

Minutes

Cabinet



9 June 2011

These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. An audio recording of the meeting is available from Member Services.

Present:

Cabinet Members	Portfolio	Present
Councillor G Butland	Leader of the Council	Yes
Councillor C Siddall	Deputy Leader, Efficiency and Resources	Yes
Councillor Mrs J C Beavis	Communities	Yes
Councillor Lady P Newton	Enterprise, Housing and Development	Yes
Councillor Mrs W Schmitt	Environment	Yes

Deputy Cabinet Members	Portfolio	Present
Councillor D L Bebb	Leader's Portfolio	Yes
Councillor J T McKee	Enterprise, Housing and Development	Yes
Councillor R G S Mitchell	Environment	Yes
Councillor J O'Reilly-Cicconi	Efficiency and Resources	Yes
Councillor P Tattersley	Communities	Yes

The following Councillors were also present as invitees of the Leader: Councillors Abbott, Barlow and Dr Evans.

The following Councillors were also in attendance: Councillors Banthorpe, (until end of item 5a), Canning, Cunningham, Mann, Ramage (all remained for the entire meeting), Mrs C Sandbrook (until end of item 5a), S Sandbrook (until end of item 5a), Mrs Scattergood (until end of item 5a), Mrs Shepherd, (until end of item 5a), Thorogood, (until end of item 8a) and Mrs L Walters (until end of item 5a).

1 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor G Butland declared a personal interest item 7a, Great Notley Discovery Centre, Community Based Wind Turbine Project, as Chairman of Great Notley Parish Council.

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: 7 Statements were made, a list of which is contained in the Appendix.

3 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 28th March 2011 be approved as a correct record and signed by the Leader.

4 ****TOWN CENTRES REGENERATION**

Minutes Published: 15 th June 2011 Call-in Expires: 23 rd June 2011
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INFORMATION:

Full Council at its meeting on 11th April 2011, referred a petition on the Braintree Town Centre Development STOP Campaign to Cabinet. The petition asked the Council not to proceed with the proposed redevelopment of Braintree town centre. The petitioners expressed concerns during Public Question Time that the Council had already made its decision and that the petitioners are opposed to the development which is in a conservation area and results in the loss of community facilities.

In responding to the petition, Councillor Lady Newton, Cabinet Member for Enterprise, Housing and Development, reminded members that the redevelopment of the town centres in the district had been a priority for the Council since 2007. She mentioned that the size of retail units in Braintree town centre was generally small and not suitable for many retailers. The Council needed to provide opportunities for new retailers to come in to the town centre, to increase choice for residents, and to increase footfall which will in itself benefit all retailers.

Councillor Lady Newton referred to a public consultation carried out in 2008, at the outset of the proposed development, where there was wide public support for the development schemes. She also referred to the positive support for the development of Braintree town centre in the recent public consultation. She also reminded members that this was a market led development.

The Monitoring Officer and Solicitor to the Council gave the following opinion:

1. The consultation requirements are not prescriptive and it is recognised that the nature and form of consultation will vary from case to case.
2. Having reviewed all relevant actions and documents of this Council in relation to the consultation for Town Centre Regeneration, she confirmed that the Council has met all the legal requirements.
3. The Monitoring Officer and Solicitor to the Council was satisfied that notwithstanding the claims that the consultation process is flawed, it would be lawful for the Cabinet to consider the report before it and to make such decisions as it considered appropriate.

DECISION:

1. That the development of a 4 year Enhancement Strategy to assist in the regeneration of Braintree, Witham and Halstead Town Centres be approved.

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That it be **RECOMMENDED TO COUNCIL:**

2. That Henry Boot Developments Limited be selected as the 'Development Partner' for the Braintree town centre regeneration site.

That subject to decision 2 above being agreed by Council:

3. That powers be delegated to the Director of Sustainable Development to agree final terms of the Development Agreement in consultation with the appropriate Cabinet Member(s).
4. That powers be delegated to the Director of Sustainable Development to agree a lease on the regeneration site with the 'Development Partner' for a 200 year term in accordance with the proposals set out in the report.

REASON FOR THE DECISION: To agree a 4 year Enhancement Strategy to assist in the regeneration of Braintree, Witham and Halstead town centres and to recommend to Council the 'Development Partner'.

5 **ASSET MANAGEMENT - 2011/12 ASSET MANAGEMENT PLAN**

INFORMATION: In response to a question from Councillor Abbott, the Leader of the Council agreed that the wording under Community Halls, page 12, Item 6 in the Plan needed to be looked at again.

Councillor McKee also agreed to provide information to Councillor Barlow on the Council's letting policy.

DECISION: That the 2011/12 Asset Management Plan be approved subject to revised wording relating to Community Halls being agreed by the Cabinet Member for Efficiency and Resources.

REASON FOR THE DECISION: To approve of the Asset Management Plan.

6 **LEISURE SERVICES AND PROCUREMENT OF A NEW LEISURE MANAGEMENT CONTRACT**

DECISION:

1. That the procurement of the new leisure management contract (outlined in Section 2.3 of the report) with the Council going out to market for a new contract be approved;
2. That the governance arrangements for the procurement of the leisure management contract and the construction contract for Witham Leisure Centre be approved giving delegated authority to the Cabinet Member for Communities, in consultation with the Corporate Director, to approve key stages in the procurement processes as outlined in section 5 of the report.

REASON FOR THE DECISION: To enable the Council to start the procurement process for a new leisure management contract and approve new governance arrangements when the current one expires.

7 **REVISED SAFEGUARDING POLICY**

DECISION: That the revised Safeguarding Policy be approved.

REASON FOR THE DECISION: To enable officers to work with relevant partners in accordance with the revised Safeguarding Policy and comply with legislation

8 ****GREAT NOTLEY DISCOVERY CENTRE COMMUNITY BASED WIND TURBINE PROJECT**

DECISION:

Minutes Published: 15 th June 2011 Call-in Expires: 23 rd June 2011
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1. That the business case for the project be approved and that Option 2 (1.5MW turbine) be confirmed as the preferred turbine option.
2. That the governance arrangements for the wind turbine project be approved as outlined in the Project Governance section of this report.

That it be **RECOMMENDED TO COUNCIL:**

3. That an allocation of £2,404,000 for the studies, planning submission, manufacture and construction of the turbine, on the basis that Members agree the preferred option. The main body of the funding will be required in December 2013 (post construction);

REASON FOR THE DECISION: To enable the Council to start the process for developing a wind turbine at the Discovery Centre in Great Notley and to approve new governance arrangements to ensure that the turbine is in operation by February 2014.

9 **ANNUAL AND FOURTH QUARTER PERFORMANCE MANAGEMENT REPORT 2010/11**

INFORMATION: Councillor Siddall agreed to consider the points of Councillors Barlow and Dr Evans on the reporting of health and safety information within the report. It was noted that the information on health and safety should read 2010/11 (and not 2009/10).

DECISION:

1. That the report be noted and endorsed;
2. That the requests to carry forward £125,470 to be spent in 2011/12 on the issues set out in the appendix to the performance report be approved;
3. That the movement of earmarked reserves for the year as reflected in the outturn financial performance be approved;

That it be **RECOMMENDED TO COUNCIL:**

4. That a further £250,000, from balances, be added to the Enterprising Communities Fund.

10 **ESSEX PARTNERSHIP ARRANGEMENTS**

DECISION: That the response to the Essex Partnership arrangements be in line with the comments contained within the report.

REASON FOR THE DECISION: To convey the views of the Council on the Essex Partnership Proposal to Essex County Council.

11 **CABINET MEMBERS' UPDATES**

Cabinet Members provided the following updates on issues within their portfolios:

Councillor Mrs Beavis, Cabinet Member for Communities

- **Freehold Warner Visitor Centre.** The Council is moving forward and looking to protect its own interests in respect of the archive. Councillor Siddall is now the Corporate Trustee on the Board of Directors. A report will be presented to Cabinet later in the year.
- **Community Transport.** The team has been short listed in the Pride of Essex Award.

Councillor Mrs Schmitt, Cabinet Member for Environment

- **Recycling Centre, Witham.** In response to inaccurate rumours, Essex County Council (ECC) had brought forward an announcement that the ECC had no plans to close the centre. Councillor Mrs Schmitt had sought assurances from ECC that they would consult with Braintree District Council and Witham Town Council on any changes to the opening hours of the centre.
- **Council's Recycling Target.** Against its target of 53%, the Council had achieved 54.07%.
- **Comments of the Secretary of State for Communities and Local Government on councils returning to weekly refuse collections.** Councillor Mrs Schmitt had written to the Prime Minister advising how well refuse collection worked in the district and that any moves to return a weekly collection would cost the Council around £1.25 million per annum. She has suggested that the Communities Secretary visits the District to see a well-performing refuse collection.

Councillor Lady Newton, Cabinet Member for Enterprise, Housing and Development

- **Proposed Merger of Business Development Services, (BDS) and Braintree Enterprise Acorn Units, (BEAU).** A facilitator to enable the merger has been appointed. It is envisaged that the merger will take place in the summer or autumn.
- **Mayland House.** The Council has been approached by a number of companies interested in renting space in the building. Those offers are being assessed and a report would be presented to the next meeting of Cabinet.

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE ORGANISATIONS

DECISION: That the following appointments be made for the 2011/12 Civic Year:

Name of Organisation/Partnership Board	Name of Nominee(s)
Braintree College – Colchester Institute Governing Body	Cllr Baugh
Braintree District Access Group	Cllr Lady Newton
Braintree District CAB Management Board	Cllr Mrs Sutton
Braintree District Voluntary Support Agency	Cllr Mrs Howell
Braintree Enterprise Units Managing Body	Mr N R HO Harley
Business Development Services (North West Essex) Ltd	Cllrs Lady Newton and McKee
East of England Local Government Association (EELGA)	Cllr Butland
Great Notley Country Park - Joint Governance with ECC	Cllrs Mrs Schmitt and Butland
Growth Fund Board	Cllr Butland
Inter-Authority Member Working Group	Cllr Mrs Schmitt
Joint Committee - Parking Service (with Colchester & Uttlesford)	Cllrs Mrs Schmitt and Mitchell
Leisure Partnership Consultative Board	Cllrs Mrs Beavis and Tattersley
Local Government Association General Assembly	Cllr Butland
Local Government Information Unit	Cllr Mrs Beavis
Responsible Authority Group	Cllr Mrs Beavis
South Anglia Group	Cllrs Lady Newton
South Anglia Group - Essex Action Group	Cllrs Lady Newton and Everard.
Waste Member Partnership Board	Cllr Mrs Schmitt
Campaign to Protect Rural Essex	Cllr Johnson
Community Housing Investment Partnership Board (CHIP)	Cllr Butland, Lady Newton and Mrs Schmitt
Eastern Arts Board Local Government Forum (Eastern Region)	Cllr Elliott
Home-Start Braintree & Witham	Cllr Mrs Galione
Local Government Association Rural Commission	Cllr Mrs Beavis
Local Government Association Urban Commission	Cllr Bebb
Museums in Essex Committee	Cllr Mrs Howell
Stansted Airport Consultative Committee	Cllr Swift

APPOINTMENTS TO CABINET GROUPS FOR THE CIVIC YEAR 2011/12

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INFORMATION: It was agreed that the Locality Group would bring forward proposals for consideration by Cabinet at its September meeting on how the Enterprising Communities Fund might be used and further views and proposals of developing the Council's and councillors role which enhances localism.

DECISION: That membership of the following Cabinet Groups/Board for the 2011/12 Civic Year be agreed:

Group	Membership
Local Government Reform Cabinet Sub Group	Councillors Barlow, Mrs Beavis, Butland, Dr Evans, Lager, Ms Santomauro, Siddall and Mrs Spray
Locality Working Group-	Councillors Abbott, Mrs Allen, Barlow, Cadman, Canning, Elliott, Fincken, Mann, Mrs Spray (Chairman), Mrs Wilson and two representatives from the Braintree Association of Local Committees.
Joint Consultative Group	Councillors Butland, Mrs Schmitt and Siddall

13 **REPORTS/DELEGATED DECISIONS/ MINUTES TO BE NOTED**

DECISION: That following delegated decisions be noted:

1. Councillor Harley, Enterprise and Culture, approval of Culture and Leisure Strategy, 8th March 2011.
2. Councillor Harley, Enterprise and Culture -Approval Section 106 Funds, Halstead River Walk, 4th April 2011.
3. Councillor Mrs Schmitt, Clean, Green and Safe – Virement to Enterprise and Community Fund.

The meeting commenced at 7.15pm and closed at 9.34pm.

G BUTLAND
(Leader)

Cabinet Meeting, 9th June 2011, Questions Asked/Statements Made

Speaker	Subject
Sarah Charter, Shalford	Item 5a, Town Centre Regeneration. Against development proposals for Braintree town centre
Spencer Holloway, Braintree	Item 5a, Town Centre Regeneration. Against development proposals for Braintree town centre
Sue Parsons	Item 5a, Town Centre Regeneration. Against development proposals for Braintree town centre
Jane Hughes	Item 5a, Town Centre Regeneration. Against development proposals for Braintree town centre
Adrian Newbery, Pensioners Action Group, Braintree	Item 5a, Town Centre Regeneration. Against development proposals for Braintree town centre
G Oates	Item 5a, Town Centre Regeneration. Against development proposals for Braintree town centre