

Minutes

Cabinet

25th September 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	Yes
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	Yes
Health and Wellbeing	Councillor M Cunningham	Yes
Deputy Cabinet Member	Councillor C Dervish	Yes

Present as Invitees of the Leader:

Councillor J Beavis (Leader of the Independent and Green Group).

16. DECLARATIONS OF INTEREST

INFORMATION: The following interest was declared:-

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Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 8 'Approval of North Essex Economic Board Economic Strategy' as the Essex County Council representative on the North Essex Economic Board (NEEB).

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.

17. **MINUTES**

DECISION: That the Minutes of the meetings of Cabinet held on 10th July 2023 were approved as a correct record and signed by the Chairman.

18. **QUESTION TIME**

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

19. ****HOUSING BENEFIT ASSURANCE PROCUREMENT**

Minutes Published: 2nd October 2023 Call-in Expires: 9th October 2023
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INFORMATION: Members were asked to consider the report which sought agreement on the procurement and spend on a contract for a Reporting Accountant to provide Housing Benefit Subsidy Assurance.

Members were advised that Braintree District Council was responsible for the administration and payment of around £23m of Housing Benefit. This activity was undertaken for the Department for Works and Pensions (DWP) who provided subsidy to the Council which effectively covered around 98.5% of the cost. The Council was required to appoint a Reporting Accountant to perform Specific Test Requirements set out in the DWP's HB Assurance Process modules in force for a particular financial year. On completion of these Specific Test Requirements, Reporting Accountants were required to report their findings to the Council and DWP.

It was added that prior to the introduction of the Public Sector Audit Appointments Ltd (PSAA), that was set up to undertake national procurement and appointment of external auditors for opted-in bodies, the HB assurance work was undertaken as part of the duties of the incumbent external auditor. The PSAA contracts were only awarded for the statutory local audits required under the Local Audit and Accountability Act 2014 and did not include the HB assurance. Local authorities were therefore required to make separate arrangements for this work.

Following the PSAA appointment of BDO LLP (BDO) as the Council's external auditor for the financial years 2018-19 to 2022-23, the Council made arrangements for the HB assurance work to be undertaken by BDO. Under that arrangement reviews had been completed and reported for the financial years 2018-2019, 2019-2020, and 2020-2021. The review of 2021-22 had been delayed as result of the wider backlog in the completion of audits. The 2022-23 review would normally have been scheduled; however, similarly affected by the delays. As the PSAA audit appointment for BDO finished after the 2022-23 financial year it was necessary to put in place arrangements

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for the period from 2023-24.

Cabinet was requested to agree a delegation that would allow the Council to vary the scope of works to cover earlier years should it become apparent that BDO were unable to complete the reviews in a timely manner. This variation may need to be agreed separate to the main contract.

DECISION: That Cabinet agreed:

1. To approve the estimated expenditure to be incurred on a contract for the provision of Housing Benefit Subsidy assurance up to a contract value of £250,000.
 2. To delegate to the Cabinet Member for Resources and Performance, in consultation with the Section 151 Officer:
 - a) to enter into a contract for the provision of a Reporting Accountant up to a total of five-years commencing from the financial year 2023-24.
 - b) the ability to extend by agreement the work required by the Reporting Accountant to include any outstanding Housing Benefit subsidy assurance reviews that relate to financial years prior to 2023-24; and
 - c) to appoint a Reporting Accountant to undertake the Housing Benefit Subsidy assurance in the event that a supplier is not able to be appointed as a result of the joint procurement.
 3. To delegate to the Section 151 Officer to agree any annual variation to the fees and charges incurred arising due to a change in scope of work required by the Department for Works and Pensions including where additional testing is required by the Reporting Accountant.
20. ****NEW ARTIFICIAL GRASS PITCHES IN BRAINTREE AND WITHAM**

Minutes Published: 2nd October 2023 Call-in Expires: 9th October 2023
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INFORMATION: Members were asked to consider the report which sought approval to progress a scheme to spend financial contributions collected from developers through Section 106 agreements (S106) on a project to provide four new 3G Artificial Training Pitches (ATPs) in Braintree and Witham.

It was reported that the National Planning Policy Framework required that local planning authorities had planning policies which sought to ensure communities had access to a network of high-quality open spaces and opportunities for sport and physical activity. Through policies in the Braintree District Local Plan and Braintree District Open Spaces Supplementary Planning Document the Council had secured financial contributions from developers which were to be used to improve Outdoor Sports facilities.

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It was added that the Braintree Open Space Study was produced in 2016, and considered all aspects of open space, sport, and outdoor recreation provision within the District. Public consultation was undertaken at that time, through the Citizen's Panel and Household Surveys and in respect of ATPs the results identified that many respondents felt there was an overall shortfall of artificial turf pitches, and that 38% of respondents felt that the quality of ATPs in the District were poor or worse. Further consultation was undertaken with stakeholders, including local football clubs, to develop the Council's Playing Pitch Strategy (2017). This strategy identified an immediate need for three new full-size ATPs and recommended a further two ATPs to meet increased demand arising from planned new developments.

Members were advised that following discussions with the Essex County FA, the Council has secured financial contributions which could be used to help provide additional 3G ATPs in Braintree and Witham. Officers had also worked to identify opportunities to attract additional funding to add to the Section 106 contributions, including discussions with the Football Foundation. It was noted that the Regional Development Manager for the Football Foundation had agreed in principle to support the provision of four new ATPs – two in Witham and two in Braintree, based on the significant amount of Section 106 contributions the Council had secured for this purpose.

It was added that grant funding from the Football Foundation was conditional on a local contribution towards the project cost. In this case the local contribution would be from money secured through S106 agreements, topped up by contributions from the three Academy Trusts and local football clubs and any associated community/health organisations and groups who would benefit from the pitches.

It was reported that the Council had collected or secured seven financial contributions through S106 agreements and Cabinet's approval was required to use these specific funds to contribute towards the project costs to provide four new floodlit 3G ATPs in Braintree and Witham.

The Cabinet Member added that planning permission would be required for each new ATP. When a planning application is submitted, the Council would publicise and consult on the application in the usual manner which would allow local residents and interested parties to comment on the proposals.

DECISION: That Cabinet agreed:

1. That the financial contributions from the seven S106 agreements specified in the report were used to contribute towards the cost of providing four new 3G ATPs, with two new pitches being provided in Braintree and two new pitches in Witham.
2. That one of the new ATPs would be provided on land owned by Braintree District Council (the Council) at the Witham Sports Ground, Spinks Lane, Witham.
3. To delegate authority to the Corporate Director, Operational, in consultation with the Cabinet Member for Housing, Health and Wellbeing and the Corporate Director, Economic Growth, to agree with the Football Foundation and Essex County Football Association any alternative site(s) at which new pitches could be

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provided, in the event that of any of the four listed sites are not able to come forward, having regard to the availability of S106 funding. Where the alternative land is owned by the Council, this decision would be taken by the Corporate Director, Economic Growth, in accordance with the provisions set out above.

21. ****ACCOMMODATION PLACEMENTS POLICY**

Minutes Published: 2nd October 2023 Call-in Expires: 9th October 2023
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INFORMATION: Members were asked to consider the report which set out the Accommodation Placements Policy and explained why out-of-area placements may be necessary and set out the considerations which would be applied when placing homeless households in temporary accommodation outside the Braintree District or when helping a household to secure a home in the Private Rented Sector in another Local Authority area.

It was reported that the Housing Act 1996 required a local authority to provide interim accommodation to certain groups of households when they became homeless, whilst undertaking enquiries to establish whether there was any further duty owed. Where a local authority accepted that it had an on-going duty to accommodate a household until settled accommodation was secured, they would need to provide temporary accommodation. Braintree District Council had a limited supply of interim/temporary accommodation and, during times of increased homelessness pressures, may have to source additional accommodation outside the District. Local authorities may discharge their homelessness duties through an offer in the Private Rented Sector and, with the increasing gap between local market rents and local housing allowance (LHA) rates (the maximum level of help with rent that is payable), some households may need to seek accommodation further afield.

Members were advised that since 2015 there had been a number of Court cases which had considered the suitability of out-of-area offers of accommodation and it had become increasingly apparent that the Council should adopt a policy, thereby providing guidance to officers, transparency about the decision-making process when out-of-area placements become necessary, and reducing the risk of legal challenge.

It was added that households placed in temporary accommodation under a homelessness duty would, if eligible, receive support to pay rent from Housing Benefit, not Universal Credit. Where the temporary accommodation was in another District, Housing Benefit would be paid by the Council, not the local authority in which the household had been placed. A household which secured a private rented sector offered in another area would claim help with housing costs through Universal Credit.

Members were informed that the Accommodation Placements Policy clarified that out-of-area placements would only be considered when suitable accommodation could not be sourced locally or if there were specific reasons why the household needed to re-locate and that, where it was safe and appropriate to do so, alternative accommodation within the District would be secured as soon as possible.

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DECISION: Cabinet approved the Accommodation Placements Policy as set out in the report.

22. ****APPROVAL OF NORTH ESSEX ECONOMIC BOARD ECONOMIC STRATEGY**

Minutes Published: 2nd October 2023 Call-in Expires: 9th October 2023
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INFORMATION: The report provided Members with an update on the continued positive benefits of the North Essex Economic Board (NEEB) partnership and sought approval of the refreshed strategy and delivery plan.

Members were informed that in 2019 Tendring, Colchester, Braintree, Uttlesford and Essex County Councils agreed to develop an economic strategy that would articulate the strengths, weaknesses, and opportunities of the North Essex economic corridor. The NEEB was formed to oversee the development of the strategy. The informal Board consisted of Leader and Cabinet Member representatives from each local authority and an officer steering group was formed to deliver the work.

It was added that Chelmsford and Maldon Councils joined NEEB in May 2020, now covering half of the second-tier authorities in Essex. Towards the end of the 2020, NEEB partners agreed to allocate 10% of their Additional Restrictions Grant funding to support a coordinated programme of business and skills support. This collaboration yielded over £1.6m in jointly commissioned projects, plus additional financial commitment from Essex County Council.

Members were advised that the UK Shared Prosperity Fund (UKSPF) had provided a new opportunity for collaboration. In July 2022, the Strategy and Resources Committee agreed to commit 10% of the Council's revenue allocation for years two and three of UKSPF to develop collaborative interventions with the NEEB. The NEEB partners continued to work together and commissioned an updated North Essex economic strategy which reflected Maldon and Chelmsford Councils joining NEEB, the post-COVID landscape and current economic issues.

DECISION: That Cabinet agreed:

1. To continue to support Braintree District Council's involvement in the North Essex Economic Board.
2. To approve the adoption of the refreshed North Essex Economic Board strategy and delivery plan for the economic benefit of the District.

23. **NORTH ESSEX COUNCILS**

INFORMATION: The report provided Members with an update on the progress made since agreeing the North Essex Authorities' (NEA) Memorandum of Understanding in December 2022, and sought approval to establish the North Essex Councils partnership and commit resources to enable its objectives to be delivered.

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It was reported that Councils in North Essex had been working together for several years, with a range of formal and informal collaborations, including the North Essex Economic Board. Other Councils in Essex already had a well-established strategic partnership, the Association of South Essex Authorities (ASELA), and a joint Committee was in place enabling ASELA to take formal decisions collectively and to agree joint delivery arrangements to achieve improved outcomes in South Essex.

In December 2022, the Leader of the Council agreed a Memorandum of Understanding with the other North Essex Councils setting up the basis for a new strategic partnership to deliver place leadership across North Essex. During 2023, Chief Executives from each of the North Essex Councils had been meeting regularly to discuss and develop an action to deliver the aims in the memorandum of understanding. At a meeting of North Essex Council leaders on 20th July 2023, it was agreed to formalise the partnership and committed to taking a common report through their relevant governance processes.

DECISION: That Cabinet agreed:

1. That Braintree District Council would work in partnership with those Councils set out in paragraph 3.1 of the report and would be collectively referred to as the North Essex Councils (NEC).
2. That the Council would act as the accountable body for NEC.
3. To contribute £20,000 from the transformation reserve in 2023/24 to enable resources to be put in place to manage the work of the partnership.
4. That further funding in 2024/25 of up to £40,000 would be considered as part of the 2024/25 budget process, for the purposes of establishing a team to collectively represent North Essex Councils, establish a detailed terms of reference for NEC and develop a clear programme of work.

24. **RISK MANAGEMENT POLICY AND STRATEGY AND UPDATED STRATEGIC RISK REGISTER**

INFORMATION: Members were asked to consider the report which sought approval of the revised Risk Management Policy and Strategy and updated Strategic Risk Register.

Members were advised that the Risk Management Policy was a formal acknowledgement of the Council's commitment to managing risk and communicated why and how risk management was embedded into the Council's activities. The Risk Management Strategy provided an overview of the Council's Risk Management Framework, acting as a reference to those executing the process.

The Risk Management Policy and Strategy was a key element in the implementation of good governance arrangements and the Council's Governance Review process.

It was reported that a review of the Council's risk management arrangements was undertaken by the Audit, Insurance and Fraud Manager, referencing best practice

guidance. This review identified the need to agree an updated Risk Management Policy and Strategy. This had been considered and developed in conjunction with Management Board and the wider Corporate Management Team and the Governance and Audit Committee who considered and agreed the revised Policy and Strategy at their meeting held on 24th August 2023. The revised Risk Management Policy and Strategy was included in the main report.

The Cabinet Member added that in anticipation of the Annual Strategic Risk Members Evening that was due to be held on Wednesday 27th September which would give all Members the opportunity to discuss the identified risks, as set out in the report, it was necessary to add an additional recommendation which would agree delegation to the Cabinet Member for Resources and Performance to approve any amendments to the Strategic Risk Register arising from the Members evening on the 27th September.

DECISION: That Cabinet approved:

1. The revised Strategic Risk Management Policy and Strategy which was attached at Appendix A of the report.
2. The updated Strategic Risk Register which was attached at Appendix B of the report.
3. To delegate to Councillor Kevin Bowers, Cabinet Member for Resources and Performance, authority to update the Strategic Risk Register where appropriate following the Member Development evening on 27th September 2023

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

INFORMATION: Members considered the report which set out the details of the proposed budget process for the financial year 2024-25, and provided an update on issues that would impact on the Budget and updating of the Medium-Term Financial Strategy (MTFS).

Members were reminded that the Budget and updated MTFS for the period 2023-24 to 2026-27 were approved by Full Council at its meeting held on 20th February 2023. A Council Tax Band D rate for the Council's share of the overall bill was agreed at £194.31. The budget was balanced by a planned drawdown from General Fund balances of £644k. The projected annual budget shortfall across the period of the MTFS was as follows: 2024/25 £1.5m; 2025/26 £0.4m; and 2026/27 £0.1m, a total ongoing shortfall of £2m per annum by the end of the forecast period. Cumulatively, the shortfall in resources without any proactive intervention being taken to would result in having to drawdown on General Fund unallocated balances by £5.4m.

It was added that despite the considerable financial challenges, the Council was able to earmark significant financial resources to be used to help residents during the ongoing cost of living crisis, including funding for a two-year-period to deliver targeted support, and payment of a universal dividend to council taxpayers towards their 2023-24 bill. Funds were also set aside to support Economic Growth and Healthy Housing Strategies and to invest in organisational transformation and a proposed new programme management office.

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Members were advised that the budget included proposed savings and additional income totalling over £1m, the delivery of which was being tracked in the current year. Subject to a future Cabinet decision, £200k was allocated to provide funding for implementation of a subscription-based garden waste collection service. The decision to implement the service was taken by Cabinet at its meeting held on 10th July 2023.

The Cabinet Member added that the 2023-24 budget reflected a balance between supporting communities, investing in key priorities, and continuing to improve financial resilience.

DECISION: That Cabinet agreed:

1. To note the budget process for 2024-25.
2. To delegate to the Cabinet Member for Resources and Performance in consultation with the Section 151 Officer to give agreement to the Council's participation in an Essex business rate pool if the opportunity arose and it was financially beneficial to do so.

That Cabinet recommended to Full Council:

1. To agree a one-off virement in 2023-24 of up to £600k from treasury management investment income to staff pay budgets to reflect the estimated additional cost of the annual staff pay award.
2. To agree that the budget was increased up to £300k to reflect the legal costs estimated to be incurred by the Council in bringing the numerous legal challenges against the Home Office in relation to their proposed use of the Wethersfield site for the accommodation of asylum seekers, such increase to be funded from the General Fund unallocated balances.

26. **CORPORATE POLICY COMMITTEE PROGRAMME OF WORKS**

INFORMATION: Members were asked to consider the report and approve the programme of works for the Corporate Policy Development Committee (the Committee) for 2023/24.

Members were reminded that at the Annual General Meeting of the Council on 25th May 2023 it was agreed to establish the Corporate Policy Committee, with its terms of reference set out within the Council's Constitution. This Committee formed one of the three Scrutiny Committees within the Council.

It was reported that as part of its broader scrutiny function, the Committee was also authorised to conduct reviews of the Council's policies, services and aspects of services where there was an identifiable need, by itself or through the establishing of a Task and Finish Group. In doing so, the Committee could make recommendations on the development of future policies, as well as suggest new policies where appropriate.

It was added that in exercising this function, the Committee was not permitted to review matters which related to planning or licensing policies, or those matters which were reserved to Council.

Members were advised that the initial programme of works identified that the Committee would be engaged in the Council's review of the Corporate Strategy 2024/28 and the Policy for Household Waste and Collections. This would be the first new policy to be considered by the Committee. Lead Officers would provide the Committee with the relevant support to help inform the Committee's consideration of the policy and would consider any suggestions brought forward by the Committee ahead of its formal adoption by Cabinet.

DECISION: The Cabinet approved:

- a) The draft programme of works; and
- b) Mechanism through which policies would be brought before the Corporate Policy Development Committee.

27. **FIRST QUARTER PERFORMANCE REPORT 2023/24**

INFORMATION: The report provided Members with a summary of the performance of Braintree District Council at the end of the first quarter (April 2023 to June 2023).

Members were advised that the performance in the first quarter was broadly in line with expectations with the majority of projects now underway and progressing well. Three projects had an amber status and the reasons for the delays varied from costings coming in over budget to planning recommendations requiring additional work.

It was reported that eight performance indicators had met or exceeded target and six performance indicators had missed target; two by less than 5% and four by more than 5%. The areas of underperformance were in relation to the number of stage 1 complaints responded to in timescale, collection rates for business rates, cumulative number of homes granted planning permission, recycling rates, percentage of DFG's dealt with in timescale and enquires resolved at first point of contact in the Customer Service Centre.

It was added that some key areas of the business were experiencing an increase in demand on their services and the Council would continue to monitor these areas and the Council's performance to focus resources and achieve the corporate objectives.

It was noted that the review of income and expenditure against budget and forecast for the year indicated a net overall positive variance of £218k. Staffing expenditure was currently projected to be underspent at service level and achieve the corporate efficiency target; however, the latest Employers' annual pay increase offered from April 2023 was estimated to cost an additional £568k over budget. At this current time, the pay award had not been settled with the trade unions and therefore final cost was still to be determined.

Other expenditure was forecast to be £500k over budget, and the Council was also accruing legal costs in relation to the Wethersfield asylum centre appeals. Offsetting the projected additional staffing cost and other expenditure, was an overachievement of income currently forecast to be £1.4m, which was mainly attributable to treasury management investment income.

It was added that the capital spend to the end of the first quarter was £595k, mainly incurred on the disabled facilities grant programme. Capital spend typically increased in later quarters. Currently there was an estimated positive variance against capital projects of £126k. The estimated movement on the General Fund unallocated balances was a net withdrawal of £547k.

DECISION: That Cabinet noted the performance of the Council for the first quarter (April 2023 to June 2023).

28. ****HR POLICY DECISION**

Minutes Published: 2nd October 2023 Call-in Expires: 9th October 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.

The meeting commenced at 7.15pm and closed at 8.28pm.

COUNCILLOR G BUTLAND
(Leader of the Council)

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