

# Minutes

## Cabinet

12<sup>th</sup> October 2009



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 & Communication	Yes
Councillor M C M Lager	Efficiency & Resources	Yes
Councillor Lady Newton	Housing & Well-Being	Yes
Councillor Mrs J W Schmitt	Communities	Yes (until 8.05pm)
Councillor R G Walters	Environment and Sustainability	Apologies

Deputy Cabinet Members	Portfolio	Present
Councillor D L Bebb	Customers & Communication	Yes
Councillor Mrs E Edey	Communities	Apologies
Councillor N McCrea	Enterprise & Culture	Apologies
Councillor J McKee	Efficiency & Resources	Apologies
Councillor R G S Mitchell	Environment & Sustainability	Yes
Councillor Mrs C Sandbrook	Efficiency & Resources	Yes (from 6.05pm)
Councillor C Siddall	Leader's Portfolio	Yes (until 6.55pm)
Councillor Mrs G Spray	Housing & Well-Being	Yes
Councillor T Wilkinson	Enterprise & Culture	Yes

The following Councillors were also present as invitees of the Leader

Dr R L Evans, Leader of the Labour Group (until 9.00pm), and Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association (until 9.04pm).

Apologies for absence were received from Councillor R Bolton, Chairman of Halstead Local Committee, Councillor T J W Foster, Chairman of Witham Local Committee and Councillor S M Walsh, Chairman of Braintree Local Committee.

Councillors M J Banthorpe, G Cohen, M Dunn, J G J Elliott, R Elliston, Mrs S A Howell, E R Lynch, D Mann, Mrs J M Money, J P O'Reilly-Cicconi, R Ramage, A F Shelton, Mrs L Shepherd and Mrs J A Smith were also in attendance

### 64 DECLARATIONS OF INTEREST

Councillor Mrs Beavis declared a personal interest as Chairman of Sible Hedingham Parish Council, in Agenda Item 8a Review of Off-Street Car Parking, as the car park in Sible Hedingham is referred to in the report

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Those minutes identified by the prefix \*\* may be the subject of the "call-in" provisions of the Constitution within 6 working days of the publication of these minutes. Any decisions made and not "called in" by this date and time will become effective. For further information regarding these minutes please contact Eileen Self, People & Democracy, on 01376 551414 or email [eileen.self@braintree.gov.uk](mailto:eileen.self@braintree.gov.uk)

Councillors Mrs Beavis, Butland, Lager, Mitchell and Mrs Sandbrook all declared a personal interest as members of their respective Parish/Town Council, in Agenda Item 5a Medium Term Financial Strategy that has reference to town and parish councils.

Councillor Lager declared a personal interest in Agenda Item 9a – Future of Bramston Leisure Centre – Replacement Pool, as a member of Witham Town Council who had responded to consultation on the topic.

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.

65 **QUESTION TIME**

**INFORMATION:** There was one statement made the details of which is appended to these minutes.

66 **MINUTES**

**DECISION:** That the minutes of the meeting of the Cabinet held on 1<sup>st</sup> September 2009 be approved as a correct record and signed by the Leader.

67 **MEDIUM TERM FINANCIAL STRATEGY**

Councillor Lager, Cabinet Member for Efficiency and Resources, introduced the Strategy and referred to the importance of being accountable and to refresh our data. The forthcoming consultation process will enable this, and place Cabinet Members out on the streets of the District to gain people's priorities.

The Head of Finance gave a presentation on the assumptions undertaken in producing the Medium Term Financial Strategy (MTFS) of the

- Revenue Account including
  - Financial Projection 2009/10 – 2013/14
  - Income 2010/11
  - Expenditure, including the impact of the Service Level Agreements with Greenfields Community Housing(GCH) coming to a close and £679,000 costs to come back on the authority
  - Assumptions for 2011/12, involving pensions, interest rates, and the new three year settlement on the government grant where three scenarios were quoted
  - Other issues including two major service contracts of ICT and leisure management where the Bramston Sports Centre, Witham is currently costing the Council £0.5m per year

The Revenue Account results with a funding shortfall to be addressed between now and 2011/12 and varies at best £0.7m to the worst scenario of £1.39m.

With regard to Capital Resources the main source is the VAT Shelter agreement with GCH; assisted by government grants, capital receipts, and growth area funding. Capital demands consist the replacement swimming pool at Witham, town centres redevelopment, the growth area funding scheme, community halls review, and housing renovations/disabled facilities grants.

The balances of the General Fund and Housing Revenue Account (that remains open until 2012/13) were advised, and the £1.01m anticipated loss on the Icelandic bank investments.

Councillor Lager drew attention to the uncertainties in the process, e.g. government grants being reduced, and the extent and timing of the reductions. The Council has commenced work to allow manoeuvrability on the MTFs and have set an efficiency target above the funding gap. These measures will include scale savings with other Councils, shared services, and looking at service provision already existing in the private sector.

Finally, with regard to Parish Support Grants, an 'early warning' was advised that an options report will be made to the Cabinet meeting on 7<sup>th</sup> December 2009 with the proposal of the Parish Support Grant being withdrawn. The Parish Support Grant amounts to £215,000 per annum across the District. This 'warning' will allow the Town/Parish Council's to revise their Parish Precepts accordingly.

The Leader of the Council advised that the Town and Parish Councils will receive a synopsis of the Finance Presentation to explain the District Council's reasoning behind this proposal.

#### **DECISION:**

- (1) That the assumptions contained in the report be endorsed.
- (2) That the consequential impact of the revised assumptions be noted, and the Council's draft Medium Term Financial Strategy for 2010/11 to 2013/14 be endorsed.
- (3) That an increase in the efficiency target to a range between £1.2million and £1.5million, required to address the funding gap for 2010/11 and 2011/12 be endorsed. The Cabinet Members are asked to work with Directors and Heads of Service to bring forward their ideas on savings to the Cabinet meeting on 7<sup>th</sup> December 2009.
- (4) That the Leader will write to all Town and Parish Councils to give them early notification that the Cabinet will consider the withdrawal of the Parish Support Grant at its meeting on 7<sup>th</sup> December 2009.

#### **68 HOUSING STRATEGY 2009- 2014**

Councillor Lady Newton, Cabinet Member for Housing and Well-Being presented the revised Council's Housing Strategy following the consultation process with stakeholders and by holding four workshops.

Members welcomed the Strategy and the key Action Plan, although they considered the Housing Strategy to be a large document, and expressed their caution to the size of the Empty Homes Strategy to be published in 2010.

**DECISION:** That the Housing Strategy 2009-2014 be approved.

#### **69 HOUSING AND ECONOMIC GROWTH IN THE EAST OF ENGLAND TO 2031**

Councillor Harley, Cabinet Member for Enterprise and Culture, advised that the East of England Regional Assembly (EERA) had issued a consultation document on Scenarios for housing and economic growth to 2031. The consultation period (as defined in the report) closes on 24<sup>th</sup> November 2009 and authority was requested to allow the Local Development Framework Panel to submit the Council's response to EERA. It was noted

that the Council has dispensation to allow any changes proposed at the Council meeting on 14<sup>th</sup> December 2009 to be taken into account.

It was requested that any feedback to EERA should emphasise, with other authorities, the infrastructure deficit of the area. However, the Leader advised that discussions are being held within Essex County and other District Councils to ensure full feedback is provided.

**DECISION:** That the Local Development Framework Panel be authorised to agree the Council's response to EERA on East of England 2031 Scenarios for housing and economic growth, subject to any changes made by Council in December 2009.

## 70 **GROWTH AREA FUNDING – GOVERNANCE ARRANGEMENTS**

Cabinet was reminded that Braintree District Council with Chelmsford Borough Council are joint recipients of capital and revenue growth area funding. The Growth Area Funding Board has now ceased, and the Local Development Framework Panel are being proposed to take responsibility for growth area funding.

Councillor Harley advised that the amount of the Growth Area Fund in 2010/11 will be reduced by 43%, resulting with £640,000 being awarded. Members considered that representations should be made to the Government Minister regarding this and were advised that the Development Director had already done so.

**DECISION:** That it be **RECOMMENDED TO COUNCIL:-**

That the responsibilities of the Local Development Framework Panel be extended to include growth area funding.

## 71 **REVIEW OF OFF-STREET CAR PARKING**

The Leader of the Council presented a report containing various options relating to off-street car parking charges.

The Leader drew the attention of members to the car parking charges levied by local authorities (Appendix 3 of the report) where it was agreed that Braintree is below the average charge. Car parking charges had not changed since 2006, and the proposed parking tariffs (Appendix 2 of the report) would not come into effect until 2010. The Leader referred to the recommendations of the Fees and Charges Group and the views of the Group was requested to the proposals in the report.

The four options within the Parking Tariff section of the report and budget implications were advised, and the Leader proposed that Option 3 should be the preferred tariff to make Braintree comparable to other authorities in their Cipfa group.

With regard to the four public car parks at Coggeshall, Earls Colne, Hatfield Peverel and Sible Hedingham that are currently free of charges, there will be consultation with Parish Councils to determine whether they will be transferred to them or parking charges introduced.

The requirement to replace all existing 'Pay and Display' ticket machines in District Council car parks was noted.

Car parks close to railway stations were referred to, and the under-use of the car park at Braintree Station and the increased use of Freeport Station. The car park at White Horse Lane, Witham was also a preference for commuters.

Councillor Eric Lynch joined the table for this item and requested a period of 30 minutes for short term parking to help local business. With regard to Blue Badge holders the introduction of an 'arrow' system to indicate time of arrival was also requested.

The Leader advised that all these comments will be welcome in the consultation process. Feedback from the first phase of consultation will be reported, and a second phase of consultation will be undertaken before the car parking charges are agreed and implemented in April 2010.

## **DECISION:**

- (1) That the following issues are the **basis for consultation:-**
  - (a) That the 'medium' parking tariff (Option 3 at Appendix 2 of the report) be agreed and applied from 1<sup>st</sup> April 2010.
  - (b) That the Council's four rural car parks be transferred to the Parish Councils/or charges are introduced as outlined in the report.
  - (c) That free parking for blue badge holders (maximum 3 hours stay) be maintained.
  - (d) That charges be introduced for parking at Causeway House, Braintree on Saturdays.
  - (e) That a flat charge of 50p all day for parking in all of the Council's car parks be introduced on Sundays.
- (2) That capital funding of £65,000 for the new 'Pay & Display' ticket machines in the current financial year be approved.

*ACTION POINT: That the Fees and Charges Group and representatives from the business community are consulted on the proposals.*

## **72 FUTURE OF BRAMSTON LEISURE CENTRE**

Councillor Lady Newton, Cabinet Member for Housing & Well-Being introduced a paper concerning the development of new swimming and fitness facilities in Witham. Cabinet were reminded of reference to Bramston Pool, Witham in the finance presentation earlier in the meeting, and that the present facility had a net cost of £0.5m per annum. Councillor Lady Newton explained the three options contained in the report.

During the discussion the following issues were raised

- to fully scrutinise income numbers
- suitable timetable of facilities to maintain access to the public and allow provision to schools
- that health issues has been recognised as a major concern in Witham

- that the £1m difference in cost between Option 1 and Option 2 will be over the lifetime of the pool
- the costings of the project, and the impact of revenue has to be considered
- that Witham Town Council and all user groups are included in the consultation process
- for dance studios to be used for other classes
- the learner pool and the depth of pool to be user friendly to those persons with disabilities
- the possibility that the Learner Pool may have a movable floor
- for the gym facility to have appropriate, specialist management

It was confirmed that the scheme would not include diving provision, as significant demand had not been established and neighbouring authorities are introducing or upgrading diving provision at their pools.

The indicative Project Timetable quoted in the report was noted, and the need to timetable with the build programme of the Maltings Academy in Witham.

It was noted that the report from consultants on the project will be made available to members of Witham Local Committee.

### **DECISION:**

(1) That Option 2 be agreed as a basis for further consultation with all stakeholders.

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

That based upon Option 2, the necessary capital funding provision be allocated to the capital programme.

*ACTION POINT: That Witham Local Committee Members receive the report from consultants on the proposed project.*

## **73 CABINET MEMBERS' UPDATES**

Councillor Harley, Cabinet Member for Enterprise and Culture, advised on two issues.

(i) Costs of appeal to Rivenhall Inquiry.

Members were informed that expenses had been incurred in this authority in presenting its' appeal to Essex County Council regarding the proposed waste facility at Rivenhall. The Inquiry is ongoing and is currently with the Secretary of State for consideration. Although every effort has been made to curb any expense the present cost stands at £78,000. Cabinet was requested to approve this cost as it is outside the Council's base budget provision.

**DECISION:** That it be **RECOMMENDED TO COUNCIL:-**

That the cost of £78,000 for expenditure on the appeal to the proposed waste facility at Rivenhall (as indicated above) be approved.

(ii) Seminar on East of England Plan

It was reported that Adrian Cannard, of the East of England Regional Assembly will attend a Members Seminar in October 2009 on the East of England Plan.

74 **REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

INFORMATION: The Leader advised that the recommendations from the meeting of the Overview and Scrutiny Committee on 16<sup>th</sup> September 2009 would be considered under Agenda Item 12b with the references from the Local Government Reform Cabinet Sub Group who had also discussed the two reports.

75 **RECOMMENDATIONS FROM THE PROGRAMME BOARDS**

INFORMATION: Cabinet noted that there were no recommendations from the Programme Boards.

76 **CHIEF EXECUTIVE'S REPORT**

INFORMATION: Cabinet noted that the verbal report from the Chief Executive will be included in the topics in Private Session.

77 **MINUTES FROM CABINET SUB-GROUPS AND REFERENCES**

(i) Minutes to be noted

Consideration was given to the minutes of

- Joint Consultative Group – 1<sup>st</sup> September 2009
- Local Government Reform Cabinet Sub Group – 6<sup>th</sup> October 2009

It was noted that the minutes of the Cabinet Working Group – London 2012 held on 10<sup>th</sup> September 2009 was not available.

**DECISION:** That the minutes of the meetings, as listed above, be noted.

(ii) References from Overview and Scrutiny Committee 16<sup>th</sup> September 2009 and Local Government Reform Cabinet Sub Group 6<sup>th</sup> October 2009

**Scrutinising the Crime and Disorder Reduction Partnership**

Cabinet received the recommendation regarding the introduction of legislation allowing the scrutiny function to scrutinise the Crime and Disorder Reduction Partnership (CDRP).

**DECISION:** That it be **RECOMMENDED TO COUNCIL**

That the Overview and Scrutiny Committee be formally designated as the Crime and Disorder Committee and that the amendments to the Constitution as set out in the Appendix to the report, and as amended by the Overview and Scrutiny Committee, be incorporated.

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## Councillor Call for Action (CCfA)

Cabinet received the recommendation on the Councillor Call for Action that had come into effect on 1<sup>st</sup> April 2009, and provides a route for Councillors to use to resolve an issue or problems on behalf of their residents when all other methods have been exhausted.

### **DECISION:** That it be **RECOMMENDED TO COUNCIL**

That the Councillor Call for Action (CCfA) be incorporated into the Council's constitution.

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- (iii) Reference from the Local Government Reform Cabinet Sub Group – 6<sup>th</sup> October 2009

## **Local Authorities (Overview and Scrutiny Committees) Regulations 2009**

Cabinet received the recommendation on new regulations introduced to give the District Council's Overview and Scrutiny Committee similar powers to those of the County Council Scrutiny Committees. The measures widen the ability in scrutinising LAA improvement targets, and enable the Overview and Scrutiny Committee to obtain information from LAA partners.

### **DECISION:**

- (1) That the Overview and Scrutiny Committee develops a protocol on working practices with the Braintree District Local Strategic Partnership to ensure that the scrutiny process for the scrutiny of the LAA improvement targets is effective and efficient.

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

That the functions and terms of reference of the Overview and Scrutiny Committee in relation to the scrutiny of LAA's improvement targets be incorporated in the Council's constitution.

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## **Member Development Strategy**

Cabinet received the recommendation for the Member Development Strategy 2009-2011, including the proposed Terms of Reference for the Member Development Working Group to be approved.

**DECISION:** That the Member Development Strategy 2009-2011 be approved.



INFORMATION: There were no delegated decisions to be received.

### **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 Paragraphs 3 and 4 of Part 1 of Schedule 12 (A) of the Act.

## APPENDIX

### CABINET MEETING

12<sup>TH</sup> OCTOBER 2009

### QUESTION TIME

#### Summary of Questions Asked / Statements Made During Public Question Time

1. David Webb, 54 Peel Crescent, Braintree Council Services.

Mr Webb advised that his statement had been prepared prior to the recent announcements by the Prime Minister regarding proposals for the sale of public assets.

Mr Webb stated that the Council has to be accountable and Councillors may not always accept advice from outsiders but they should consider the facts – not the fiction. With the Council announcing that they may have to sell land and assets to help save sizeable jobs and service cuts, some members of the public had warned at the time of the possible long term damage in not retaining some of these assets. Given the state the Council is in should they not wait on the purchase of assets, and await the return on the Icelandic investments. Instead of joining other Councils, i.e. Colchester, the Cabinet should look to government funding and, at least consider taking the money that is on offer to build new homes. For are Councils not allowed to retain any Right to Buy money on houses being sold. It was considered that given the new funding ideas and the limited life of the Council buildings should not a start be made on rebuilding Braintree District Council.