

# Minutes

## Cabinet

### 4th February 2016



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](http://www.braintree.gov.uk).

#### Present:

Portfolio	Cabinet Member	Present
Leader of the Council	Councillor G Butland (Chairman)	Yes
Deputy Leader of the Council	Councillor Mrs W Schmitt	Yes
Environment and Place	Councillor R Mitchell	Yes
Planning and Housing	Councillor Lady Newton	Yes
	Councillor Mrs L Bowers-Flint	Yes
Economic Development	Councillor T Cunningham	Yes
Health and Communities	Councillor Mrs J Beavis	Yes
	Councillor P Tattersley	Yes
Finance and Performance	Councillor D Bebb	Yes
Corporate Services and Asset Management	Councillor J McKee	Yes

Also present as invitees of the Leader:

Councillor Abbott, Green Party

Councillor Mrs Pell, Leader of the Halstead Residents Association

Councillor Siddall, Chairman of the Overview and Scrutiny Committee

Councillor Miss Thorogood, Labour Group Representative

Councillors Bowers, Hensman, Horner, Mrs Money, Rose and Schwier were also in attendance.

An apology for absence was received from Councillor Mann, Leader of the Labour Group.

#### 49 **DECLARATIONS OF INTEREST**

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

- Councillor J Abbott declared a non-pecuniary interest in Agenda Item 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20' as an elected Member of Rivenhall Parish Council and Essex County Council.
- Councillor Mrs J Beavis declared a non-pecuniary interest in Agenda Item 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy

2016/17 to 2019/20' as a Director of the Museum Trust.

- Councillor G Butland declared a non-pecuniary interest in Agenda Item 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20' as an elected Member of Great Notley Parish Council and Essex County Council.
- Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20' as an elected Member of Great Notley Parish Council.
- Councillor J McKee declared non-pecuniary interests in Agenda Items 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20' as a Director of Ignite Business Enterprise, as Chairman of Trustees for the Museum Trust and as a Director of Warner Textiles Archive.
- Councillor Lady Newton declared a non-pecuniary interest in Agenda Item 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20' as an elected Member of Essex County Council.
- Councillor Mrs Pell declared non-pecuniary interests in Agenda Item 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20' as an elected Member of Halstead Parish Council and Item 9a - 'Implications of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015' as a private landlord.
- Councillor C Siddall declared a non-pecuniary interest in Agenda Item 7a - 'Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20' as a Director of Ignite Business Enterprise and as a Director of Warner Textile Limited.

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

## 50 **QUESTION TIME**

**INFORMATION:** There was one statement made, Details of the person who spoke at the meeting are contained in the Appendix to these Minutes.

## 51 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Cabinet held on 30th November 2015 be approved as a correct record and signed by the Chairman.

## 52 **PRESENTATION BY FUSION LIFESTYLE**

The Cabinet received a presentation by Mark Johnson, Divisional Business Manager, and Claire Popperwell, Sports and Community Development Manager, the providers of the Council's leisure contract.

The presentation slides may be viewed at:

<http://www.braintree.gov.uk/meetings/meeting/824/cabinet>

53 **LEADER'S UPDATE**

The Leader of the Council had nothing additional to report.

54 **UPDATE ON GREATER ESSEX DEVOLUTION**

**INFORMATION:** Members were informed that at the last meeting of the Greater Essex Devolution Board it had been agreed that the current draft deal would be shared with Members and this will be done ahead of the special briefing on 3<sup>rd</sup> March. The Board was still working on a formal deal that may be brought back to Councils in June; . it would then be each Council's decision as to whether they wish to sign up to the deal.

**DECISION:** That Cabinet Members note the progress of the devolution programme to date.

**REASON FOR DECISION:** For Cabinet to be updated on the work to develop a devolution deal for Greater Essex.

55 **CORPORATE STRATEGY 2016-20**

**INFORMATION:** Members were advised that the Corporate Strategy had been out to public consultation but had not received a large number of responses; however the few responses that had been received had been in favour of the Corporate Strategy.

It was brought to Members' attention that the wording of one of the priorities for Environment and Place was unclear. The Leader as proposer of the motion accepted an amendment by Cllr Abbott that this should read: "Reducing our energy consumption and carbon emissions and supporting others to do the same".

**DECISION:** That the Corporate Strategy for 2016-20 be recommended to Council for approval, subject to an amendment to a priority under the Environment and Place heading to read "Reducing our energy consumption and carbon emissions and supporting others to do the same".

**REASON FOR DECISION:** To recommend to Full Council the Council's priorities over the next four years.

56 **NORTH ESSEX GARDEN SETTLEMENTS JOINT BID FOR GOVERNMENT FUNDING TO SUPPORT DEVELOPMENT**

**INFORMATION:** Members were reminded that this item would not commit to any decisions falling within the remit of the Local Plan Sub-Committee or Council.

Government had provided £640,000 to the four authorities involved: Braintree District Council, Colchester Borough Council, Tendring District Council and Essex County Council. Members had met with Senior Civil Servants who had regarded the scheme as one of the most innovative and exciting to come forward.

There was a feeling from all authorities that this may have been an appropriate way to help each authority achieve its objectively assessed housing needs under new Local Plans.

## **DECISION:**

1. That Cabinet notes the outcome of the recent bid for grant funding to the DCLG to progress the Garden Settlements concept and provides on-going support to the partnership work with Colchester Borough Council, Tendring District Council, Essex County Council and other partners to deliver the project;
2. That the Leader of the Council, the Portfolio Holder for Planning and Housing and the Chief Executive/Lead Director will represent and be authorised to make executive decisions on behalf of Braintree District Council on the Joint Delivery Board in accordance with the Governance Structure, set out in Appendix A;
3. It is acknowledged that the Leader of the Council and Portfolio Holder for Planning and Housing or the Chief Executive (or authorised officers) do not commit to any decisions falling within the remit of the Local Plan Sub - Committee;
4. That authority be delegated to those Officers appointed by the Chief Executive to represent Braintree District Council on the Joint Steering Group and relevant delivery/project teams to make decisions in accordance with the relevant terms of reference, as set out in Appendix A;
5. That the grant funding is held by Colchester Borough Council on behalf of the North Essex Garden Settlements Project and is authorised to commit expenditure in accordance with the context as set out in this Report;
6. Cabinet notes the desire of the Joint Shadow Delivery Board to deliver a development of this type through a special purpose vehicle and supports advice being commissioned;
7. Upon receipt of the above advice and no concerns being raised by either the Section 151 or Monitoring Officers, the Leader of the Council is authorised to make a decision to establish a special purpose delivery vehicle; and
8. That should there be any material changes or substantial financial investment by the Council required, a further report will be presented back to Cabinet for further consideration.

**REASON FOR DECISION:** To note the award of £640,000 of grant assistance from the Department of Communities and Local Government (DCLG) for information.

To seek Cabinet's on-going support, working together with Colchester Borough Council, Tendring District Council and Essex County Council to progress the concept of 'garden settlements' using the funding recently awarded by the Department of Communities and Local Government (DCLG). It might be necessary for these types of developments to be included in the authorities' respective Local Plans to achieve future housing growth requirements and, as such, a Joint Shadow Delivery Board has been set up to oversee delivery of the project, and this decision supports that possibility.

57 **CAPITAL PROGRAMME – COUNCILLORS’ CAPITAL PROGRAMME BIDS**

**INFORMATION:** One Councillor Capital Programme Bid had been received and considered by the Overview and Scrutiny Committee on 27<sup>th</sup> January 2016. The bid had been submitted by Councillor J Abbott and it regarded the extension of Silver Street Pavilion, Silver End to enable the facility to be used for multiple purposes rather than the current restricted use, predominantly at weekends, for football changing/occasional football events.

It had been agreed by the Overview and Scrutiny Committee to recommend the Councillor Capital Programme Bid to Cabinet for their consideration.

Councillor Mrs Schmitt, as the portfolio holder, advised Members that there were still areas that had not been addressed. The District Council had been in consultation with Silver End Parish Council with regards to open spaces and sports facilities and had not raised any concerns. It was also brought to Members’ attention that there was space in the village hall and that the Scouts’ building was not fully utilised during the day. There were proposals for new housing and as the new housing is implemented the bid could always be revisited. In the last six years there had been £616,000 investment in community facilities and projects in Silver End. Based on this information, it was concluded that there was not enough evidence to commit £200,000 to the Councillor Capital Programme Bid and it was proposed and seconded that Members do not accept the Councillor Capital Programme Bid this year.

**DECISION:** That the Capital Programme Bid received from Councillor Abbott not be included in the Cabinets budget recommendations to Council.

**REASON FOR DECISION:** To have independent scrutiny of Councillors’ Capital Programme Bids for inclusion in the Council’s Budget.

58 **COUNCIL BUDGET AND COUNCIL TAX 2016/17 AND MEDIUM TERM FINANCIAL STRATEGY 2016/17 TO 2019/20**

**INFORMATION:** Members were advised that an amendment had been made to Appendix C of the report in relation to the penultimate line on page 64, to replace Great Notley Parish with Great Yeldham.

Members were informed that the final allocation of funding from Central Government was yet to be confirmed and a supplementary report would be presented to Council.

The provisional settlement indicated that there had been a large reduction to the allocation of Settlement Funding Assessment (SFA) for the next year of 16.21%. The reduction in SFA between the current year and 2019/20 is £2.555million or 44.7%. The Revenue Support Grant would be phased out completely in 2019/20, however the business rates tariff adjustment had awarded a negative grant of -£291,482 which had not been anticipated.

The Government had offered to make a four year funding settlement which the Council would be evaluating. Government had also provided the indication of the Councils core spending power which would be reduced by 13.1% over the four year period.

The business rates retention scheme had an estimated benefit over the baseline of £800,000, notwithstanding any other tariffs that might have been awarded. The Council would be entering in to the business rates pooling arrangements and intend to achieve £366,000 which would be awarded the following year in 2017/18.

The detail of the provisional settlement was broadly in line with assumptions made, including the initial budget proposals agreed by Cabinet on 30th November 2015. The Council faces a significant challenge to provide services required by residents, businesses and communities across the district and to balance its finances in the years following 2016.

**DECISION:** That it be Recommended to Council that the following, together with the amendment to Appendix C (the penultimate line on page 64) to replace Great Notley Parish with Great Yeldham, be approved:

1. Delegated authority is given to the Corporate Director responsible for Finance, in consultation with the Cabinet Member for Finance and Performance, to determine whether the Council accepts the Government's offer of a four-year settlement;
2. The budget variations to the current base budget as detailed in Section 3 of the main report;
3. The savings as detailed in Section 6 of the main report;
4. The Investment bids for a provision of £180,000 for a Councillor Grant scheme and associated administrative costs, and the allocation of £20,362 of the estimated surplus on the Council Tax Collection Fund to Town/Parish Councils, as detailed in Section 4 of the main report;
5. The unavoidable budget demands, totalling £260,580 in 2016/17, as detailed in Section 5 of the main report;
6. The package of support to claimants experiencing difficulties through changes in the Local Council Tax Support scheme as detailed in Section 10.7 of the main report;
7. The Council's discretionary fees and charges for 2016/17 as detailed in Appendix A to the main report;
8. Delegated authority is given to the appropriate Cabinet Member to determine the level of Trade Waste charges, Planning pre-application fees, land charges and Environmental permits for 2016/17;
9. The Council's housing rents are reduced by 1% for 2016/17, as detailed in Appendix A to the main report;
10. That delegated authority is given to the appropriate Cabinet Member to agree variations to Trade Waste, Town Hall Centre, Building Control and Car Parking fees and charges for commercial purposes;
11. Discretionary council tax discounts and exemptions for 2016/17 are set as detailed in Appendix D to the main report;

12. The Council's Pay Policy for 2016/17 as detailed in Appendix F to the main report;
13. A transfer of £352,500 to the General Fund unallocated balance in 2016/17;
14. Transfers between earmarked reserves and estimated drawdown from report;

### **Capital**

15. The General Fund Capital bids for 2016/17 listed in Appendix K to the main report;

### **Treasury Management**

16. The Prudential Indicators and limits set out in Appendix M to the main report;
17. The Policy on Minimum Revenue Provision as recommended in Appendix M to the main report;
18. The Treasury Management Strategy, including annual investment strategy, for 2016/17 (Appendix M to the main report);

### **Council Tax**

19. The proposed estimates (producing a budget requirement for council tax purposes of £13,542,557) as detailed in Appendix G and the Council Tax for 2016/17 of £162.72 for a Band D property, having taking into consideration:
  - The consultation feedback received (Appendix E to the main report);
  - The assessment of risks in the budget assumptions;
  - The Equalities Impact Assessments and
  - The Section 151 Officer's report on the robustness of the estimates and the adequacy of balances (Appendix O to the main report).

**REASON FOR DECISION:** To determine the Budget and Council Tax level proposals for 2016/17 to be submitted to Full Council for consideration, in accordance with the Budget and Policy Framework Procedure Rules contained in the Constitution.

## **59      HOUSING ALLOCATIONS POLICY**

**INFORMATION:** The current Housing Allocations Policy was adopted in 2012. The District Council had worked in partnership with eight other authorities and shared a common policy and IT system. The proposed changes to the policy were to improve clarity, remove any ambiguity and to take into account the legislative changes since 2012. It would have been highly unlikely for any applicant on the housing register to see any changes to their priority rating as a result of the changes. That Council had consulted with all housing associations that operate within the District and had undertaken an Equalities Impact Assessment.

**DECISION:** To adopt the revised Allocation Policy.

**REASON FOR DECISION:** To ensure that the scheme has an up-to-date policy that complies with relevant government guidance.

**USE OF LAND AT JOHN BARR HOUSE, PANFIELD**

Minutes Published: 19<sup>th</sup> February 2016  
 Call-in Expires: 29<sup>th</sup> February 2016

**INFORMATION:** John Barr House had previously been used for sheltered housing and more recently as a women's refuge; this was no longer needed as the service provision had changed.

The proposals had set out the transfer of the site to a housing association and to secure the demolition of the existing building. By investing in Council owned land, this would ensure the delivery of affordable homes for rent and schemes authorised by the Council.

Members were informed that the demolition costs would be met by the Housing Capital Budget. The site had been independently valued and it was estimated that the value of the site was around £350,000. The site would be transferred to a housing association under a legal agreement that would ensure that all first lets are nominated by the District Council, and that those first lets would go to applicants with a local connection. For subsequent lets the Council would have over 75% of nomination rights but these lets would not be covers by local connection.

It was estimated that six homes would be provided and Flagship Housing had indicated that they would provide an all-rented scheme, using their own financial capacity to avoid the need for grant funding from any external source.

Members were advised that the Council would be looking at ways to protect the scheme in terms of Right to Buys, the means of doing so was unclear at this stage, but would be monitored closely.

The cost of demolition was not known as the tender process was not yet complete. Officers had estimated the cost of demolition and were satisfied that this could be covered by the Housing Capital Budget. Members were advised that they would be updated on the final demolition cost at a future meeting.

**DECISION:** That the Cabinet agree;

1. That the Council secure the demolition of John Barr House;
2. That the demolition is funded from the Housing Capital budget; and
3. That the site is transferred to a Housing Association to provide a scheme of rented social housing.

**REASON FOR DECISION:** To secure the future of the site of John Barr House and to enable a scheme of new affordable housing.

**IMPLICATIONS OF THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015**

**INFORMATION:** The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came in to being on 1<sup>st</sup> October 2015. The regulations require private landlords of residential premises to install smoke alarms on every floor of their rented property,



install a carbon monoxide alarm in any room where there is a solid fuel burning appliance and also carry out checks to ensure the alarms are in working order at the start of each new tenancy.

All letting agencies, housing departments and Essex Fire and Rescue Service had been informed of the regulations, information had also been placed on the Council's website.

If a landlord was in breach of the regulations they would be given remedial notice which would allow them 28 days to install the alarms. The recommendations would give the Council the ability to fine any landlord not abiding by the regulations. There were approximately 8000 private rented properties within the district.

**DECISION:** To seek approval to amend the Leader's scheme of delegation for the following purpose:

1. To seek approval for the statement of principles which the Council will follow in determining the amount of a penalty charge related to a breach of the Smoke and Carbon Monoxide Alarm (England) Regulations.
2. To authorise the Head of Environment and Leisure to exercise the Council's full enforcement powers under the "Smoke and Carbon Monoxide Alarm (England) Regulations".
3. To authorise the Cabinet Member for Environment and Place to update and review the statement of Principles and the Penalty Charge.

**REASON FOR DECISION:** To ensure that:

1. The Council officers are duly authorised to enforce The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
2. That the penalty charge scheme is approved for enforcement purposes.
3. Future changes can be made in a timely manner.

## 62 **REFERENCES FROM COUNCIL/COMMITTEES/GROUPS**

**INFORMATION:** None had been received.

## 63 **MINUTES FROM CABINET SUB-GROUPS – LOCAL PLAN SUB-COMMITTEE - 2ND DECEMBER 2015, DEVELOPING DEMOCRACY GROUP - 13TH JANUARY 2016 AND LOCAL PLAN SUB-COMMITTEE - 14TH JANUARY 2016**

**DECISION:** That the Minutes of the meetings of the Local Plan Sub-Committee held on 2nd December 2015 and the Local Plan Sub-Committee held on 14th January 2016 be noted.

The meeting commenced at 7.15pm and closed at 8.50pm.

G BUTLAND  
(Leader)

APPENDIX

CABINET

4TH FEBRUARY 2016

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Agenda Item 7a- Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20

Statement by Mr Don Smith, Vice Chairman of Braintree, Halstead and Witham Citizens Advice Bureau.