

Minutes

Cabinet

18th December 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
Deputy Cabinet Member to the Leader	Councillor B Taylor	Yes
Deputy Cabinet Member to the Leader	Councillor R van Dulken	Yes
Transformation, Performance and Delivery		
Resources and Performance	Councillor K Bowers	Apologies
Transformation, the Environment and Customer Services	Councillor T Cunningham (Deputy Leader)	Yes
Deputy Cabinet Member	Councillor P Schwier	Yes
Connecting People, Places and Prosperity		
Economic Growth and Inward Investment	Councillor F Ricci	Yes
Planning and Infrastructure	Councillor G Spray	Yes
Deputy Cabinet Member	Councillor J Coleridge	Yes
Supporting Communities		
Housing, Health and Wellbeing	Councillor L Bowers-Flint	Apologies
Health and Wellbeing	Councillor M Cunningham	Yes
Deputy Cabinet Member	Councillor C Dervish	Apologies

Present as Invitees of the Leader:

Councillor L Jefferis (Leader of the Labour Group) and Councillor J Beavis (Leader of the Independent and Green Group) were present as invitees of the Leader.

38. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

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Councillor G Butland declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor T Cunningham declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor P Schwier declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

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.

39. **MINUTES**

DECISION: That the Minutes of the meeting of Cabinet held on 27th November 2023 were approved as a correct record and signed by the Chairman.

40. **QUESTION TIME**

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

41. **** PROCUREMENT OF LIGHT COMMERCIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE WORKS FOR ELECTRIC VEHICLES**

Minutes Published: 22nd December 2023 Call-in Expires: 4th January 2024
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INFORMATION: Members considered the report which sought delegated authority to award a contract for the replacement of light commercial vehicles and determine the most appropriate financing option; and approve funding for the associated infrastructure works at the Braintree District Council depot to operate electric vehicles.

Members were advised that the Council had traditionally held a Vehicle Replacement Programme (VRP) over a rolling 7-year period. Vehicles that required replacement had been procured and funded in a variety of ways including outright purchase, Lease or Contract Hire. The exact method of financing was carefully considered by the Council to secure the best options available in terms of value for money.

In November 2022, the Council appointed LINK Group (a qualified and experienced vehicle finance company) to review the Council's Commercial Vehicle Replacement Strategy and make recommendations to enable the Council to transition its existing commercial fleet to new Ultra Low Emission Vehicles (ULEVs) where operationally practical and financially viable to do so.

It was added that on 17th November 2023, the Leader of the Council took an urgent decision for the award of 13 commercial vehicles as part of the VRP, following the successful conclusion of a procurement exercise. The urgent decision was necessary

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to ensure that the Council did not incur additional expenditure, of £72,000, as the result of the manufacturers refusing to hold their prices so as to enable the Council to complete its governance processes. As a result, in order to ensure that the prices provided as part of the tender process were secured as soon as possible, and to future proof the Council's decision making on this matter, it was necessary to delegate the awards of the relevant future contracts to the Cabinet Member for Transformation, Environment and Customer Services.

It was reported that in order to facilitate the start of the transition to ULEVs (electric), new infrastructure was required at the depot including a sub-station supplied by UK Power Networks (UKPN) to provide sufficient power to accommodate 12 new chargers. The Council had received an initial indication that the works would cost in the region of £130,000 (plus VAT) for the work which could be completed within 6 months of receiving an order, subject to approval of the budget. The remaining costs would be approx. £50,000 and included the charging units, groundwork for the sub-station that would be subject to a separate procurement exercise. It was proposed that the funding for the infrastructure works was met from the current Climate Change Reserve Fund and the report sought approval for this funding.

DECISION: That Cabinet agreed:

1. To approve the funding in the sum of £180,000 from the Climate Change Reserve Fund for the associated infrastructure works at the depot for the electric vehicles.
 2. To delegate authority to the Deputy Leader of the Council and Cabinet Member for Transformation, the Environment and Customer Services, in consultation with the Corporate Director, Operational, to award all associated contracts for the purchase of 29 Light Commercial Vehicles (LCVs) of which 13 would be electric vehicles, at the conclusion of the procurement exercise and provided this is within the approved budget.
 3. To delegate authority to the Corporate Director, Operational, to award all necessary contracts for the associated infrastructure works at the Council's Depot, at the conclusion of the procurement exercise provided this is within approved budgets.
 4. To delegate authority to the S151 Officer to determine the most appropriate method of financing the vehicles awarded above, in line with the Council's treasury management practices.
42. **** POLICY FOR HOUSEHOLD WASTE RECYCLING COLLECTIONS**

Minutes Published: 22nd December 2023 Call-in Expires: 4th January 2024
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INFORMATION: Members gave consideration to Braintree District Council's policy for the Household Waste and Recycling Collections that supports the Council's waste minimisation, recycling and climate change objectives.

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Members were advised that the service standards for household waste collection were last updated in 2014 and various aspects of the service had changed in the intervening years. Most of the changes had already been assimilated within the service, with residents being notified at the time via press releases, social media, the Council's website and other communication channels. However, the draft policy included some new proposals which had the potential to impact all customers. These included:

- The introduction of a subscription-based garden waste collection service from 4th March 2024, as approved by Cabinet earlier this year.
- A requirement to report missed collections by noon the day following the scheduled collection to reflect area-based working (currently there was no deadline). This was because as the crews moved on to other areas, it became more difficult for them to return and collect. This would maximise opportunities for the Council to meet its published service standard of returning to collect missed waste within 2 working days.
- Cessation of the collection of side waste.

It was added that the Council had a contract in place for the disposal of recyclable materials and processing plants were imposing ever tighter restrictions on the quality of the materials they would accept. In some cases, this had resulted in whole vehicle loads being rejected owing to high levels of contamination. The Council had always provided guidance on what materials were accepted for recycling, but some households still presented items that were deemed 'contaminants'. The policy clarified the Council's expectations and made it clear that contaminated waste would not be collected, nor would the crews return to collect this waste.

DECISION: That Cabinet agreed:

1. To approve the policy for Household Waste and Recycling Collections including the non-collection of side (excess) waste as set out in Appendix 1 of the report; and
2. to implement the side waste element of the policy from 1st April 2024 to give householders time to adapt to the change following a 3-month communications campaign.

43. **** AWARD OF TENDER FOR THE DESIGN AND BUILD OF SKATE PARK PROJECT**

Minutes Published: 22nd December 2023 Call-in Expires: 4th January 2024
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INFORMATION: Members were asked to consider the report which sought approval to award a contract for the design and construction of the skatepark refurbishment project for three skate parks at Ramsey Road, Halstead, Spa Road, Witham and Weavers Park, Braintree, and to use of S106 monies to fund the refurbishment at Ramsey Road Park.

Braintree District Council owned and managed a number of parks and open spaces within the District. Many of these contained a range of play and sports equipment's and skate parks. In April 2021 the park at Ramsey Road was allocated S106 funds

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from Bloor Homes for the provision of public open space, with the specified purpose being for the provision of equipment and/or enhancement of facilities and future maintenance at Ramsey Road Recreation Ground off Ramsey Road, Halstead. This gave the Council the opportunity to modernise the skate park and extend the play area within the park area. In addition, the Council had also recognised that Spa Road and Weavers Park skate ramps were reaching the end of their serviceable life and allocated capital funds. Therefore, looking at these projects together as a complete package had allowed the Council to bring together a comprehensive programme of works to be delivered by a specialist design and build company.

Members were advised that the Council had undertaken extensive consultation in relation to all three parks. This included an online survey, two face to face consultation events at each park and the formation of a design user group. The survey focused on how people used the park, whether they supported a refurbishment of the skate park and what improvements they would like to see. The overwhelming response was that the skate parks should be refurbished, along with improvements to the play opportunities at Ramsey Road Park.

It was added that there was an agreed Capital budget of £200,000 that was approved in the February 2021 Budget report to Council for the refurbishment of Weavers Park and Spa Road. Accordingly, approval was being sought to allocate a further £281,133 from S106 monies that had been ringfenced to be used on Ramsey Road Park as part of planning application 14/01580/OUT. This would create a combined budget of £481,133 for this project. To date, the Council had already committed £18,325 for project management fees and £3,700 on consultation letters and communications.

It was noted that a procurement exercise had commenced in September 2023 for the design and build of three skate parks in the District in concrete to reduce future maintenance costs.

Members were advised that the aim was for the majority of work to be completed by the beginning of the summer holidays and progress on construction would be regularly communicated to user groups, local ward members and both Town Councils.

DECISION: That Cabinet agreed:

1. To approve the use of £281,133 of S106 monies for the improvements at Ramsey Road, planning reference 14/01580/OUT.
2. To award the design and build contract to Bendcrete Skateparks. The total contract value was £458,325. This was £185,535 for the capital funded projects at Spa Road and Weavers Park and £272,790 for the S106 funded project at Ramsey Road.

44. ****CONSTRUCTION OF ROSE HILL LINEAR PARK, BRAINTREE**

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INFORMATION: Members were asked to consider the report which sought approval to allocate an additional £44,583.35 of Section 106 funding, to the previously approved sum of £108,978.24, for the purpose of a new linear park in a triangular area of land located behind The Yard, Braintree, Essex. The new park would include play equipment, a circular path, and public art.

Members were advised that Braintree District Council were in receipt of £153,571.59 secured through a combination of Section 106 agreements and capital funding, arising from the development off Manor Street/ Railway Street, and the development at Carier Business Park. The funding secured through the Section 106 Agreement did not have a specific deadline but did have a requirement that it would be spent as soon as possible, conversely the S106 Agreement specified that the funding must be spent by October 2024.

It was added that the intention was to create a new public open space within the waste land behind The Yard, Braintree, which would provide a new facility for the community living in the development at The Yard, and Manor Street. Planning permission was not needed for this work, due to the permitted development rights of the Council, and the original outline planning permission granted for the development in March 2000.

It was noted that consideration was currently being given to the correct procurement route for this requirement with a review of available frameworks. Should no framework be appropriate the intention would be to source this through a sub threshold open procedure to ensure effective competition. Responses would be individually assessed by a multi-disciplinary panel in line with the set evaluation criteria. This exercise would take place in February / March 2024.

DECISION: That Cabinet:

1. Agreed to the Project of a new park within in a triangular area of land located behind The Yard, Braintree, Essex and;
2. Approved the allocation of £44,593.35 from Section 106 funding secured through the P.0606 Agreement.
3. Approved the entering into the design and build agreement at the conclusion of the procurement process, provided it was within the project budget.

45. ****WETHERSFIELD GRANT FUNDING**

Minutes Published: 22nd December 2023 Call-in Expires: 4th January 2024
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INFORMATION: Members were asked to consider the report which set out the details of the funding Braintree District Council had received from the Home Office. The Asylum Large Sites and Vessel Grant (the Grant) had been received under the Asylum Pathfinder Large Sites Accommodation Programme.

Members were advised that the Large Sites Accommodation Programme was established by the Home Office to support local authorities arising from an operational

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site being located within their area and provided an upfront grant payment to the relevant local authority, with provision for further funding being provided as the site reached key thresholds of capacity. In October 2023, the Council received the Funding Instructions for the Asylum Large Sites and Vessel Grant (the Grant) from the Home Office. These Funding Instructions related to the provision of asylum seekers located at RAF Wethersfield, Braintree, Essex. The Funding Instructions confirmed that the Council would receive an initial upfront payment of £1,487,500 under the Grant, with further payments expected under the Grant on a quarterly basis thereafter. The Grant was calculated on the basis of £3,500 per bed space on site, and this payment therefore represented 425 of the overall capacity at Wethersfield, which was expected to contain a total of 1,700 bed spaces.

It was important to identify that £3,500 was not paid nor received by the Council each time an asylum seeker was allocated a bed space, it was not a per head funding. Rather the payment was triggered on the initial occupancy of the bed space. Accordingly, the Council only received this funding once per occupied bed spaces. This was regardless of how many different individuals were allocated the bed space over the lifetime of the site. This meant that the funding was essentially capped, and the Council would not receive more than the equivalent funding of 1,700 spaces under the current Scheme.

It was reported that the Funding Instructions contained a number of requirements and criteria which must be adhered to by the Council in its administration of the Grant. This funding could not be used by the Council to close its budget gap, nor could it be used to cover any legal costs incurred in bringing the various challenges against the Home Office over the proposed use of the site. The Funding Instructions set out that the Grant must be used by the Council to address pressures on local services associated with the asylum accommodation, to support the outcomes of the large sites programme. Accordingly, the Council had been working with its partner agencies to understand the areas where the funding may need to be utilised.

Members were advised that the Council would need time to develop the Scheme, or potentially a number of Schemes, allow for applications against the Scheme(s) to be made to the Council and for funding awards to be approved. To ensure that this was done as soon as possible, it was recommended that delegated authority was provided to the Leader of the Council to approve the details of the Scheme(s), any award criteria under it, and the decision-making process through which awards could be made.

DECISION: That Cabinet agreed that in relation to the Grant, the Cabinet delegated authority to the Leader of the Council, to approve:

1. The final Asylum Grant Funding Scheme or Schemes (the Scheme(s)), to be administered by the Council;
2. Any criteria against which applications for the Scheme(s) would be determined; and
3. The decision-making process for the award of funding under the Scheme(s).

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46. **CORPORATE PEER CHALLENGE 2023: REPORT AND INITIAL RESPONSE**

INFORMATION: The report provided Cabinet with the finalised detailed report from the Peer Challenge team following the Local Government Association (LGA) Corporate Peer Challenge that was carried out in October 2023.

Members were reminded that all Councils were expected to take part in the Council assurance and peer support programmes that were provided by the LGA. A key part of that programme was the Corporate Peer Challenge and Councils were expected to engage in a Peer Challenge approximately every five years. The last Peer Challenge of the Council was carried out in 2013. Agreement was in place with the LGA for the next iteration of the programme but that fell in the early days of the Covid19 pandemic and was therefore put on hold.

It was added that the current Chief Executive and the Leader of the Council agreed that a Peer Challenge would be held in this calendar year. The recommendations of the report would then be used to help shape the priorities in the new Corporate Strategy that was being drafted for approval by Council in March 2024.

Members were advised that the Peer Team spent four days on site at Causeway House during the second week of October and spoke to a wide range of stakeholders. Verbal feedback was provided to Cabinet members, senior managers and other officers at the end of the week. The feedback was developed into a more detailed report by the peer team and this was received by the Chief Executive on 24th November 2023. The Report was required to be published on the Council's website within 12 weeks of the review, being 5th January 2024. The Report was published as part of the agenda for this Cabinet meeting and a separate copy of the Report would be made available in an easily accessible section of the website following the meeting of Cabinet.

It was added that the Council was now required to develop an action plan, and this too must be published on the website. The deadline for publication of the action plan was 8th March 2024, five months after the review.

It was agreed that a draft action plan would be shared with all Group Leaders for their consideration and input.

DECISION: That Cabinet:

1. Noted the LGA Corporate Peer Challenge: Braintree District Council Report, including recommendations, which could be found at Appendix A of the report; and
2. Approved the development of an action plan that addressed the recommendations made in the Report, using current Braintree District Council resources.

47. **ESSEX FLOOD PARTNERSHIP APPOINTMENT**

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INFORMATION: The report sought Members' approval to confirm the appointment by Braintree District Council of its representative to the Cabinet Outside Body, the Essex Flood Partnership.

Members were reminded that outside bodies were external organisations and partnerships which had requested that an Elected Member was appointed to them or that had been established to support the Council in the management of its services. Participation in outside bodies, contributed to the Council's strategic functions, priorities or community leadership roles; supported partnership and joint working; and enabled Members to gain and share knowledge and expertise.

It was added that Members appointed to outside bodies must respond to all reasonable requests for information about the work of the outside body and their participation in it. In undertaking their role, the nominated Members were required to ensure that the relevant Cabinet Member was updated at regular intervals as to the work being undertaken, and where necessary this would be incorporated into reports to full Council.

It was reported that on 10th July 2023, Cabinet approved its appointments to all its outside bodies for the 2023/24 civic year. It had since become necessary to amend this appointment. Accordingly, it was proposed that Councillor Tom Cunningham was removed and replaced with Councillor Richard van Dulken, as the Council's representative on the Essex Flood Partnership. All other appointments would remain the same.

DECISION: Cabinet agreed that Councillor Richard van Dulken would be appointed to the Essex Flood Partnership.

Before formally Closing the meeting, the Leader wished all Members and Council staff a very merry Christmas and a happy New Year, and passed on his thanks to all officers and the executive team for the huge amount of work they had carried out throughout the year.

The meeting commenced at 7.15pm and closed at 8.15pm.

COUNCILLOR G BUTLAND
(Leader of the Council)