

Minutes

Cabinet

23rd May 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	Yes
Deputy Leader of the Council	Councillor Mrs W Schmitt	Yes
Environment and Place	Councillor R Mitchell	Apologies
Planning and Housing	Councillor Lady Newton	Yes
	Councillor Mrs L Bowers-Flint	Yes
Economic Development	Councillor T Cunningham	Yes
	Councillor B Rose	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	Apologies

Also present as invitees of the Leader:

Councillor Mann, Leader of the Labour Group

Councillor Abbott, Green Party

Councillor Siddall, Chairman of the Overview and Scrutiny Committee

An apology for absence had been received from Councillor Mrs Pell, Leader of the Halstead Residents Association.

Councillors Mrs Parker and Schwier were also in attendance.

1 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor G Butland declared a non-pecuniary interest in Agenda Item 5e - 'District Investment Strategy' as a Cabinet Member for Health at Essex County Council.
- Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 7b - 'Fourth Quarter and Annual Performance Management Report 2015-16' as a Director of Ignite Business Enterprise.

- Councillor C Siddall declared a non-pecuniary interest in Agenda Item 7b - 'Fourth Quarter and Annual 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.

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 21st March 2016 be approved as a correct record and signed by the Chairman.

3 **QUESTION TIME**

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

4 **LEADER'S UPDATE**

The Leader of the Council had nothing additional to report.

5 **ESSEX DEVOLUTION**

INFORMATION: Members were advised that there was nothing further to add since their last update. A Devolution Board meeting is being held on Thursday 26th May 2016 for all Essex Leaders, following that the Leader will update Members. .

6 ***ANNUAL PLAN 2016 – 17**

Minutes Published: 8 th June 2016 Call-in Expires: 16 th June 2016

INFORMATION: The Annual Plan set out the actions and performance targets for 2016/17. These actions and targets support the new Corporate Strategy 2016 – 2020, which had been agreed by Council in February 2016.

Members were advised that since the first draft had been considered, two significant new elements had been added to the Annual Plan. An additional component had been added to the Health and Communities portfolio with a view to improve local health facilities and help provide primary care services that would meet current and future needs in the District. An additional point was also added to the portfolio of Overall Corporate Strategy and Direction around developing and delivering a District Investment Strategy that would invest in improved and new infrastructure, economic growth, health and regeneration projects to ensure that the future needs of the District were met.

DECISION: That Cabinet approved the Annual Plan 2016/17.

REASON FOR DECISION: To agree the Council's key priorities and actions for 2016/17

APPOINTMENTS TO OUTSIDE BODIES MADE BY THE CABINET

INFORMATION: Members were advised that there had been changes to the representatives of the Braintree District Local Highways Panel (BDLHP) to ensure that there was reasonable representation of all areas covered by the Panel. The new membership of the Panel included Councillors Abbott, Mrs M Cunningham, Mitchell and Mrs Wilson for Braintree District Council.

It was noted that Councillor T Cunningham would replace Councillor Butland as the appointed Member for the Haven Gateway Partnership and that Councillor Mrs Schmitt would replace Councillor Butland as the Lead Member appointed to the Police and Crime Panel with Councillor Butland taking the Deputy role.

DECISION:

1. That Cabinet noted the following appointments of Council representatives to outside bodies for the year.

Braintree District Business Leaders Board
Councillor T Cunningham

Braintree District Citizens Advice Bureau Management Board
Councillor Mrs S Wilson

Braintree District Local Highways Panel
Councillors J Abbott, Mrs M Cunningham, R Mitchell and Mrs S Wilson

Braintree District Museum Study Centre Trust Ltd – Trustee appointment Confirmation
Councillors J Baugh and J McKee

Braintree District Museum Study Centre Trust Ltd– Corporate Trustee
Councillor Mrs J Beavis

Braintree District Voluntary Support Agency
Councillor Mrs S Wilson

Community Housing Investment Partnership Board (CHIP)
Councillors G Butland, Lady Newton and Mrs W Schmitt

Community Safety Partnership
Councillor Mrs W Schmitt

District Council Network
Councillor D Bebb

East of England Local Government Association (EELGA)
Councillor G Butland

Essex County Council's Health and Overview and Scrutiny Committee
Councillor Mrs J Beavis

Essex Flood Partnership Group
Councillor Mrs W Schmitt

Essex Waste Partnership Board (formally Essex Inter-Authority Working Group (Waste and Recycling))
Councillor R Mitchell

Freeport Braintree Consultative Group
Councillors M Banthorpe and T Cunningham

Great Notley Country Park – Joint Governance with Essex County Council (also known as Joint Governance – Great Notley Country Park Partnership Board)
Councillors G Butland and Mrs W Schmitt

Haven Gateway Partnership
Councillor T Cunningham

Ignite Business Enterprise
Councillors J McKee and T Cunningham

Local Government Association General Assembly
Councillor G Butland

Local Government Information Unit
Councillor Mrs J Beavis

North Essex Parking Partnership Joint Committee
Councillor R Mitchell

Police and Crime Panel
Councillor G Butland and Mrs W Schmitt

Stansted Airport Consultative Committee
Councillor H Johnson

Youth Strategy Group
Councillor T Cunningham

REASON FOR DECISION: To ensure appropriate representation on Outside Bodies.

8 **DISTRICT INVESTMENT STRATEGY**

INFORMATION: Members were advised that currently there was £8.58 million of New Homes Bonus available. The Council had reserves in excess of £8 million which had exceeded the suggested amount of £3 million, discharging an additional £5 million of unallocated reserves. It was thought that with interest rates so low, it would be an advantageous time to consider borrowing resources to enable investment in the future of the District. Under the current Treasury Management Policy, the Council can borrow up to £25 million. Combined with allocated and unallocated New Homes Bonus, £14.5m of borrowing capacity and with £5m of reserves a District Investment Strategy of £28m could be created. Whilst the £28 million would not be sufficient to

fund major road works it could be used to invest in smaller projects or match fund with considerable impact across the District.

One area that Members had been particularly keen to look at was around facilities for general practice and primary care. It was noted that one of the key priorities for the District Investment Strategy would be around new, good quality, purpose built healthcare facilities which would provide a range of primary care, and as a result would bring services closer to residents as well as reducing the demand on hospital services.

There had also been suggestions that the monies could be contributed towards providing increased opportunities for businesses and employment as well as some minor road improvements and the continuous development of town centres.

DECISION: That Cabinet approved the District Investment Strategy.

REASON FOR DECISION: To agree the establishment of a District Investment Strategy to support the District's strategic growth ambitions and the delivery of excellent and value for money services to residents and businesses.

9 ***PROPOSED DISPOSAL OF THE FORMER BRAMSTON SPORTS CENTRE SITE, WITHAM**

Minutes Published: 8th June 2016 Call-in Expires: 16th June 2016

INFORMATION: On 30th March 2015, Cabinet approved the disposal of part of the site to Persimmon Homes for the construction of an office building. Unfortunately, Persimmon Homes then came back to the Council seeking more land and different terms. The Council reviewed the revised proposals and made the decision not to proceed with this transaction as it did not represent value for money.

The Council had since received two offers for separate areas of the site totalling £3,774,000. The southern part of the site comprising 2.0 acres had received an offer from Lidl UK GmbH. The northern part of the site comprising 1.1 acres had received an offer from Churchill Retirement Living Limited. Part of the remainder of the site would be used for the construction of an access road with the balance being retained by the Council as part of the flood plain and would be integrated into the adjoining public open space.

DECISION:

That Cabinet approved;

- 1) The disposal of the southern part of the Bramston site (as shown outlined in black and labelled 'Foodstore Area' on the plan at Appendix 2) to Lidl UK GmbH on the terms set out in this report or on such other terms and conditions as agreed by the Cabinet Member for Corporate Services and Asset Management and Corporate Director (Finance).
- 2) The disposal of the northern part of the Bramston site (as shown outlined in black and labelled 'Care Home Area' on the plan at Appendix 2) to Churchill

Retirement Living Limited on the terms set out in this report or on such other terms and conditions as agreed by the Cabinet Member for Corporate Services and Asset Management and Corporate Director (Finance).

- 3) That Cabinet delegates powers to the Council's S.151 Officer to approve to Opt to Tax the former Bramston Sports Centre Site (as shown outlined in black at Appendix 1) if required.
- 4) That it is the intention of the Council to re-invest the capital receipt to support the provision of new primary care facilities in Witham.

REASON FOR DECISION: To enable the Council to dispose of the Bramston site in Witham to realise a capital receipt. This site was surplus to requirements.

10 **PROVISIONAL FINANCIAL OUTTURN 2015-16**

INFORMATION: The Council's financial accounts for 2015/16 were currently being prepared for external audit. The Council's Financial Regulations required that requests to carry forward unspent budgets to the following year be agreed by the Cabinet.

Members were advised that the provisional financial outturn for 2015/16 showed a positive variance on the revenue account of £1,830,000 or 11.7% of the net budget of £15.624million. The main income generating areas which had over-performed during the year included: Planning application fees (£510,000); Council Tax Sharing Arrangement (£362,000); Housing Benefit overpayments recovered (£190,000); Car Park charges (£95,000); Industrial Land and Units rental income (£44,000) and Treasury Management interest (£48,000).

DECISION:

That Cabinet approved;

- 1) The requests to carry forward budgets to 2016/17 with a total value of £607,039 as detailed in Appendix B to the report;
- 2) The requests to carry forward prior year budgets to 2016/17 with a total value of £65,927 as detailed in Appendix B to the report;
- 3) To agree that three of the carry forward requests with a total value of £70,326, as identified in Appendix B, be added to the relevant existing earmarked reserves.

REASON FOR DECISION: To gain approval of requests to carry forward unspent budgets from 2015/16 to 2016/17 and of specific additions to earmarked reserves in order that these can be incorporated in the Council's 2015/16 Accounts prior to submission to the external auditor.

11 **FOURTH QUARTER AND ANNUAL PERFORMANCE MANAGEMENT REPORT 2015-16**

INFORMATION: Members were advised that the Council had performed well throughout the year with a total of 39 projects having been completed and a further

three were on track to meet their target dates. For performance indicators at the end of year, twelve had exceeded target and five had missed target by more than 5%.

The Cabinet Member shared with Members examples of some of the good performance that had been carried out over the year. The anti-litter campaign had involved over 300 businesses and ran for a period of six weeks and showed a 40% reduction in across Essex and an 80% reduction in litter across the Braintree District. A scheme had been developed to expand recycling services to flats and additional sites across the District, which had been very successful. The handy man service had been rolled out and successfully launched. A total of 423 Affordable homes had been delivered between 2012 and 2016 exceeding the four year target. For the second year running the number of visitors to the Leisure facilities in the District had exceeded 1 million over the year.

Meeting the recycling performance target remained a challenge. The tonnage for dry recycling and garden waste had fallen in comparison with last year, this had been echoed across other authorities.

The number of passenger journeys on the community transport scheme had not met target in 2015/16. There had been a decrease in the number of passenger journeys, however, the service had been meeting current demand and promotion of the service in recent months had boosted figures.

The number of empty homes in the District returned to use had not met target with a total of 61 empty homes returned to use against a target of 75 for the year.

DECISION: That Cabinet noted and endorsed the report.

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

12 ***CONSIDERATION FOR THE COUNCIL TO JOIN SEAX ESSEX BUILDING CONTROL SHARED SERVICE TO DELIVER BUILDING CONTROL REGULATION SERVICES**

Minutes Published: 8th June 2016 Call-in Expires: 16th June 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: Members were advised that all local authority Building Control teams had been facing a number of issues which could affect the viability of the service going forward and as a consequence Braintree District Council had been working with six other partner Authorities across Essex with a view to forming a single Building Control shared service, hosted by Colchester Borough Council that would, through the benefits of scale, be better able to tackle these issues.

The shared service amongst other things would give staff the opportunity of flexible working with the ability of working from home, a better opportunity for staff to progress their career and a larger organisation will create greater resilience for sickness and holidays. The larger shared service will also have the capacity to market the service - and be able to take on trainees and apprentices.

The partner authorities were Basildon, Colchester, Harlow, Maldon, Tendring, and Uttlesford. It was envisaged that all Authorities would have a confirmed position on whether they would join the SEAX Essex Building Control Shared Service by the end of July, with a planned date for the commencement of the service being January 2017.

DECISION (PUBLIC REPORT):

That Cabinet agreed:

1. To the Council joining the SEAX Essex building control shared service being hosted by Colchester borough council with effect from the planned operational launch date of January 2017. This incorporated acceptance of the following:
 - Current financial information and projections
 - The provisional time scales outlined in the mobilisation plan
 - Acceptance of the partnership agreement (the governance arrangements), as it stands at the present with only heads of terms
2. To give delegated authority to the Cabinet Member for Environment & Place in consultation with the Corporate Director to:-
 - a. approve any changes in the host authority business plan
 - b. sign-off the final version of the partnership agreement
3. To appoint the Cabinet Member for Environment & Place to the Partnership Management Board.

To recommend to Full Council:

4. The discharge of Braintree District Council's statutory building control function by delegation under the Local Government Act 1972, Section 101 and other enabling enactments through the shared service hosted by Colchester Borough Council.
5. That a budget provision is agreed for the one-off set-up costs, funded by an allocation from the Council's unallocated balance.

DECISION (PRIVATE REPORT):

That Cabinet agreed:

1. To the Council joining the SEAX Essex Building Control Shared Service being hosted by Colchester Borough Council with effect from the planned operational launch date of January 2017. This incorporates acceptance of the following:
 - Current financial information and projections
 - The provisional time scales outlined in the mobilisation plan
 - Acceptance of the partnership agreement (the governance arrangements), as it stands at the present with only heads of terms
2. To give delegated authority to the Cabinet Member for Environment & Place in consultation with the corporate director to:-
 - a approve any changes in the host authority business plan
 - b sign-off the final version of the partnership agreement
3. To appoint the Cabinet Member for Environment & Place to the Partnership Management Board.

To recommend to Full Council:

4. The discharge of Braintree District Council's statutory building control function by delegation under the Local Government Act 1972, Section 101 and other enabling enactments through the shared service hosted by Colchester Borough Council.
5. That a budget provision as set out in the report is agreed for the one-off set-up costs, funded by an allocation from the Council's unallocated balance.

REASON FOR DECISION: By creating a shared service the Council will create greater resilience in its building control service, create potential savings for the Council, give more effective support to economic development in the district and provide a better service to customers.

13 ***PROPOSED EXTENSION TO THE CURRENT BOCKING BLACKWATER LOCAL NATURE RESERVE BOUNDARY**

Minutes Published: 8th June 2016 Call-in Expires: 16th June 2016

INFORMATION: The Cabinet was asked to consider an extension to the current boundary of the Bocking Blackwater Local Nature Reserve (LNR) to include two areas of protected woodland, shelter belts and all the public open space to ensure that all mature hedge lines were included and buffer zones were provided.

Natural England had visited the site and had given verbal support to the proposed extension.

Public consultation of the intention to extend the boundary, through site notices and press publication, had given the wider community the opportunity to comment and

although little feedback had been received those that had responded had supported the extension proposals.

The Cabinet Member passed on her thanks to the 'Friends of Bocking Blackwater' group for the invaluable work they had carried out.

DECISION: That Cabinet approved the proposed extension to the current Local Nature Reserve boundary.

REASON FOR DECISION: To extend the current boundary of the Bocking Blackwater Local Nature Reserve as enabled by the 1949 Access to the Countryside legislation and with guidance and support from Natural England, for the protection of the natural heritage and the benefit and wellbeing of the local community.

14 **OPEN SPACES SUPPLEMENTARY PLANNING DOCUMENT - OPEN SPACES ACTION PLAN**

INFORMATION: Members were advised that was the fourth review of the Open Spaces Action Plan. The Open Spaces Action Plan provided the Council with the evidence base needed to enable the Council to negotiate S106 agreements with developers and land owners. The action plan had assisted also in the Council fighting appeals by providing evidence against appeals.

Consultation had been carried out with Parish Councillors and Members to put together a process to ensure that the Plan was kept up to date.

The Action Plan enabled the Council to bring additional Capital resources in to the District by S106 obligations.

DECISION: That Cabinet received and adopted the Open Spaces Action Plan 2016.

REASON FOR DECISION: The plan forms part of the Council's evidence base for securing planning obligations from developers to enhance existing open spaces, or provide new ones. Adopting the Open Spaces Action Plan 2016 supplants the 2015 edition, updating the currently adopted information.

15 **REFERENCES FROM COUNCIL/COMMITTEES/GROUPS**

INFORMATION: None had been received.

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

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.

17 **MINUTES FROM CABINET SUB-GROUPS – DEVELOPING DEMOCRACY GROUP – 29TH MARCH 2016**

DECISION: That the Minutes of the meeting of the Developing Democracy Group held on 29th March 2016 be noted.

18 **MINUTES FROM CABINET SUB-GROUPS – LOCAL PLAN SUB-COMMITTEE – 13TH APRIL 2016**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 13th April 2016 be noted.

The meeting commenced at 7.15pm and closed at 8.26pm.

COUNCILOR G BUTLAND
(Leader of the Council)