

Minutes

Cabinet



28th March 2011

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 (from 7.22pm)

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	No
Councillor Mrs G Spray	Housing & Well-Being	Yes
Councillor T Wilkinson	Enterprise & Culture	Apologies

The following Councillors were also present as invitees of the Leader

Councillor J E Abbott, Leader of the Green Party (until 8.30pm), Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, and Councillor E R Lynch, Deputy Leader of the Labour Group.

Apologies for absence were received from Councillor Dr R L Evans, Leader of the Labour Group, Councillor T J W Foster, Chairman of Witham Local Committee, and Councillor S M Walsh, Chairman of Braintree Local Committee.

Councillors D Mann and R Ramage were also in attendance.

78 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

- Councillor Mrs Spray declared a personal interest as an employee for Age Concern, to any reference during the meeting to the Age Concern Centre in Halstead.

- Councillor McKee declared a personal interest as a recently appointed Trustee to the Museum, in Agenda Item 16a – Museum Service Report. When the item was taken (in Private Session) Councillor McKee chose to leave the meeting for the discussion and the vote thereon.
- Councillor M C M Lager declared a personal interest in Agenda Item 7a – Review of Waste Services, as a Member of Improvement East Panel.

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.

79 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

80 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 14th February 2011 be approved as a correct record and signed by the Leader.

81 **DRAFT ANNUAL PLAN PRIORITIES 2011-2012**

Councillor Butland, the Leader of the Council presented the draft Annual Plan and the continuation of the main priorities of the Council in 2011-2012 including the Green Heart Campaign, the provision of Witham Leisure Centre, and the key area of affordable housing in the District. An Action Plan to deliver these priorities will be published early in the 2011-2012 Civic Year, at the start of the new administration.

The following issues were raised:-

- Councillor M G Gage considered that the continuation of lobbying by the Council for the A120, and the Braintree passing loop had been omitted from the Plan, and was also disappointed that support for a by-pass for Halstead had not been shown. Parking in the local towns, especially Halstead, was also considered a priority for the District, and was requested for inclusion in the Action Plan.
- Councillor Abbott referred to the provision of democracy in local areas following the abolition of the Local Committees, and for people to be part of decision making.

The Leader of the Council thanked Members for their comments and stated issues raised by Councillor Gage will be considered, and continued to advise that an integrated approach will be taken to deliver local community engagement. Essex County Council (ECC) will be publishing a discussion document, focused at District level that will present a strengthened replacement for the Local Committees (BDC) and Area Forums (ECC) and encourage increased decision making at local level.

DECISION: That the Annual Plan priorities for 2011/12 be endorsed, and the Leader of the Council be authorised to sign-off the final version. .

82 **THIRD QUARTER PERFORMANCE MANAGEMENT REPORT 2010/11**

Councillor McKee, Deputy Cabinet Member for Efficiency and Resources presented performance results of the Council for the period October to December 2010, and summarised the position of projects. Specific reference was made to the exemplary performance of Customer Service indicators, and the significant decrease in justified

complaints. Councillor Lager moved the recommendation.

In response to a query on the target date being past for the revised specification and appointment of a developer for the Braintree Town Hall project, the Leader advised that his report to Council on 11th April 2011 will include this issue.

The Leader commended the very good report, and extended congratulations to all concerned on this achievement.

DECISION: That the Third Quarter Performance Management Report 2010/11 be endorsed.

83 **REVIEW OF WASTE SERVICES**

Councillor Walters, Cabinet Member for Environment and Sustainability, presented the outcome of the Shared Service Delivery project between Braintree and Uttlesford District Councils on waste management services, and the agreement by both Authorities for Option 2 – Maximise independent savings (those that each Authority could achieve independently of each other).

Councillor Walters continued to advise that 7.5 tonne vehicles (instead of 12 tonne vehicles) would be used for the new food waste service – that will realise a cost saving and an anticipated underspend in Inter-Authority Agreement funds from ECC, that will be requested to be carried forward to the next Civic Year. The new Food Waste Collection service will commence early September 2011.

Members noted that the majority of Braintree's recycling goes to the Materials Recycling Facility (MRF), and that Braintree looks to other Councils – not just Uttlesford - to achieve cost effective deals on waste management. It was also clarified that the new food waste containers will be carried by one hand to the collection point at properties.

DECISION:

- (1) That the outcome of the Shared Service Delivery project with Uttlesford District Council be noted.
- (2) It was noted that the Cabinet Member for Environment and Sustainability had used his delegated powers to authorise the procurement of the vehicles required to deliver the new food waste service.

84 ****CAUSEWAY HOUSE SOLAR PHOTOVOLTAIC (PV) PANELS PROJECT**

Minutes Published: 7 th April 2011 Call-in Expires: 15 th April 2011

Councillor Mitchell, Deputy Cabinet Member for Environment and Sustainability, presented proposals to install solar photovoltaic (PV) panels on the roof of Causeway House to produce electricity for income purposes and carbon reduction. The project will be at no cost to the Council as the proposed partner, British Gas, will bear all costs of the project. The roof of Causeway House is in good condition, and installation of the solar panels is timetabled with the refurbishment project.

Councillor Abbott welcomed the scheme and queried if Ward Members would be approached in the consultation stage of the 37 Council-owned sites under investigation for solar pv panel installation. It was clarified that following a survey of each site – many in industrial areas - a list of the proposed sites would be circulated and local Ward

Members kept involved in the project.

Councillor Lager referred to the Feed-in Tariff scheme and whether the Council had been approached to take part in a Department of Energy consultation document on Feed-in Tariffs. It was agreed that Mark Wilson, the Climate Change Manager would look into this.

DECISION:

- (1) That the installation of Third Party fully funded solar pv panels at Causeway House be agreed, subject to acceptable contract terms being signed off by the Assistant Chief Executive.
- (2) That investigation of 37 sites owned by Braintree District Council-owned be agreed, for their suitability of solar pv panel installation.
- (3) That local Ward Members be kept informed of appropriate sites within their area.
- (4) That the Council responds to a Department of Energy consultation document on the Feed-in Tariff scheme.

85

****STRATEGIC HOUSING DOCUMENTS:
Greater Haven Gateway Housing Strategy
Braintree District Council Local Investment Plan**

Minutes Published: 7 th April 2011 Call-in Expires: 15 th April 2011

Councillor Lady Newton, Cabinet Member for Housing and Well-Being presented the two housing documents – a reviewed Greater Haven Gateway Housing Strategy and the new Braintree District Council Local Investment Plan (BLIP). It was noted that BLIP is a ‘living’ document that will be updated to comply with emerging legislation.

DECISION:

- (1) That the publication of the Greater Haven Gateway Sub Regional Housing Strategy be approved.
- (2) That the Braintree District Council Local Investment Plan be approved and signed-off by the Corporate Director (Finance)

86

****REVISIONS TO OUR HOUSING ALLOCATIONS POLICY**

Minutes Published: 7 th April 2011 Call-in Expires: 15 th April 2011

Councillor Lady Newton, Cabinet Member for Housing and Well-Being referred to the seven areas of proposed revisions and the 16% response to the customer survey.

Councillor Mrs Beavis, Cabinet Member for Customers and Community Support, made a comment on ways to identify existing property in our communities and be able to accommodate elderly residents appropriately so it ‘free-up’ three or four bedroom properties for larger families.

Councillor Lady Newton concurred with this observation, indicated that the elderly are encouraged to downsize, and stated that one of the proposed revisions relates to this scenario.

DECISION: That the proposed changes to the Housing Allocations Policy be approved.

87 ****THE CABINET RESPONSE TO THE PUBLIC SERVICE PROVISION FOR OLDER PEOPLE TASK AND FINISH GROUP REPORT**

Minutes Published: 7 th April 2011 Call-in Expires: 15 th April 2011

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, moved the recommendation to approve the 10-page Action Plan.

Councillor Ramage, former Chairman of the Public Service Provision for Older People Task and Finish Group, confirmed his support for the proposed actions.

Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, referred to a Telementary Services scheme that enables vulnerable people to be monitored by BT in their own homes through the television, and if not regularly seen are checked to ensure they are well. It was reported that an ECC scheme is being piloted in Clacton, and considered this an appropriate service for Braintree to consider in the future. Councillor Lady Newton acknowledged this comment as an area to consider, and emphasised that the Carecall service currently provides successful monitoring of the elderly.

DECISION: That the Action Plan be approved for implementation in 2011/12.

88 **WITHAM LEISURE CENTRE – LAND DEAL WITH ACADEMIES ENTERPRISE TRUST**

Minutes Published: 7 th April 2011 Call-in Expires: 15 th April 2011

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, presented the land deal proposals for the new Witham Leisure Centre. Braintree District Council will re-provide the hard courts as part of the development, and will transfer these to the Academies Enterprise Trust who are to be responsible for their future maintenance and repair costs.

Cabinet welcomed the proposals, and it was clarified that public availability to the hard courts is guaranteed for the future.

DECISION:

- (1) That the proposal for the land deal as outlined in the report be approved and delegated authority be made to the Head of Asset Management in consultation with the Cabinet Member for Efficiency and Resources to negotiate and agree the final terms of the lease. The lease will need to be completed by October 2011 to fit with the timetable for the construction contract and building works.
- (2) That £230,000 be allocated to the Witham Leisure Centre project budget to cover the cost of the hard courts re-provision, plus legal and asset management costs.

89 **UPDATE ON PROGRESS TOWARDS AN INTEGRATED COUNTY STRATEGY FOR GREATER ESSEX**

Councillor Harley, Cabinet Member for Enterprise and Culture, advised that the Integrated County Strategy (ICS) will be used at Sub-Regional and County level, and be useful in attracting funding to the area. However, it was considered that a bias towards South Essex exists in the ICS, and representation has been made towards this to ensure close working takes place across Essex.

Cabinet raised the following issues:-

- agreement with the opinion of a South Essex bias as regeneration of Braintree, Halstead and Witham towns is omitted from the Key Towns section of the ICS
- that the ICS also focuses on an urban bias, and talks on the rural economy should be promoted
- for support on provision of the A120 in the Braintree District be included
- that below average skills is recognised within Section 4 of the Strategy

DECISION: That the Integrated County Strategy be approved subject to the caveats listed above being incorporated into the document.

90 **CABINET MEMBERS' UPDATES**

Councillor Mrs Schmitt, Cabinet Member for Clean, Green and Safe, reminded Cabinet of previous reports on the **Halstead Community Centre project** and availability of suitable sites. A meeting with Halstead Town Council had recently been held and their support expressed to continue with the project. However, proposed sites have been re-scoped, i.e. Butler Road/Empire site, as they are affected by the flood zone. It was noted that people had been contacted to become involved with the project, with a view to establish a community group to run the facility.

Councillor Harley, Cabinet Member for Enterprise and Culture, confirmed that consultation on the **Braintree Town Centre development** had been extended to 31st March 2011. Some positive feedback had been received to the proposals, and a Members Evening had recently been held, providing further detail of the project. An Evaluation Panel had met to discuss the two bids for the development, which are currently being scored.

91 **REFERENCES FROM COUNCIL/COMMITTEES/GROUPS**

- Overview and Scrutiny Committee – 26th January 2011
Scrutiny Review – Silver End Village Hall

Councillor M G Gage, Chairman of the Overview and Scrutiny Committee, referred to the findings of the Scrutiny Review, the subsequent recommendations and requested the agreement of Cabinet.

The recommendations are as follows:-

- (1) The Cabinet's attention be drawn to the learning points highlighted by Charmaine Dean in her written submission as a useful guide for similar situations in the future, as follows:-

- Greater involvement of Local Councillors;
- Head of Service to be involved at an early stage;
- Greater financial involvement and being clearer on the interpretation of the financial information;
- Being clearer on the definition of the hall i.e. whole or part building.

- (2) That the Cabinet be advised that it would be useful to have clarification of the Council's policy on closure of community halls (with particular, but not exclusive reference to Silver End Village Hall) since no formal decision appears to have been recorded in the minutes of the Council's proceedings.

Councillor Abbott, witness for the Silver End Village Hall Scrutiny Review, expressed support for both recommendations, referred to the learning points from the process and that no Council policy on closure of community halls was found. A reference was made to a policy on Delivering Community Facilities that had been agreed by Cabinet in July 2009.

Councillor Butland, the Leader of the Council, accepted the previous comments and did specify that on many occasions he had spoken generally (of his view) that 'if community groups could not be found to take over the halls, the Council would look to closing these' and not referring to any specific hall.

Councillor Gage stated that against the background of the Leader's comments on closure of community halls, other people had 'assumed' there was a Council policy and acted accordingly. However, no record of a formal decision to the closure of community halls had been found. Therefore, the scrutiny review was requesting that the relevant policy be stated and for precise clarification made, to avoid unnecessary confusion.

In conclusion, Councillor Butland stated that a formal decision would be required by Cabinet to dispose of a Council asset and that in hindsight some areas do become too complex. It had proved useful for a Scrutiny Review on this topic and advised that Council are in a situation to move forward with the future of Silver End Village Hall.

DECISION: That the view of Cabinet, as indicated above, in response to the Overview and Scrutiny Committee 26th January 2011 – Scrutiny Review – Silver End Village Hall be agreed.

INFORMATION: The minute extract from Braintree Local Committee of 23rd November 2010 – Acquisition of Land was considered in Private Session.

92 **CABINET MEMBER DECISIONS MADE UNDER DELEGATED POWERS**

Consideration was given to the two Delegated Decisions made by Cabinet Members since the last meeting of Cabinet.

DECISION: That the Delegated Decisions be noted

At the close of Public Session the Leader of the Council thanked all Cabinet Members for their work and commitment over the last four-year period

EXCLUSION OF PUBLIC AND PRESS

DECISION: That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12 (A) of the Act.

Although the following items were taken in Private Session they do not contain any confidential information and are therefore admissible in the public domain.

93 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

- Councillor Walters declared
 - (i) a personal and prejudicial interest as a Museum Trustee in Agenda Item 16a – Museum Service Report. Councillor Walters left the meeting, with Councillor McKee (who had indicated his interest earlier in the meeting) whilst this item was discussed and the vote taken thereon.
 - (ii) a personal interest in Agenda Item 17a – Business Support Services for the District, as he is a Director of the Business Enterprise Acorn Units (BEAU).

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.

94 ****MUSEUM SERVICE REPORT**

Minutes Published: 7th April 2011
Call-in Expires: 15th April 2011

Councillor Harley, Cabinet Member for Enterprise and Culture, presented the proposed actions and moved the recommendations, as detailed in the report.

Members were reassured on a financial element of the proposals and, generally, welcomed the proposals.

DECISION:

(1) That recommendations 1, 3, 4, 5 and 6 as specified in the report be approved.

(2) That it be **RECOMMENDED TO COUNCIL:-**

That the provisional allocation of £320,000 capital budget in 2011/12 for the freehold purchase of property as detailed in the report be approved, subject to the terms approved by Cabinet in Decision 1.

95 **BUSINESS SUPPORT SERVICES FOR THE DISTRICT**

Councillor Harley, Cabinet Member for Enterprise and Culture, presented a progress report on delivery of local business support for the District.

Cabinet welcomed the proposals of the report.

DECISION: That the progress report to provide business support for the Braintree District be noted.

Councillor Lager, Cabinet Member for Efficiency and Resources, referred to (i) the report giving details of a proposed extension to Bocking Cemetery; and (ii) the minute extract (including views) of the Braintree Local Committee held on 23rd November 2010.

DECISION:

- (1) That the views of the Braintree Local Committee will be taken into account, as an operational matter.
- (2) That the recommendations of the report be approved.

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

G BUTLAND

(Leader)

