

Minutes

Cabinet

28th November 2022



These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A recording of the meeting is available at <http://www.braintree.gov.uk/youtube>

Present:

Portfolio	Cabinet Member	Present
Overall Strategy	Councillor G Butland (Leader of the Council)	Yes
Innovative Environment		
Finance and Corporate Transformation	Councillor J McKee	Yes
Climate Change and the Environment	Councillor Mrs W Schmitt	Yes
Operations and Commercialisation	Councillor R van Dulken	Yes
Connecting People, Places and Prosperity		
Economic Growth	Councillor T Cunningham (Deputy Leader)	Yes (Virtually)
Housing, Assets and Skills	Councillor K Bowers	Yes
Planning and Infrastructure	Councillor Mrs G Spray	Yes
Supporting Our Communities		
Communities	Councillor F Ricci	No
Health and Wellbeing	Councillor P Tattersley	Yes

Present as Invitees of the Leader:

Councillor J Abbott (Leader of the Green and Independent Group), Councillor D Mann (Leader of the Labour Group) and Councillor Mrs J Pell (Leader of Halstead Residents' Association).

40. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

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Councillor J Abbott declared a non-pecuniary interest in Agenda Item 6a – ‘Medium-Term Financial Strategy 2023-24 to 2026-27’ as an Elected Member of Rivenhall Parish Council.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 6a – ‘Medium-Term Financial Strategy 2023-24 to 2026-27’ as an Elected Member of Essex County Council.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 6a – ‘Medium-Term Financial Strategy 2023-24 to 2026-27’ as an Elected Member of Great Notley Parish Council.

Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 6a – ‘Medium-Term Financial Strategy 2023-24 to 2026-27’ as an Elected Member of Essex County Council.

Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 6a – ‘Medium-Term Financial Strategy 2023-24 to 2026-27’ as an Elected Member of Great Notley Parish Council.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Items were considered.

41. **MINUTES**

DECISION: It was reported that the Minutes of the meetings of Cabinet held on 5th October 2022 and 10th October 2022 were approved as a correct record and signed by the Chairman.

42. **QUESTION TIME**

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

43. **FUSION LIFESTYLE – PRESENTATION TO CABINET**

INFORMATION: Cabinet received a presentation on the annual performance report of Fusion Lifestyle, the providers of the Council’s leisure contract. The report was presented by Anthony Cawley, Chief Executive Fusion Lifestyle and Jon Richardson, Divisional Business Manager, Fusion Lifestyle.

The presentation slides may be viewed at:

<https://braintree.cmis.uk.com/braintree/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/967/Committee/3/Default.aspx>

In response to questions raised by Members the following information was provided:

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- In respect of a question raised around retaining existing sports clubs the following response was provided; Fusion Lifestyle were actively engaging with all sports clubs in particular the Halstead Swimming Club whom they had contacted and were currently waiting for a response. There was no intention to prevent the clubs from using the facilities and would endeavour to encourage more users. It was noted that Fusion believed it was vital that there were clubs running in their centres and would engage with the community to increase uptake. Fusion had worked with numerous clubs and had supported these where they could by working with payment plans. It was however recognised that there was a balancing act between casual swimmers and swimming clubs and it was important to get this right in order to meet everyone's needs.
- Fusion confirmed that they had completed a number of surveys in order to explore the opportunity for additional solar panels and were actively involved in the Government's decarbonisation scheme, with phase 4 due to come into fruition in the new year. Fusion confirmed that they would be working with Council Officers to create a plan looking at options for the best savings for investment.
- Fusion confirmed that they were currently promoting their centres throughout the District via a royal mail door drop to various postcodes for every resident to receive a free day pass for Fusion centres.
- In order to come up with savings, Mr Cawley advised that Fusion had looked at overheads and reviewed their spending by reducing head office costs, revised spending across the entire the business, postponed any investments, reinvested all profits and ensured that reserves were protected.
- Mr Cawley confirmed that in terms of revenue, figures were fairly consistent across the country. UK Active, who were Fusions governing body, had released figures to show that this was quite similar across other providers as well. It was also noted that there was a lot of support from government to protect the service.
- It was added that all Fusion gyms were equipped with gym equipment suitable for people with disabilities.

At the end of the questions, the Chairman expressed his thanks on behalf of the Cabinet to Mr Cawley and Mr Richardson for their presentations and the information provided.

44. **MEDIUM-TERM FINANCIAL STRATEGY 2023-24 TO 2026-27**

INFORMATION: This report was presented by Councillor McKee, Cabinet Member for Finance and Corporate Transformation. Members were advised that the report provided details of the progress updating of the Financial Profile and the Medium-Term Financial Strategy (MTFS) 2023/24 to 2026/27; The report set out the basis on which assumptions had been updated since the MTFS was last approved in February 2022 and what options had been identified to address the forecast budget gap.

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The report also provided an update on the Capital Programme and proposed financing, including details of the proposed additions to the programme from the capital bids received for 2023/24.

The report had been drafted prior to the autumn statement which was due to be published on 17th November 2022 but had been delayed. The report and supporting presentation were provided to the Performance Management Scrutiny Committee on 23rd November 2022 at which all Members were invited to attend.

It was reported that the content of this year's budget planning was of high uncertainty with a significant increase in volatility and risk. Inflation and other cost pressures bore heavily on the Council's finances and the cost-of-living crisis impacted residents and businesses throughout the District. The Cabinet therefore had to carefully weigh up the impact of the budget on households, service users and partners whilst remaining confident that the Council could meet its legal obligation of setting a balanced budget. The Cabinet Member advised that through prudent fiscal management the Council were confident that they had a reasonable amount of balances and reserves that they could draw upon, however it was recognised that this was not a sustainable long term solution, the report therefore set out some of the programmes and activities that were being introduced and developed which would contribute towards addressing the financial challenges that lay ahead.

In response to questions raised by Members the following information was provided:

- Members were advised that all Capital Bids were discussed at a previous non-public meeting of the Cabinet. With regards to the bid made in respect of the Silver End Bowls Club it was reported that officers were currently reviewing this application and would report back with further advice.
- With regards to the use of green bins it was reported that the business case for this had not yet been finalised and there was currently work being carried out to identify a number of issues around charging for green waste collection. Members were advised that the review of the garden waste service was looking to expand garden waste collection and one of the biggest criticisms of the current scheme was that this service ceased through the winter months. The new proposal was for a 12-month service running throughout the year.
- It was reported that the 33% reduction in the street cleaning grants to Parish Councils was deemed a reasonable reduction and alternatives had been considered. It was confirmed that this could not be funded from other sources and that the reduction was in response to a recommendation that had been made to assist in rebalancing the budget. It was also confirmed that this was a one off reduction and would not be repeated in following years by this Cabinet.
- Members were advised that the recycling calendars could not go in the Contact magazine due to there being a number of different calendars as each one was route specific and this would have an additional cost. In addition, this would mean that the Contact magazine would also need to be route specific which would be difficult to manage. Members were reminded that hard copies of the recycling

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calendars were available upon request and the option for home delivery was also available.

- Councillor Tattersley, Cabinet Member for Health and Wellbeing, referred to a question that had been previously ask by Members at the meeting of the Performance Management Scrutiny Committee held on 23rd November, to provide some clarity on a response he made in relation to the athletics track. It was reported that the repair and replacement of the running track was deferred for a year and an inspection of the track had recently been carried out, with inspectors advising that with some small ongoing maintenance the track could continue to operate as an official running track and would last until next year, repair works could therefore be built into next year's budget for consideration.

DECISION: That Cabinet agreed:

1. No discretionary changes were proposed to the Local Council Tax Support Scheme for 2023/24 and consequently there was no requirement for consultation to be undertaken; and
 2. The Revenue and Capital Programme position, as presented in the report, constituted the initial proposals and options for determining the 2023/24 Budget and that views were sought as appropriate.
 3. Funding available for Discretionary Housing Payments in 2022/23 was increased by £77,000 through an allocation from the Covid-19 reserve.
 4. To increase the minimum level of the General Fund unallocated balance for the Budget Strategy from £1.5million to £3million.
45. ****REVIEW OF THE COUNCIL'S ENFORCEMENT POLICY**

Minutes Published: 5 th December 2022 Call-in Expires: 12 th December 2022

INFORMATION: This report was presented by Councillor Mrs Schmitt, Cabinet Member for Climate Change and the Environment. Members were advised that each authority had their own Enforcement Policy which must be reviewed on a regular basis to ensure that it had responded to any changes in the legislative or regulatory environment and to update the policy with the most recent enforcement guidance and industry best practice. It was reported that on this occasion there had been some significant changes, due to the majority of enforcement activity previously falling under the Environmental Health Department, which had since been restructured and a large proportion was now the responsibility of Operations.

A full review had now been completed and the report sought agreement on the drafted revised policy and approval to undertake a consultation with stakeholders prior to adoption.

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Members were directed to the report where further details of the breakdown of policy and its responsible service were available.

DECISION: That Cabinet agreed:

1. The revised Environmental Health, Building Control, Licensing and Operations Enforcement Policy 2022 in Appendix A of the report and approved the policy for consultation.
2. To delegate authority to the Cabinet Member for Climate Change and the Environment to consider any consultation responses received and was authorised to adopt the Policy.

46. **RURAL PROSPERITY FUND IMPLEMENTATION PLAN**

INFORMATION: This report was presented by Councillor Cunningham, Cabinet Member for Economic Growth, however as Councillor Cunningham was attending the meeting remotely the recommendations were put forward by Councillor Butland, Leader of the Council.

Members were asked to consider the addendum to the Shared Prosperity Funding (SPF) investment plan to allow Braintree District Council (the Council) to access a total of £589,191 of Rural England Prosperity funding for 2023/4 and 2024/5. This was to support the Governments levelling up white paper and the Future Farming programme and was also compatible with other partnership initiative that were supporting rural communities.

Members were advised that the fund would be distributed in 2 ways. The first was available to small and medium sized businesses to grow, develop and undertake innovation. Capital grants of between £20,000 and £50,000 would be available, although match funding from the businesses of at least 20% would be required. The second scheme would be available to Parish Councils, legally constituted community groups, or charities, to refurbish local natural, cultural or heritage assets or to set up community led repair cafes or mend workshops. The proposals should show how they contribute to tackling climate change and supporting the rural community. Capital grants of between £20,000 and £50,000 would also be available but match funding would not be required. However, the group receiving the funding would need to ensure that it had plans in place for the long-term maintenance and management of the capital asset which was developed under the funding.

In response to a question raised around the development of haulage yards on farms and the affect these were having on the surrounding rural areas, the Cabinet Member confirmed that the funding was to stimulate all forms of rural enterprise and would ensure that his concerns were taken into account when formulating the scoring measure and considering applications.

DECISION: That Cabinet agreed:

1. To approve the submission of the required information to Government to access the Councils provisional allocation of Rural England Prosperity Funding.
2. To delegate final approval of the wording of that submission to the Corporate Director Growth in consultation with the Portfolio holder for Economic Growth.

47. ****AWARD OF A TENDER FOR THE PROVISION OF TYRES AND ASSOCIATED SERVICES FOR THE COUNCIL'S COMMERCIAL VEHICLE FLEET**

Minutes Published: 5 th December 2022 Call-in Expires: 12 th December 2022

INFORMATION: This report was presented by Councillor van Dulken, Cabinet Member for Operations and Commercialisation. This report sought Cabinet's approval for the award of a tender for the provision of tyres and associated services for the Council's commercial fleet of around 80 vehicles.

Current expenditure on tyres and services varied between £85,000 and £105,000 per annum. The current agreement came to an end this year and the Council carried out a full procurement exercise for the provision of tyres and associated services. The result of which, the current supplier Direct Tyre Management (DTM) Limited, scored highest of the 4 companies that tendered for the contract. DTM was also better value than the only other contender who scored highly enough to be considered. It was noted that DTM was a well-established, large national company who specialised in working with fleets and had contracts with a number of other authorities and a proven track record.

Following a robust evaluation process, there were 2 options presented, one was to implement no change with no continuation of a formal contract with DTM Limited, this would result in a number of serious impediments, in particular in relation the procurement procedure rules. The second and preferred option was to award the contract to DTM.

DECISION: That Cabinet:

1. Approved the award of a 3-year contract to Direct Tyre Management Limited (DTM) at a contract value of £271,800 from 1 December 2022 to 30 November 2025, with the provision to extend for a further two years (1+1) at £90,600 per annum.
2. Approved an additional Contract spend (variation) of up to £14,400 per annum (funded from the existing operational budget) to provide flexibility for replacement tyres in any one year, as the actual number is variable and determined by maintenance inspections.

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48. ****AWARD OF CONTRACT FOR THE PROVISION OF A GRAVE DIGGING SERVICE**

Minutes Published: 5th December 2022
Call-in Expires: 12th December 2022

INFORMATION: This report was presented by Councillor van Dulken, Cabinet Member for Operations and Commercialisation. Cabinet were asked to consider the report which sought approval for Braintree District Council to award a contract for the provision of Grave Digging Services for the 4 cemeteries in the District.

It was reported that the previously outsourced grave digging service was terminated in April of this year and a company called A. Wallace was appointed to provide the service as an interim measure pending the outcome of a full procurement exercise. It was noted that the work carried out by A. Wallace for the Council in the past 8 months had been of high quality and had proven to be very reliable and the company had a good reputation throughout Essex.

The procurement exercise had commenced in July for a 3 year contract with the option to extend for a further 2 years. 3 bids were received, of which 2 were validated, with A. Wallace scoring considerably higher than the other validator despite being slightly more expensive. There were 3 options for consideration and these were detailed in the main report.

DECISION: Cabinet approved the award of a Contract to A. Wallace for an initial three-year period from January 2023 to December 2026 for a total contract value of £225k, with the option to extend for a further two years up to and including November 2028 for an additional £150k (£375k for 5 years in total).

49. ****HOUSING STRATEGY 2023-2028**

Minutes Published: 5th December 2022
Call-in Expires: 12th December 2022

INFORMATION: This report was presented by Councillor Bowers, Cabinet Member for Housing, Assets and Skills. The Cabinet Member firstly passed on his thanks to Carly Jones, Strategy and Business Support Manager, who in the last 3 months had turned around the Healthy Housing Strategy and evidence base, providing the important piece of work that had assisted in driving forward the Housing Service Braintree District Council.

In the preparation of the draft Strategy, Housing Strategy Workshops were held on 17th and 18th October 2022. These consisted of a Member workshop with 5 District Councillors followed by a second workshop with 30 individuals from the NHS, other Local Authorities, internal officers from key departments and representatives from the voluntary sector and Housing providers. The purpose was to gather views on the main housing issues, across all tenures, within the District. The feedback from this event had influenced and developed the Strategy before it was submitted for public

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consultation. It was reported that, meeting the needs and supporting communities, access to housing and affordability and raising housing standards were identified as key priority for the authority and comments made would be fed into the consultation.

It was also reported that a key theme identified was that residents required both immediate short-term support reflected in the cost of living and the need for creative measures to be implemented to explore long term sustainable change which would support future living costs and energy efficiency. These themes had been reflected in the draft strategy.

DECISION: That Cabinet agreed:

1. To consider and approve the draft Healthy Housing Strategy 2023 - 2028 for consultation, as set out in Appendix A of the report.
2. To note that the draft Strategy would be subject to consultation commencing on 13th December 2022, and the final Strategy would return to Cabinet, together with the Consultation considerations for approval at its meeting in March 2023.

The meeting commenced at 7.15pm and closed at 8.27pm.

COUNCILLOR G BUTLAND
(Leader of the Council)