

We were then offered The Institute, which we looked at in some depth. However, this has also now been taken out of the equation.

The latest offer is back to 19/21 Bocking End, with negotiations ongoing for a bigger hall or what can be done there. The reference is at Agenda Item 8a, Item 3.4.

Returning to the petition, the members of the Association would like to stay in the Victoria Street locality with one of the following options:-

- New premises as outlined in the original Three Towns:One Vision – which in itself will bring problems
- Omitting the Community Centre from the development area which would also leave us where we are
- Redevelopment not carried out thus leaving us where we are’