

Minutes

Cabinet

30th September 2013



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available at www.braintree.gov.uk.

Present:

Portfolio	Cabinet Member	Present
Leader of the Council	Councillor G Butland (Chairman)	Yes
People and Participation	Councillor Mrs J Beavis	Yes
	Councillor P Tattersley	Yes
Performance and Efficiency	Councillor D L Bebb	Yes
	Councillor J T McKee	Yes
Place	Councillor Mrs W Schmitt	Yes
	Councillor R G S Mitchell	Apologies
Planning and Property	Councillor Lady Newton	Yes
	Councillor J O'Reilly-Cicconi	Yes
Prosperity and Growth	Councillor C Siddall (Deputy Leader of the Council)	Yes

Also present as invitees of the Leader:

Councillor Abbott	Leader of the Green Group
Councillor Barlow	Leader of the Labour Group
Councillor Dr Evans	Chairman of the Overview and Scrutiny Committee
Councillor Banthorpe	Chairman of the Governance Committee
Councillor Johnson	Chairman of the Governance Committee

Councillors Canning, Horner and Mann were also in attendance.

25. DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:

- Councillor Abbott declared a Non Pecuniary Interest in Agenda item 10, Cabinet Members' Updates, Essex County Council Minerals Plan, as a member of Essex County Council and its Development and Regulation Committee, and as Chairman of Rivenhall Parish Council;

- Councillor Butland declared a Non Pecuniary Interest in Agenda item 10, Cabinet Members' Updates, Essex County Council Minerals Plan, as a member of Essex County Council;
- Councillor Lady Newton declared a Non Pecuniary Interest in Agenda item 10, Cabinet Members' Updates, Essex County Council Minerals Plan, as a member of Essex Council and its Development and Regulation Committee.

In accordance with the Code of Conduct, all Members remained in the meeting for all items, unless stated otherwise, and took part in the debate and decision thereon.

26. **QUESTION TIME**

INFORMATION: There were no statements made or questions asked.

27. **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 15th July 2013 be approved as a correct record and signed by the Chairman.

28. **LEADER'S UPDATE**

The Leader of the Council reported on the following matters:-

- He welcomed Ian Hunt who would take office as Head of Governance and Monitoring Officer with the Council from 14th October;
- He thanked Members of all political parties who joined together on 27th September 2013 to demonstrate the united opposition in the Council to the Essex County Council's Minerals Plan.

29. **CABINET RESPONSE TO THE RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE ON THE BRAINTREE DISTRICT COMMUNITY SAFETY PARTNERSHIP**

DECISION: That the responses outlined in the report be approved and that the actions be delegated to the Corporate Director to take forward.

REASON FOR DECISION: To consider and respond to the recommendations arising from the Overview and Scrutiny Committee's scrutiny review of the Community Safety Partnership.

30. **CABINET RESPONSE TO RECOMMENDATIONS ARISING FROM THE MEMBER REVIEW OF RECYCLING**

DECISION: That the responses outlined in the report be approved and that the actions be delegated to the Corporate Director to take forward.

REASON FOR DECISION: To consider and respond to the proposed recommendations arising from the informal Member Review of Recycling.

31. **SCRAP METAL DEALERS ACT 2013 - LICENCE FEES AND SCHEME OF DELEGATION**

INFORMATION: Members noted that in this case functions under the Act had been established as Executive Functions. It was agreed that officers would investigate, with the Cabinet Member for Place, establishing a committee to advise on decisions to be taken by her under the Act.

DECISION:

1. That the Leader designates the Cabinet Member (Place) with the responsibility for regulatory services to have overall responsibility for the Council's function under the Act.
2. That the Scheme of Delegation as set out in section 3.3 of the report be agreed.
3. That it is recommended to Council:
 - a. That the proposed fees set out in section 4 of the report be agreed and that the fees to come into effect from 1st October 2013.
 - b. That the Constitution be amended as set out in the report.

REASON FOR DECISION: To ensure that the Council has procedures and fees in place in order to discharge the licensing function under the Scrap Metal Dealers Act 2013 for 2013/14.

32. **CLIMATE LOCAL COMMITMENT**

DECISION:

1. That the Council joins the Climate Local Commitment, affirming the Council's leadership role on climate change;
2. That the preparation of a new Climate Local Strategy and Action Plan for consideration by Cabinet later in the year be supported.

REASON FOR DECISION:

1. To establish Braintree District Council's proactive commitment on action to tackle climate change and associated issues.
2. To enable a new Climate Local Strategy and Action Plan to be prepared for Braintree District Council to address the commitments of 'Climate Local'

33. **HOMELESSNESS STRATEGY AND REVIEW 2013 TO 2018**

DECISION: That the Homelessness Strategy and Review 2013 to 2018 be approved.

REASON FOR DECISION: To approve the Homelessness Strategy and Delivery

34. ****DISCRETIONARY BUSINESS RATES RELIEF**

DECISION:

Minutes Published: 10th October 2013
Call-in Expires: 18th October 2013

1. That the criteria for the use of Discretionary Business Rate Relief as set out in the report be approved.
2. That authority to approve applications for Discretionary Business Rate Relief be delegated to the Corporate Director, in consultation with the Cabinet Member for Prosperity and Growth; and the Cabinet Member for Performance and Efficiency.
3. That approval be given to set aside a budget of £100,000 from balances to fund this Discretionary Business Rate Relief. The £100,000 is for a 12 month period commencing 1st October 2013, to be reviewed after that period as to its effectiveness and value for money.

REASON FOR DECISION: To approve the use of Discretionary Business Rate Relief, delegation of approval to agree applications for relief to the Corporate Director, and agree the source of funding for the relief.

35. **FIRST QUARTER PERFORMANCE MANAGEMENT REPORT 2013/14**

DECISION: That the report be noted and endorsed.

REASON FOR DECISION: To inform the Cabinet of the performance of the Council.

36. **MEDIUM-TERM FINANCIAL STRATEGY 2013/14 TO 2016/17 UPDATE**

DECISION:

1. That the action taken by the Leader of the Council and Chief Executive to commence a process to identify £1.5million of savings required by 2016-17 be endorsed.
2. That the 2014-15 budget process timetable as detailed in the report be noted.

Business Rates pooling:

3. That agreement be given in principle to joining an Essex pool for non-domestic rates for 2014-15.
4. That a scheme similar to that in existence in Suffolk be pursued, on the basis that no authority can be worse off in the pool than they would have been outside it.
5. That the work on developing a county wide pool be supervised through the Essex Strategic Leaders Finance Group.
6. That authority be delegated to the Cabinet Member for Performance and Efficiency and the Corporate Director (Finance) to give final agreement of the Council's participation in an Essex pooling arrangement.

REASON FOR DECISION: Good governance arrangements through the proactive management of the Council's finances over the short and medium term.

37. **STATEMENT OF ACCOUNTS 2012/13**

DECISION: That the Council's Statement of Accounts for 2012/13 be received and noted.

REASON FOR DECISION: To formally receive the Council's Statement of Accounts for 2012/13 following the external audit and consideration by the Governance Committee.

38. **CABINET MEMBERS' UPDATES**

INFORMATION: The following verbal updates were provided:

- Councillor Lady Newton, Cabinet Member for Planning and Property, reported that in order that the Council can make the strongest possible case at the examination in public of Essex County Council's Mineral Plan by an independent planning inspector, consultants will be appointed. The consultants will also be assisting Rayne Parish Council at the examination and provisional agreement has also been reached with Rivenhall Parish Council for the same. The closing date to make an application to speak at the examination is 4th October. A schedule of invites to the examination should be available from 11th October 2013;
- Councillor Siddall, Cabinet Member for Prosperity and Growth, reported that several partners and other organisations had responded to the Council's consultation on the Economic Development Prospectus. Several good suggestions had been made by consultees, most of which have been included in the final prospectus which has now been tabled at the Prosperity Board and will be signed off by Cllr Siddall under delegated authority.

39. **REFERENCES FROM FULL COUNCIL – 29TH JULY 2013- TO RECEIVE RECOMMENDATIONS FROM THE TASK AND FINISH GROUP'S REVIEW OF BRAINTREE, HALSTEAD AND WITHAM CITIZENS' ADVICE BUREAU AND BRAINTREE DISTRICT VOLUNTARY SUPPORT AGENCY**

DECISION: That the Task and Finish Group's Review of Braintree, Halstead and Witham Citizens' Advice Bureau and Braintree District Voluntary Support Agency be received and a response be prepared by the Cabinet Member for People and Participation for consideration at the next meeting of Cabinet.

REASON FOR DECISION: To receive the Task and Finish group report.

40. **REFERENCE FROM LICENSING COMMITTEE – 11TH SEPTEMBER 2013 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' KNOWLEDGE TEST – EXEMPTIONS POLICY**

DECISION:

1. That the policy set out at Appendix 1 to the report to exempt drivers undertaking limousine or executive work and/or school contracts from the topographical aspects of the Braintree District Council licensed driver's knowledge test be approved.
2. That the Braintree District Council Penalty Point scheme be amended to include an additional offence category – '17. Drivers failing to comply with a knowledge test exemption (5-10 points)', as set out at Appendix 2 to the report.

REASON FOR DECISION: To agree Hackney Carriage and Private Hire Drivers' Knowledge Test – Exemptions Policy.

41. **RECOMMENDATIONS FROM THE GOVERNANCE COMMITTEE – 18TH SEPTEMBER 2013 - TREASURY MANAGEMENT ANNUAL REPORT 2012/13 AND MID-YEAR REPORT 2013/14**

INFORMATION: Members noted the comment in the report on the methodology used to value Mayland House which could result in a material misstatement. Councillor Bebb, Cabinet Member, Performance and Efficiency, agreed to provide a description and an update on the issue to a future meeting of Cabinet.

DECISION: That it be recommended to Council that the Treasury Management Combined Annual Report 2012/13 and Mid-Year Report 2013/14 be accepted.

REASON FOR DECISION: The Council has adopted the CIPFA Code of Practice for Treasury Management in Public Services which requires that Full Council receive an annual report and mid-year review of its treasury management function

42. **RECOMMENDATIONS FROM THE GOVERNANCE COMMITTEE – 18TH SEPTEMBER 2013 - ANNUAL GOVERNANCE REPORT 2012/13**

INFORMATION: The Chairman of the Governance Committee confirmed that the outstanding matters had been resolved and the final version of the Annual Governance Report 2012/13 had been circulated to Members.

DECISION:

1. That the Annual Governance Report 2012/13 be accepted.
2. That the unadjusted misstatement identified in the report is not adjusted.

REASON FOR DECISION: To comply with the Accounts and Audit Regulations which require Councillors to receive the findings of the external auditor before approving the Statement of Accounts.

43. **MINUTES FROM CABINET SUB GROUPS**

DECISION: That the Minutes of the meetings of the Local Development Framework Sub-Committee held on 11th July and 24th July 2013; be noted.

44. **DELEGATED DECISIONS**

DECISION: That the delegated decisions set out in the report be noted.

REASON FOR DECISION: The reasons for each decision can be found in the individual delegated decisions.

The meeting commenced at 7.15pm and closed at 8.52pm.

G BUTLAND
(Leader)