

# Minutes

## Cabinet

### 6th February 2023



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
<b>Innovative Environment</b>		
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
<b>Connecting People, Places and Prosperity</b>		
Economic Growth	Councillor T Cunningham (Deputy Leader)	Yes
Housing, Assets and Skills	Councillor K Bowers	Yes
Planning and Infrastructure	Councillor Mrs G Spray	Yes
<b>Supporting Our Communities</b>		
Communities	Councillor F Ricci	Yes
Health and Wellbeing	Councillor P Tattersley	Yes

#### **Present as Invitees of the Leader:**

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

#### **60. DECLARATIONS OF INTEREST**

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

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

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

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.

61. **MINUTES**

**DECISION:** That the Minutes of the meetings of Cabinet held on 28<sup>th</sup> November 2022 and 6<sup>th</sup> December 2022 were approved as a correct record and signed by the Chairman.

62. **QUESTION TIME**

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

63. **EASTLIGHT COMMUNITY TRUST - PRESENTATION TO CABINET**

**INFORMATION:** Cabinet received a presentation on the work and performance of Eastlight Community Trust. The report was presented Emma Palmer CEO of Eastlight Community Trust.

The presentation slides may be viewed at:

<https://braintree.cmis.uk.com/braintree/Meetings/tbid/70/ctl/ViewMeetingPublic/mid/397/Meeting/968/Committee/3/Default.aspx>

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

- In terms of bringing repairs in-house Ms Palmer disclosed that she believed this was the right thing to do and that the Eastlight homes solutions teams were one of the best advocates for the Trust. It was recognised contractor's main driver was profit margins, whereas Eastlight prided itself on, 'treating the home as if it's our own' and 'doing the right job'. It was also reported that the one service that was contracted out, gas services and gas repairs, was the one they were struggling with the most and that they did not have the same control over this in comparison to the services provided in house.
- With regards to the cost-of-living crisis, Members were advised that all Eastlight staff below Head of Service level had received a one-off cost-of-living payment, which they felt had helped retain staff. It was also reported that staff members were entitled to a £200 health and wellbeing grant each year, with the criteria for this year being expanded to assist staff with paying their energy bills.

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- In respect of new supply and social rent delivery, this was considered more challenging, and it was reported that Eastlight had found it difficult to locate sites and compete against private developers to offer social rent on sites. Members were advised that this was an area under review and that Eastlight were looking for new ways to overcome this and considering how they might better charge for the cost of use in a home and therefore take into consideration the energy efficiency as well as the rent and service charges payable.
- It was reported that one of the greatest benefits of the business merger was the new supply of social housing with an increase of an additional 1300 new homes. It was recognised that the larger organisation was more resilient than Greenfields and Colne Housing individually and secured the position for Eastlight to continue to commit to significant amounts of investment in homes, that would not have been possible for the organisations prior to the merger.
- Ms Palmer added that recently a document titled 'The Better Social Housing Review' had been released which challenged the way in which housing associations delivered services and noted that this was something Eastlight would be reflecting on over the next year.
- In terms of damp, mould, and condensation, it was reported that there were several different trigger factors for these. Design faults or properties that were not well kept were major perpetrators for penetrating or rising damp. It was also reported that properties that had received wall insulation subsequently prevented the house from 'breathing' sufficiently which was also a contributor towards damp and mould. Members were advised that over time housing stock got older and generally all stock was occupied at full capacity and taking into consideration the current cost-of-living-crisis it was recognised that tenants were less able to turn on the heating or ventilate their properties sufficiently which were contributing factors towards damp and mould. It was added, that Eastlight had reviewed their data and could not see anything to suggest that there was a particular type of house or household that was more susceptible to developing damp or mould, and therefore had found it difficult to target any specific type of tenant.
- Members were advised that the grounds maintenance specification of sites did not always meet the ideal level of standard, but it was often difficult to balance the charge to customers with the level of service provided. It was reported that Eastlight had received requests to remove this service completely to avoid additional charges, but it was necessary to refuse these requests as Eastlight had a requirement to maintain a particular level of service.
- It was reported when the original business case for the merger was constructed, net zero carbon did not feature in this at all, however it was quickly recognised that Eastlight needed to respond to this and had since carried out full audit and were now building additional investment into the organisation's business plan to assist in achieving this. It was reported that given the additional challenges this year, in particular around the rent formulae and rent cap, it was likely that Eastlight would

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be unable to accelerate their move towards net zero carbon in the way they would have liked. Ms Palmer added that they had launched their net zero carbon sustainable strategy, and it was expected that this year some of the corporate objectives contained therein would be delivered, in particular reducing their carbon footprint. Ms Palmer also added that Eastlight did have a sustainability steering group that consisted of members of staff and board members.

- Ms Palmer reminded Members that Eastlight was routed in a Greenfields legacy and were committed to continue the community gateway ethos and culture. In their constitution under the organisational rules, it was noted that Eastlight were a community organisation and not just simply a landlord, however it was understood that the landlord function was a priority and that these duties would come first. It was reported that impact assessments were carried out on how each of the all-in programmes were run and what impact these had on tenants and the wider community, it was noted that these assessments were carried out by Essex University.
- In terms of accessibility, Eastlight were due to undertake a piece of work on their customer segmentation to identify exactly who their customers were, which would be critical in restructuring their frontline service delivery with the intention to become truly accessible to all parts of the community.

At the end of the questions, the Chairman expressed his thanks on behalf of the Cabinet to Ms Palmer for her presentation and the information provided.

#### **64. COUNCIL BUDGET AND COUNCIL TAX 2023/24 AND 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 reminded that the purpose of this report was to determine the 2023/24 revenue and capital budget, and Council Tax level to be recommended to Full Council. It was reported that since its last consideration by Cabinet in November 2022 there had been a number of updates to the report and the key changes were as follows:

- There had been a net increase in cash grants from that assumed in 23/24, however this included a one-off 'Funding Guarantee' so there was still uncertainty over subsequent years.
- The Consumer Price Inflation (CPI) had linked an increase in retained business rate income.
- Council Tax Referendum Principles had increased to 3% or £5 for shire districts
- It had been confirmed that Braintree District Council would be included in the Essex Business Rate Pool.
- It had been confirmed that the Homelessness Prevention Grant for 2023/23 was set at £437,700 and £458,000 for the subsequent year in 2024/25. There had been

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a 4-week consultation period and the Cabinet Member had submitted the Council's response, within the timescale, on the 13<sup>th</sup> January.

- It was reported that there was a higher ongoing employer rate for the pension fund, however this was offset by a reduction in the contribution to reserves.
- Staffing budgets had been updated for the current establishment and other inflationary adjustments.
- The Council had also received additional income from investments due to the increase in interest rates.
- There had been a reduction in the growth bid for the Programme Management Office (PMO) by using existing resources and a small downward change in savings proposed.
- The Council Tax Base had grown which had seen the benefit of an increase in the amount of Council Tax collected.
- The Parking Protocol had been reviewed and further changes relating to commuter car park charges were anticipated.
- It was also confirmed that the funding for Silver End Bowls Club dropped curve had now also been included in the budget.

Members were informed that the overriding aims remained unchanged however the additional objective of 'Supporting residents through the cost-of-living crisis' had been included. It was recognised that residents across the District would be facing a number of challenges over the next 18 months, and it was therefore necessary to tune the budget in favour of supporting residents through this difficult time. In response to this, The Council had allocated an extra £1m to support residents impacted by the cost-of-living crisis, funded by the new homes bonus allocation for 2023/24. This was being used to deliver a three-point plan over the next two years including, providing food security, helping the most vulnerable by supporting existing community groups and increasing access to facilities that enable physical and emotional health & wellbeing.

It was reported that there was still a significant financial challenge and the Council had been looking at means to overcome this and as a result, over £1m of new savings and extra income had been identified.

With regards to addressing the financial gap in the MTFS, it was noted that the ongoing gap had been reduced but remained significant. Proposals in the budget had closed the gap since it was last reviewed in November 2022 from £1.406m in 2023/24, with an overall total of £2,403m, reduced to a gap of £644,000 for 2023/24, as of February 2023, which was intended to be closed using monies from balances. It was however noted that this did not reduce the overall structural deficit gap and ongoing savings or extra income of over £2m was still required to close the gap over the MTFS period.

In respect of Council Tax, it was recommended to increase Council Tax by 2.5% giving a Band D Tax rate of £194.31, an extra 9p per week. Members were reminded that Braintree District Council still remained one of the lowest Council Tax rates in Essex and below the Shire District average. The Council Tax Support Fund would give a discount to those on Local Council Tax Support of up to £25 and an additional

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discretionary support for others, alongside the current hardship schemes and help through Citizens Advice and BDC staff welfare officers.

Following the presentation of the budget report, The Leader updated Members on the Councils position in respect of the A120 Access Improvement Package - Millennium Slips. Members were reminded that on 2<sup>nd</sup> June 2014 Cabinet agreed to allocate almost £5m of New Homes Bonus for pipeline infrastructure projects which included £2.5m for an A120 Access Improvement Package. The objective of this allocation was to leverage in additional funding that could be used to alleviate traffic congestion at Galley's Corner and any improvements would be delivered by Essex County Council (ECC) as the Highways Authority.

Members were advised that the Council had submitted a Levelling Up Round 2 (LU R2) Bid for this project seeking an additional £10m, however on 19<sup>th</sup> January 2023, the Council had received notification that the LU R2 Bid had been unsuccessful and ECC had since carried out a stringent review of their capital programme as part of their own budget setting process. Subsequently the Council had received notification from ECC that the A120 Access Improvement Package was very unlikely to remain within their capital programme at this time.

On the basis of the communication received from ECC, it was proposed that the decision to ringfence the £2.5m that was held in reserve for this project was revoked. This decision would result in the Council's unallocated reserves increasing by an equivalent sum. The Council would be able to reconsider whether it intended to provide new financial support to the project should the project be brought forward by ECC at a future date.

Members were advised that the District Council had given consideration as to how the additional money should be allocated and noted that the £2.5m had originated from the New Homes Bonus. Since receiving the decision from ECC not to proceed with the LU R2 Bid, Members had been considering options for how the additional money could be linked into the existing budget and agreed that where possible the reserves should be used in a way that was most beneficial to residents. It was therefore proposed that the £2.5m should be used in 2 specific ways. Firstly, that £1m should be allocated towards a Transformation reserve to enable the District Council to carry out important work that was needed in respect of making services more efficient and effective. And secondly, that the remaining £1.5m should be used in some way to assist in alleviating the Council Tax increase proposals. Consideration was given to reducing the proposed percentage increase to the amount of Council Tax payable for the year 2023/24, however it was recognised that this would have a detrimental effect on the budget in the subsequent years creating a deficit of £156,000. It was also noted that as the Council Tax banding was regressive, and those at the top end of the scale would receive a discount 4 times higher than those on a lower banding. It was therefore decided that the option to reduce the proposed Council Tax increases for the year should be disregarded and instead a proposal should be made to Full Council that a sum of £25 known as the New Homes and Growth Dividend be made payable to all Council Tax payers across the District.

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It was also announced that the accumulated surplus of £100m currently held by the government in the business rates levy account would be returned to local authorities and this would be distributed on a one-off basis based on each local authority's 2013/14 Settlement Funding Assessment. The amount allocated to Braintree District Council was £29,243. This was extra funding received in respect of 2022/23 which was not included in the original budget. With this in mind, it was proposed that £29,000 be used to maintain the current level of funding to Parish Councils under the Street Cleaning Agreement for 2023/24 only.

**DECISION:** That Cabinet agreed:

1. That it be Recommended to Council that the following be approved:
  - 1.1 The revenue budget for 2023/24 as set out in Appendices A and B to the report.
  - 1.2 The Braintree District Council's Local Council Tax Support Scheme for 2023/24 as detailed on the Council's website at [Local Council Tax Support Scheme](#).
  - 1.3 The Council Tax Support Fund as set out in Section 15 of the report and in accordance with Government Guidance, and to delegate to the Cabinet Member for Finance and Corporate Transformation, in consultation with the Section 151 Officer, to determine the administration of any discretionary element.
  - 1.4 The Council's discretionary fees and charges for 2023/24 as detailed in Appendix C to the report.
  - 1.5 Delegated authority is given to the appropriate Cabinet Members to determine the level of charges where these are subject to third party information or greed with external partners, or where in-year variations are required for commercial or concessionary reasons.
  - 1.6 The Council's policy for Discretionary Business Rate Relief Schemes (under section 47 of the Local Government Act 1988, as amended), as detailed in Section 12 of the report, for 2023/24.
  - 1.7 The Discretionary Council Tax discounts and exemptions, and premiums as detailed in Section 17 of the report, for 2023/24.
  - 1.8 The Council's Pay Policy for 2023/24 as detailed in Appendix D to the main, report, subject to the amounts of pay included being updated in line with the final agreed settlement for the cost-of-living award to be implemented with effect from 1<sup>st</sup> April 2023.

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- 1.9 Establish the following new earmarked reserves: Cost of Living Reserve of £1m and an Economic Growth and Healthy Housing Strategies reserve of £427k, from the Council's 2023/24 allocation of New Homes Bonus.
- 1.10 The estimated movements on earmarked reserves as detailed in Appendix E to the main report, and the transfer of the residual balance held in the Covid-19 Contingency reserve to the General Fund unallocated balance.
- 1.11 The allocation of £500k of the unallocated New Homes Bonus reserve to provide interim funding for the Strategic Investment Team, including the feasibility reserve.
- 1.12 The allocation of up to £200k from General Fund balances to fund one-off initial costs related to the proposed introduction of charging for the collection of garden waste, such allocation is subject to the introduction of charging for the collection of garden waste being approved by Cabinet.

### **Capital**

1.13 The Capital bids for 2023/24 listed in Appendix G to the main report.

1.14 A Disabled Facilities Grants programme which matches the resources allocated to the Council from the Better Care Fund for 2023/24.

### **Capital and Investment Strategy and Treasury Management Strategy**

1.15 The Capital and Investment Strategy as detailed in Appendix H to the main report.

1.16 The Treasury Management Strategy as detailed in Appendix I to the main report.

### **Council Tax**

1.17 A Council Tax Requirement of £10,842,691 resulting in a Council Tax rate for 2023/24 of £194.31 for a Band D property.

2 That Cabinet agreed to:

- 2.1 Delegate authority to the Cabinet Member for Finance and Corporate Transformation to agree requests for unspent budgets, at the 2022/23 yearend, to be carried forward to the following year, and final movements on earmarked reserves.
- 2.2 Approve all spend undertaken against revenue expenditure items or capital schemes which are recurrent and/ or reflect an annual programme of works, and for which an annual budget allocation has been included in the revenue and capital budgets approved by Full Council.

Cabinet also agreed that the recommendations to Council as set out in the report would be amended to include the following new recommendations:

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That Cabinet Recommend to Council that the following be approved:

1. To revoke the ringfencing of £2.5m of previously allocated New Homes Bonus for the A120 Access Improvement Package (Millennium Slips).
2. Establish the following new earmarked reserves: Cost of Living Reserve of £1m and an Economic Growth and Healthy Housing Strategies reserve of £427k, from the Council's 2023/24 allocation of New Homes Bonus; and a new Transformation Reserve is established from the balance of funds remaining from the Millennium Slips provision after the deduction of the cost of a growth dividend.
3. A £25 New Homes & Growth Dividend to be made to eligible households in 2023/24 in accordance with the Dividend Policy (Appendix D to the Addendum Report) estimated to be £1.6m.
4. To delegate to the Section 151 Officer to make technical policy amendments relating to the dividend policy to ensure it meets the criteria set by the Council.

In addition to the Cabinet recommendations set out in the report contained within the agenda, that a new recommendation was added as follows:

1. That Cabinet recommend to the Chairman of the Council, in consultation with the Chief Executive and Monitoring Officer, to agree to allow any Member the opportunity to submit an amendment motion to these revised Recommendations, under the urgent provisions set out within the Constitution.

65. **\*\*HACKNEY CARRIAGE FARE INCREASE**

Minutes Published: 13 <sup>th</sup> February 2023 Call-in Expires: 20 <sup>th</sup> February 2023
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**INFORMATION:** This report was presented by Councillor van Dulken, Cabinet Member for Operations and Commercialisation.

Members were advised that this report was in response to the requests made by 39 Hackney Carriage proprietors in the District to consider the following;

- To amend the table of fares by increasing the start fare of the mileage tariff from £3.70 to £3.90, which would result in an overall average increase of 3.1%;
- To increase the cost of waiting time from 35p to 40p per minute, and;
- To increase the soiling or cleaning charge from £30 to £100.

It was reported that the justification for the large increase in the soiling/ cleaning charge was to account for the time the vehicle would be off the road, depriving the owner of any income.

Members were reminded that historically it had been agreed that a review of Hackney Carriages should be carried out annually to avoid large increases every few years,

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however, it was recognised that there had been no reviews between 2018 and July 2022, in most part as a result of the pandemic.

It was further added that the main justification for the increase requests were as a result of the rise in fuel costs and overall inflation pressures and the proposed increases for Braintree were broadly in line with those of other Essex authorities.

**DECISION:** That Cabinet agreed:

1. The request for an increase in the Council's Hackney Carriage Table of Fares to come in effect on 1<sup>st</sup> April 2023.
2. To commence the statutory public consultation.
3. To delegated authority to the Cabinet Member for Operations and Commercialisation, in consultation with the Corporate Director, Operational and the Licensing Committee Chairman to:
  - a) Consider any representation received during the 14-day consultation period and to determine whether the increase comes into effect with or without modification; and
  - b) In the event of representations being made, to agree a revised implementation date for the new fares, if necessary, such date shall not later than 2 months after the first effective date

## 66. **STRATEGIC RISK REGISTER**

**INFORMATION:** This report was presented by Councillor McKee, Cabinet Member for Finance and Corporate Transformation.

Members were advised that the Strategic Risk Register detailed the risks which had the potential to impact on the delivery of the Corporate Strategy over the medium-term. It was reported that the Register was previously agreed by Cabinet on 11<sup>th</sup> July 2022 with a view to formally review the Register twice a year and had recently been reviewed and updated by Senior Managers and Management Board.

**DECISION:** That Cabinet approved the updated Strategic Risk Register and the Management Action Plans, for managing the high rated risks, as detailed in Appendix 1 of the report.

## 67. **\*\*IDOX CONTRACT AWARD**

Minutes Published: 13 <sup>th</sup> February 2023 Call-in Expires: 20 <sup>th</sup> February 2023
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**INFORMATION:** This report was presented by Councillor McKee, Cabinet Member for Finance and Corporate Transformation.

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Members were advised that this report sought approval to award the software licence, support, and maintenance contract to the existing supplier Idox, following the conclusion of a successful procurement exercise. This would ensure that Braintree District Council were able to continue to provide key corporate systems to staff and provide planning information to the public via the Council's website.

It was noted that the option of not completing the procurement exercise and subsequently failing to award the contract would result in Council having a very short amount of time to seek alternative suppliers through an alternative procurement exercise. The Council would not have software licences available to staff and be de-supported by the existing supplier. It was therefore recommended that a future contract should be agreed with the current supplier that would support the Council to continue to make the best use of the systems available to it and benefit from the investment and development that had already been implemented.

**DECISION:** That Cabinet agreed:

1. The funding for a three year software licence, support and maintenance up to the value of £200,000, and
2. To delegate authority to the Corporate Director, Operational, for the award of the contract at the conclusion of the procurement exercise provided it is within the funding allocation set out above.

67    **\*\*STRATEGIC INVESTMENT PROPOSAL**

Minutes Published: 13 <sup>th</sup> February 2023 Call-in Expires: 20 <sup>th</sup> February 2023
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**INFORMATION:** Members were reminded that this Item included a confidential report which contained exempt information that fell within Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. Due to the nature of the report in its entirety, it was 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 as it was necessary to discuss the confidential report on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

This Item was considered entirely in the Private Session of the meeting.

**DECISION:** That Cabinet agreed the recommendations set out within the report.

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The meeting commenced at 7.15pm and closed at 8.37pm.

COUNCILLOR G BUTLAND  
(Leader of the Council)

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