

Minutes

Cabinet



13th September 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 & Safe	Yes
Councillor R G Walters	Environment & 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	No
Councillor C Siddall	Leader's Portfolio/Clean, Green & Safe	Yes
Councillor Mrs G Spray	Housing & Well-Being	Yes
Councillor T Wilkinson	Enterprise & Culture	Yes

The following Councillors were also present as invitees of the Leader

Councillor J E Abbott, Leader of the Green Party (until 7.45pm), Councillor T J W Foster, Chairman of Witham Local Committee, Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association, and Councillor E R Lynch, Deputy Leader of the Labour Group.

An apology for absence was received from Councillor Dr R L Evans, Leader of the Labour Group.

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

At the commencement of the meeting the Leader of the Council advised that as the speakers in Question Time, with other audience attendance were present for Agenda Item 9d – Update on Community Halls Review – Silver End Village Hall, this item would be brought forward in the agenda and discussed following the Question Time session.

22 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

- Councillor M C M Lager declared a personal interest in Agenda Item 5a - Medium Term Financial Strategy and Agenda Item 9a – Statement of Accounts 2009/10, as a member of the Essex Local Government Pension Scheme Board and its Investment Steering Committee.
- Councillor Mrs J C Beavis declared a personal interest as a Member of Sible Hedingham Parish Council in Agenda Item 9b – Section 106 Agreements – Managing Contributions, as the Parish Council had made representations.
- Councillors G Butland, Lady Newton and Mrs J W Schmitt all declared a personal interest as Members of the Community Housing Investment Partnership (CHIP) Board in Agenda Item 5c – CHIP Board Annual Funding Review 2010.

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.

23 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 14th June 2010 be approved as a correct record and signed by the Leader, subject to Minute 5 – Housing Stock Transfer – Tracking the Promises being amended to include the response from Phil Adams, the Chief Executive of Greenfields Community Housing (GCH), to a query on when GCH would proceed in building houses. Cabinet had been advised this would commence in 2012.

Councillor E R Lynch, Deputy Leader of the Labour Group, stated this was an important announcement that should not have been omitted from the minutes and had been drawn to the attention of Full Council on 28th June 2010. Discussion ensued to the reasons for re-issuing minutes and that Cabinet had to agree any amendment to the minutes of their meetings.

Amendment to Minute 5 – Housing Stock Transfer – Tracking the Promises. Page 4 of minutes prior to ‘The Leader thanked Mr Adams for his presentation.....’

‘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. ‘

24 **QUESTION TIME**

INFORMATION: There were four statements made, a summary of which is contained in the Appendix to these minutes.

25 **UPDATE ON COMMUNITY HALLS REVIEW– SILVER END VILLAGE HALL**

Councillor T J W Foster, Chairman of Witham Local Committee, presented the recommendations from Minute 17 of the Witham Local Committee held on 13th July 2010. It was noted that the hire fees at Silver End Village Hall vary significantly and are set historically and on the ability of the user to pay. The current hourly rate varies from £8.00 to £23.00 an hour, with a £36.00 hire charge for a casual user. Therefore, an increase can be substantial, with the hire charge of £250.00 paid per month by the Seedlings Pre-School increasing to £468.75; and the Jack and Jill Pre-School rising from £220.00 per month to £408.75.

Councillor Mrs Schmitt, Cabinet Member for Clean, Green & Safe, reminded Members of the policy adopted by Braintree District Council in July 2009, to transfer Council-owned community halls to Parish Councils, local organisations, community groups or Trusts. New fees and charges had been agreed by Full Council in February 2010, and are to be implemented from 10th September 2010. During the Fees and Charges study some anomalies had been identified, including historic discount rates for some users at Silver End Village Hall, creating a double discount budget.

It was reported that both Goldingham Hall and Glebe Hall in Braintree are to transfer to local organisations, and local community groups had expressed interest in The Institute at Braintree, and for Witham Public Hall and the Dengie Hall, also in Witham. It was specifically clarified that the District Council had no intention to sell The Institute in Braintree. However, no organisation has come forward regarding the Forest Road Hall in Witham and, therefore, this facility will be closed.

With regard to Silver End Village Hall, it was proposed that the hire charge for those groups that enjoy the double discount be increased from 14th September 2010 by £2.00 per hour on the current rate for regular users only. For other regular users the maximum rate per hour will be capped at a level that they would be charged under the new scheme.

Future approaches will be made to local community groups and other interested parties to examine further options for the Hall and also consider an option to establish a new Community Trust that could involve working with current Trusts, to transfer Silver End Village Hall. The policy objectives set the transfer deadline for community halls at 31st March 2011, when consideration will be given to the future of community halls, and the issue of charging commercial rates. It was noted that new community groups can attract funding, whereas the Council cannot; and that many groups use Silver End Village Hall and can utilise this opportunity. It was also clarified that many current users have leases at the Village Hall, and accommodate a significant proportion of the large hall.

DECISION:

- (1) That an increase of £2.00 per hour from 14th September 2010 on the current rate be approved for hire charges at Silver End Village Hall, for regular users who currently benefit from the 'double discount' function.
- (2) That the maximum rate per hour for hire charges be capped at a level that would have been charged under the new scheme, for those regular users who do not receive a 'double discount'.
- (3) That further discussion be held with user groups and other interested parties as to the future options regarding the Silver End Village Hall.

26 UNIFIED MANAGEMENT – LOCALISED DEMOCRACY: Statement by the Leader of the Council

INFORMATION: Councillor Butland, the Leader of the Council, prior to introducing the Medium Term Financial Strategy made a statement regarding the financial challenges facing the Council and the need to rethink service delivery and ways of working with others.

The Leader considered it was a challenging time for the Public Sector, with potential loss of service and jobs, whilst grasping opportunities and meeting the future needs of

the District. Therefore, the Leader has asked the Chief Executive to develop options and opportunities based upon a more strategic approach for management and delivery of services. These are

- To investigate and develop the opportunities of joint management arrangements between the County Council and/or District Councils. The Leader has produced a discussion paper (available on the Members' Portal) for Leaders of other Councils entitled 'Unified Management – Localised Democracy' on ways to unify management of different authorities across Essex. This will be followed up by a meeting of all Local Authority Leaders in early November 2010
- To investigate and develop opportunities to continue to develop shared and merged services with other Councils
- To seek strategic partners in the Private or Public Sector for the provision of operational services, to establish if there are any benefits from a partnership
- To consider the opportunities for developing alternative delivery arrangements by establishing local Trusts or similar, which could achieve financial benefit
- To consider the opportunities to partner with other sectors to seek better value, and
- To ensure that every service of the Council has a clear, outcome based specification which can form a basis for commissioning services from other sectors.

The localism agenda seeks for decision making to be kept local, but could bring together joint working between the three tiers of local government of County, District and Parish Councils.

Cabinet was advised that support is also being expressed for an Essex & Kent Local Enterprise Partnership (LEP) – details of this is also contained on the Members' Portal. This proposal will encompass the Thames Gateway, the Haven Gateway, the M11 corridor and the Mid-Essex area covering Chelmsford, Maldon and Braintree; and create one of the largest LEP's in the country representing 3.5m population and a total economy of £55bn. It was noted that the Council Leader's of Tendring, Colchester and Braintree Councils have met with Haven Gateway representatives to discuss the potential development for the Essex part of the Haven Gateway; and the creation of an Essex/Haven Gateway Low Carbon Growth Study.

The Leader stated he would provide further details on these matters in his report to Council on 27th September 2010.

27 MEDIUM TERM FINANCIAL STRATEGY - UPDATE

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the Medium Term Financial Strategy update report, including revised assumptions made to allow for reductions in government grants, and the Budget Process Timetable and consultation period.

In response to a query regarding the appointment of a new Director, the Leader advised that a Service Director for Sustainable Development had been appointed to replace one Director position and two Heads of Service (HOS) posts; and subsequently established a significant saving of two whole time equivalent HOS grades.

DECISION:

1. That the revised assumptions, as detailed in Appendix A to the report, used in forecasting the Council's updated medium term financial profile for the period 2010/11 to 2014/15 be approved.
2. That as much as possible of the savings required, totalling £4.96million over

the period to the end of 2014/15, be identified up front.

3. That the decision whether to apply for a capitalisation direction for 2010/11, by 29th October 2010 the deadline for applications, be taken by the Corporate Director (responsible for Finance) in consultation with the Cabinet Member for Efficiency and Resources.
4. That the budget process and consultation timetable for 2011/12, as detailed in Appendix D to the report be approved.

28 **FIRST QUARTER PERFORMANCE MANAGEMENT REPORT 2010/11**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the First Quarter Performance Management Report for the period April to June 2010, and advised of the overall good performance of the Council.

The Leader of the Council endorsed earlier remarks on how staff had responded and maintained a high standard of performance during this unsettling period and requested the Chief Executive to express the appreciation of Cabinet Member's to all staff.

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

29 **COMMUNITY HOUSING INVESTMENT PARTNERSHIP (CHIP) BOARD ANNUAL FUNDING REVIEW 2010**

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, presented the second annual report on the activities of the CHIP Board. The CHIP Fund is a grant fund of £11m designed to support groups and organisations benefiting local people and communities in the Braintree District, and during 2009/10 projects by 12 organisations had been supported. An endowment fund is to be managed by the Essex Community Foundation to prioritise on the disadvantaged communities in the District, with grants made available to organisations from July 2011, following a publicity period in Summer 2011.

DECISION: That the report be noted.

30 **PETITION AGAINST INCREASE IN PARKING CHARGES AT LOCKRAMS LANE CAR PARK, WITHAM**

Councillor Walters, Cabinet Member for Environment and Sustainability, presented the report regarding a petition (comprising 29 signatures) objecting to the increase in parking charges at the Lockrams Lane car park in Witham. Parking permits for Lockrams Lane are valid for only six days per week due to the car park being used to site the market on a Saturday each week. At the meeting of Witham Local Committee on 13th July 2010 the option to reduce the rate was supported, as the car park is not available to permit holders on Saturdays – whereas all other car parks across the District have seven day availability.

However, the Council is currently considering relocating the market from Lockrams Lane, and if this should go ahead any reduction in charge would be revisited, and the full amount reinstated.

It was clarified that the permit holders can only use their specific car park, and cannot use their permit on other Council-owned car parks elsewhere in the District.

DECISION:

1. That Option 2 as set out in the report be approved i.e. to reduce the parking charges at Lockrams Lane car park, Witham to £110 per quarter and £430 per annum with effect from 1st January 2011.
2. That the existing charge be reinstated should Lockrams Lane market in Witham is relocated.

31

****OFFICE ACCOMMODATION**

Minutes Published: 23 rd September 2010
Call-in Expires: 1 st October 2010

The Leader of the Council introduced this item and advised that Private Session was required if specific references was made to the Causeway House Refurbishment Costs supplied to Members under confidential cover, due to its commercial sensitivity. However, Private Session was not required.

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the report showing details of the proposed refurbishment of Causeway House, Braintree, including Capital and Revenue implications and a progress report on the leasing/selling of Mayland House, Witham.

Cabinet was informed that the £3.8m provision agreed at Cabinet in February 2010, had been reduced to £3.27m, and the difference between the two amounts would be set aside to provide a maintenance fund for major items. The data network and telephony systems are also proposed to be enhanced, and the overall project has an anticipated completion date of 30th September 2011.

It was clarified that the cost of cavity wall insulation was minimal, as the majority of the Causeway House building is already cavity insulated, with minor works to be completed on small voids, i.e. near concrete pillars.

It was noted that staff had been consulted on replacing ICONS and had favoured tea points on each floor.

Councillor Lager gave reassurance to the importance of open plan working space, and providing a building 'fit for purpose'.

DECISION:

1. That the refurbishment works to Causeway House totalling £3.27m as detailed in the report in private session (commercially sensitive) be approved.
2. That the ICT and telephony services be enhanced, totalling £255,049, as detailed in the report.
3. That a Construction Manager to manage the project be appointed.
4. That the remaining budget (£370,000) is put into an earmarked reserve to ensure Causeway House is well maintained in the future.

32

GREEN TRAVEL PLAN

Councillor Mitchell, Deputy Cabinet Member for Environment and Sustainability, presented a report introducing a new Green Travel Plan for Braintree District Council. The new Plan updates the 2001 Green Travel Plan and is applicable to Causeway

House only.

Cabinet noted that many issues had been enhanced and various initiatives developed, as stated in the appendices to the report.

DECISION: That the new Green Travel Plan be endorsed.

33 **EMPTY HOMES STRATEGY**

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, presented the Empty Homes Strategy 2010-2014 as contained in the Appendix to the report. The Council's aim is to reduce the number of long term empty properties – of 12 months or more – and encourage them back into use, including enforcement action when appropriate.

A query was raised regarding empty flats above business premises and whether they are included in the survey. This would be advised to Cabinet Members.

Councillor Lady Newton agreed that it would be helpful if Ward Members or Local Committees could assist in identifying properties that had been empty for a long period.

DECISION: That the Empty Homes Strategy 2010-2014 be approved for publication and circulation.

Action Point: That the Housing Strategy and Development Manager advises Members of Cabinet if empty flats above business premises are included in the survey data.

34 **CABINET MEMBERS' UPDATES**

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, stated that it is currently not possible for a substantive report on **Witham Leisure Centre** to be made to Cabinet, due to further work to be completed on indicative designs, cost, project timetable and procurement issues. A report is now anticipated for the Cabinet meeting on 22nd November 2010.

DECISION: That the update on Witham Leisure Centre be noted.

Councillor Mrs Schmitt, Cabinet Member for Clean, Green and Safe, reported that plans for the **Halstead Community Centre** are being revisited following a particular site not now being available. A report is anticipated to be made to Cabinet on 22nd November 2010, including consideration to a Town Centre Vision for Halstead.

DECISION: That the update on Halstead Community Centre be noted.

35 **REFERENCES FROM OTHER COMMITTEES/BOARDS**

- Audit Committee – 9th June & 9th September 2010
Statement of Accounts 2009/10 – Outcome of the External Audit

Councillor G Cohen, Chairman of the Audit Committee, presented the recommendation on the Statement of Accounts including the revised wording in respect of the pension deficit.

Councillor Lager, Cabinet Member for Efficiency and Resources, welcomed the report and expressed his thanks to the financial staff that had enabled the draft Accounts to be

DECISION: That following the agreement of the Chairman of Audit Committee to rewording in respect of the pension deficit (as stated in the minute extract contained in the Cabinet agenda) the Statement of Accounts for 2009/10 be approved and are certified by the Leader of the Council on behalf of Braintree District Council.

- Overview and Scrutiny Committee – 2nd June 2010
Section 106 Agreements – Managing Contributions

Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, presented the eight recommendations. It was noted that the Council already has in place an effective system to monitor, enforce and record S106 Agreements. The recommendations include proposed training sessions for Parish and Town Councils on S106 Agreements and the new Community Infrastructure Levy (CIL), and a communication issue was noted with Essex County Council regarding S106 use on infrastructure/education projects.

Councillor Harley, Cabinet Member for Enterprise and Culture, agreed that training and communication is important, and that Cabinet will respond to the recommendations within three months. It was also agreed that any training on this topic would be open to all Town and Parish Councils wider than the Braintree district, by liaising with the National Association of Local Councils.

DECISION: That Cabinet notes the eight recommendations contained in the minute extract, as stated under Agenda Item 9b, and will respond at the Cabinet meeting on 22nd November 2010.

- Witham Local Committee – 13th July 2010
Witham Town Park (Off Maldon Road) – Use of Section 106 Funding

Councillor T J W Foster, Chairman of Witham Local Committee, presented the recommendation for funding of £30,000 (plus interest) available for open space improvement under an S106 Agreement with Persimmon Homes. The provision of a shelter in Witham Town Park was recognised as deliverable within the deadline of 20th January 2011.

Cabinet considered it would be useful, as proposed within the earlier Overview and Scrutiny minute regarding S106 Agreement management that general notification is made to the developer concerned and the general public of use of the funding on this project.

DECISION:

1. That the Section 106 funding, including accumulated interest, under the Town and Country Planning Act 1990 from the former Butchers Bar and Grill site be allocated for the provision of a shelter in Witham Town Park with any balance to be used for other improvements in accordance with the masterplan.
 2. That notification is made to the general public, and the developer concerned in the provision of S106 funding, for its use on the shelter in Witham Town Park.
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- Local Development Framework Panel – 4th August 2010
Growth Area Funding – Proposals for Expenditure (Ref: Allocation of Section 106 funds)

Councillor Harley, Cabinet Member for Enterprise and Culture, on presenting the recommendation reported that Essex County Council had revised the estimate for the Freeport footbridge and had identified that £183,400 was too high. Subsequently, a revised figure of £180,000 was advised, which would result with Braintree District Council meeting the additional expense.

Councillor Harley advised that this project was currently 'on target' to be delivered within the S106 Funding timeframe.

DECISION: That Section 106 Agreement funding of £180,000 be allocated towards funding the Freeport foot/cycle bridge, Braintree.

36 **MINUTES FROM CABINET SUB-GROUPS**

Consideration was given to the minutes of the Performance, Innovation and Efficiency Programme Board held on 24th August 2010.

Councillor Lager, as Chairman of the Programme Board, advised that Minute 7 of the minutes recorded current and proposed shared service arrangements.

DECISION: That the minutes of the above meeting be noted.

37 **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 8.55pm.

G BUTLAND

(Leader)

APPENDIX

CABINET MEETING

QUESTION TIME

13TH SEPTEMBER 2010

Summary of Questions Asked / Statements Made During Question Time

1. Statement by Janice Young, retired Manager from Jack and Jill Pre-School
Agenda Item 9d – Update on Community Halls Review – Silver End Village Hall

Mrs Young spoke on behalf of the Pre-School and questioned how the Council can expect a Pre-School to pay a huge increase in hall rent at Silver End Village Hall, as the Pre-School is a non profit making organisation with only fees being received and limited government funding from the Local Education Authority. The Pre-School has expenditure including the hall rent, salaries of staff, telephone rental and calls, stationery, insurance, the supply of healthy snacks for the children and provision of varied strong equipment for child play. As the Pre-School is Ofsted inspected, training is required for staff to maintain the necessary standard.

Mrs Young stated that the early years of children's lives is important to their social and emotional skills, and enable a smooth introduction to mainstream schools, as well as identifying any special educational needs. The Pre-School requires help and support to survive, and the use of the Village Hall should be encouraged in Silver End – a village built by Francis Crittall for workers and their families, including the Hall where they could congregate.

2. Statement by Paula Gilligan, on behalf of Silver End Parish Council
Agenda Item 9d – Update on Community Halls Review – Silver End Village Hall

Parish Councillor Mrs Gilligan, spoke for Silver End Parish Council and their concern for Silver End Village Hall and proposals of Braintree District Council to increase hire charges, following the District Council's mismanagement and lack of investment at the Hall. It was considered that the Village Hall would become inaccessible to organisations with some already looking for new premises, and others struggling to survive. Silver End Village Hall is the largest Village Hall in England, has historic significance and attracts key community groups that provide a variety of services, and currently accommodates the Parish Council, two Pre-Schools, a Children's Centre, a social club, the Post Office sorting room, Health visitors and the Police. The Village Hall is too large a complex for village groups to take on, and Mrs Gilligan invited the District Council to work with the Parish Council and produce a hall rent affordable to the local community.

3. Statement by Debbie Phillips, Chairperson of Seedlings Pre-School
Agenda Item 9d – Update on Community Halls Review – Silver End Village Hall

Mrs Phillips stated that Seedlings Pre-School had relocated to the Village Hall from the Pavilion six years previously, and chose to stay at the Front Room of the North Wing of the Village Hall (following the Pavilion rebuild) because of the facilities provided – although a year ago the use of kitchen facilities and storage areas were withdrawn. The Seedlings Pre-School have achieved a good Ofsted report, but cannot accommodate a

150% increase in hall rent. A representative of Essex County Council Business Support Team had advised the Pre-School that any increase was not sustainable, and that government funding was unlikely to increase to alleviate this.

The Pre-School has been part of Silver End in excess of 30 years and currently has 40 children on their register, including children with special needs, and currently two Pre-Schools reside at the Village Hall. It was considered that the District Council had a duty to the Parish Council to support the provision of pre-school places in the growing community of Silver End where new housing is attracting more families to the area.

4. Statement by Roy Davies, Chairman of Silver End Friendship Club
Agenda Item 9d – Update on Community Halls Review – Silver End Village Hall

Mr Davies advised that Silver End Friendship Club had used the Village Hall since 1960, and had recently celebrated their 50th anniversary. The Friendship Club is 'young at heart' with an oldest Member aged 97 years, the majority of members in the 70 to 90 year old category, and a youngest member of 55 years old. There are many elderly persons in Silver End and the Friendship Club provides an opportunity for them to go out to socialise, make friends and enjoy outings. The Friendship Club receives no funding, and is run on a purely voluntary basis.

Mr Davies stated there was no alternative hall in Silver End, and the members are too elderly to move out of the village for their Friendship Club. Therefore, Mr Davies requested the Council to think again on the proposed increases – as a small increase in hire charges could be manageable, but a treble amount was impossible.