

Minutes

Cabinet

21st March 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.

Present:

Portfolio	Cabinet Member	Present
Leader of the Council	Councillor G Butland	Apologies
Deputy Leader of the Council	Councillor Mrs W Schmitt (Deputy Leader in the Chair)	Yes
Environment and Place	Councillor R Mitchell	Yes (From 7.38pm)
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 Mann, Leader of the Labour Group

Councillor Abbott, Green Party

Apologies for absence had been received from Councillor Mrs Pell, Leader of the Halstead Residents Association and Councillor Siddall, Chairman of the Overview and Scrutiny Committee.

Councillor Schwier was also in attendance.

64 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 6a - 'Third Quarter Performance Management Report 2015-16' as a Director of Ignite Business Enterprise.
- Councillor J McKee declared a non-pecuniary interest in Agenda Items 6a - 'Third Quarter Performance Management Report 2015-16' as a Director of Ignite Business Enterprise.

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

65 **QUESTION TIME**

INFORMATION: There were no statements made, or questions asked.

66 **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 4th February 2016 be approved as a correct record and signed by the Chairman.

67 **LEADER'S UPDATE**

In the Leader's absence, the Deputy Leader of the Council had nothing to report.

68 **THIRD QUARTER PERFORMANCE MANAGEMENT REPORT 2015-16**

INFORMATION: Progress for the third quarter had been good. An overall positive variance was forecast for the year of £938,000 (-6%) against the budget of £15.624 million, this was mainly due to an over achievement of income in planning fees and developments. The overall projected variance had improved from that reported at the second quarter by £200,000, of which £139,000 was due to a net increase in projected income, principally from the Development Control service.

As at the end of December 2015, ten projects had been completed and 30 were on track to meet their target dates. One project had an amber status which was in respect of delivering 75 new business start-ups in conjunction with Ignite. This was under target for the year due to resource issues restricting the delivery and support available and increased competition from other delivery agencies in the District.

For performance indicators for the third quarter, twelve had met target and four had not met target. Of the four performance indicators that had not met target, one had missed target by less than 5% and three had missed target by more than 5%. The collection rate for Council tax had missed target in the third quarter by less than 1% and it was anticipated that the target collection rate of 98% for the year would be achieved. The other three indicators that were slightly off target were in relation to the number of passenger journeys on the community transport scheme, the percentage of minor planning applications processed within eight weeks and the number of business start-ups in the District with Ignite.

A new anti-litter campaign had been launched in August 2015 with over 300 businesses involved across Essex. The campaign had run for six weeks and the results had shown a 40% reduction in all litter across Essex and an 80% reduction in litter across the Braintree District.

Solar panels had been installed and were generating electricity on the roof of the Discovery Centre, Great Notley and the roof of Unit 9, Lakes Road, Braintree. The Handyman Service had been successfully launched and letters had been sent to residents who may benefit from the scheme advising them of a number of energy efficiency measures. This would be followed up with a visit from Aaron Services to look at energy efficient measures such as draft proofing, cavity wall and loft insulation

and replacement boilers as well as carrying out a trip and falls assessment. A number of activities had continued to be very successful with the number of participants increasing. Instructor led cycling sessions and the walks programme continued to do well in the colder months and funding had been expanded for the walks programme. The workplace eight week challenge had been launched in December 2015 which aimed to promote sport, physical activity and health across the UK's workplaces. The number of visits to Leisure Centres had continued to do well with over 255,000 visits within the third quarter of the year.

A further 25 affordable homes had been delivered in the third quarter and housing benefit and new Council tax claims continued to be dealt with within timescale. The average call answering time by the Customer Service Centre had been 10 seconds in the third quarter.

DECISION: That the report be noted and endorsed.

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

69

AUTHORISATION TO ENFORCE THE REDRESS SCHEMES FOR LETTINGS AGENCY WORK AND PROPERTY MANAGEMENT WORK

INFORMATION: It was a legal requirement for all lettings agents and property managers in England to join one of three Government approved redress schemes. Tenants and landlords with agents in the private rented sector and leaseholders and freeholders dealing with property managers in the residential sector would be able to complain to an independent person about the service they had received via these Government schemes. The requirement was enforced by local authorities who could impose a monetary penalty of up to £5,000 where an agent or property manager who should have joined a scheme had not done so. The three schemes were Ombudsman Services Property, Property Redress Scheme and The Property Ombudsman scheme.

The project was undertaken by Essex Trading Standards. However, it was the responsibility of each local authority to ensure compliance. Twenty three landlords in the Braintree District had been sent guidance on compliance and a further nine were subsequently visited and handed the guidance. All those who were not originally compliant prior to the mail out had complied with the request upon checking. It was not anticipated that there would be a further significant impact on the Council, the approval of a scheme of delegation would enable the Council to take enforcement action where required.

The Government's approved redress scheme was intended to apply to letting agents and property managers only. The scheme did not apply to private landlords.

DECISION:

- 1) That the Leader's scheme of delegation be amended to authorise the Head of Environment and Leisure to exercise the Council's full enforcement powers under "The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014"

- 2) That the Cabinet Portfolio holder for Environment and Place be authorised to consider any representations and appeals against the issuing of a monetary penalty and to take into account any representations received.
- 3) That the monetary penalty be set at the maximum £5000 for failure to be a member of any Government approved redress scheme.

REASON FOR DECISION: To ensure that Council officers are duly authorised to enforce the Regulations. To set the level of monetary penalty prior to considering any representations from the prospective recipient of the monetary penalty.

70 **STRATEGIC RISK MANAGEMENT**

INFORMATION: The report provided Members with an updated Strategic Risk Register for the Council. The Strategic Risk Register had been agreed by the Cabinet on 28th September 2015 and had been reviewed by Cabinet Members and the Corporate Management Team.

Risks of strategic importance had remained at nine. However, the narrative on each risk had been updated. The number of risks above the Risk Tolerance Line and therefore requiring active management had remained the same at seven. There was only one risk having a high likelihood of occurring and critical impact which was the work around the Local Plan and the possibility of land owners submitting applications on unallocated sites.

There were five other risks that had been highlighted as significant and critical. These included the Medium Term Financial Strategy; infrastructure; the Local Plan including housing/economic growth and failure of sites to deliver; the Local Plan being found unsound by the planning inspector; and community residence and affordable housing. The details of these risks were reviewed and the actions in place, along with the mitigation plans, were included in the report.

DECISION: Members agreed the updated Strategic Risk Register and the Action Plans for managing the high rated risks, as detailed in Appendix B of the report.

REASON FOR DECISION: To demonstrate that the Council regularly identifies the strategic risks which may affect the achievement of its objectives and that it actively manages them, as appropriate.

71 **PROPOSED GRANT OF ACCESS RIGHTS TO EASTLINK 120 DEVELOPMENT LAND, GREAT NOTLEY**

Minutes Published: 22nd April 2016
Call-in Expires: 3rd May 2016

INFORMATION: Members were reminded that this Item was linked to Item 14a in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 14a of

the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: Countryside Properties (UK) Limited was seeking to bring forward Eastlink 120, a development site situated to the west of the A131 at Great Notley. This employment site had been allocated in the Council's adopted Core Strategy and Countryside Properties had an option to purchase the Eastlink 120 land. An application had also been made to bring forward a further 98.5 acre site under the Local Plan Review "Call for Sites" process.

Members were advised that in line with the supplemental Addendum Report - Proposed Grant of Access Rights to Eastlink 120 Development Land, Great Notley, the option agreement with Countryside had expired. The proposed agreement however remained the recommended course of action as this would secure straightforward access to the site and enable another developer to deliver the scheme in the future.

In the circumstances, it was moved, seconded and agreed:-

DECISION (Public Report):

- 1) That Members approve the access terms agreed with Countryside Properties Limited and completion of a Deed of Grant to formalise the access arrangements into Eastlink 120 development site at Great Notley subject to the consultation under s123 Local Government Act 1972.
- 2) That powers be delegated to the Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services to agree any amendments or variations to the access terms set out in this report.
- 3) That powers be delegated to the Cabinet Member for Corporate Services in consultation with the Director of Sustainable Development to consider any representations made further to the consultation under s123 Local Government Act 1972.

DECISION (Private Report):

- 1) That Members approve the access terms agreed with Countryside Properties Limited and completion of a Deed of Grant to formalise the access arrangements into Eastlink 120 development site at Great Notley subject to the consultation under s123 Local Government Act 1972.
- 2) That powers be delegated to the Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services to agree any amendments or variations to the access terms set out in this report.
- 3) That powers be delegated to the Cabinet Member for Corporate Services in consultation with the Director of Sustainable Development to consider any

representations made further to the consultation under s123 Local Government Act 1972.

REASON FOR DECISION: To formalise access across the Council's land into the Eastlink 120 site to enable this land to come forward for development purposes.

72 **MEMORANDUM OF CO-OPERATION: COLLABORATION ON STRATEGIC PRIORITIES IN NORTH AND CENTRAL ESSEX. WORK BY BRAINTREE, CHELMSFORD, COLCHESTER AND TENDRING LOCAL AUTHORITIES AND ESSEX COUNTY COUNCIL.**

INFORMATION: Members and officers from Braintree, Chelmsford, Colchester, Essex, Maldon and Tendring Councils had been working together on a variety of projects around the formation of new Local Plans. As part of this work a Memorandum of Co-operation (MOC) had been produced identifying broadly the key strategic priorities across the region which would provide a strong message of co-operation and establish a framework within which further collaborative work could take place.

Further work was now being progressed on the strategic part of each Local Plan which would reflect and provide further detail on the strategic priorities in the region and how they could be addressed within the Local Plans.

DECISION: That Councillor Lady Newton, Cabinet Member for Planning and Housing be authorised to sign the Memorandum of Co-operation: Collaboration on Strategic Priorities in North and Central Essex on behalf of Braintree District Council.

REASON FOR DECISION: To agree that Braintree District Council signs a Memorandum of Co-operation which will provide strong evidence of a Duty to Co-operate and provide a framework in which future collaborative working will take place.

73 **REFERENCES FROM COUNCIL/COMMITTEES/GROUPS**

INFORMATION: None had been received.

74 **MINUTES FROM CABINET SUB-GROUPS – DEVELOPING DEMOCRACY GROUP – 13TH JANUARY 2016**

DECISION: That the Minutes of the meeting of the Developing Democracy Group held on 13th January 2016 be noted.

75 **MINUTES FROM CABINET SUB-GROUPS – LOCAL PLAN SUB-COMMITTEE - 17TH FEBRUARY 2016**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 17th February 2016 be noted.

The meeting commenced at 7.15pm and closed at 7.59pm.

COUNCILOR MRS W SCHMITT
(Deputy Leader in the Chair)