

Minutes

Cabinet

4th March 2024



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	Apologies
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	Apologies
Planning and Infrastructure	Councillor G Spray	Yes
Deputy Cabinet Member	Councillor J Coleridge	Apologies
Supporting Communities		
Housing, Health and Wellbeing	Councillor L Bowers-Flint	Yes
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), Councillor J Beavis (Leader of the Independent and Green Group) and Councillor Pell (Leader of the Halstead Residents Group) were present as invitees of the Leader.

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60. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor L Bowers-Flint 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 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 J Pell declared a non-pecuniary interest in Agenda Item 11 – “Potential Open Space Improvements (Formerly the – Open Spaces Action Plan)” as Vice Chairman of the Halstead Cricket Club which was mentioned in the report.

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.

61. **MINUTES**

DECISION: That the Minutes of the meeting of Cabinet held on 5th February 2024 were approved as a correct record and signed by the Chairman.

62. **QUESTION TIME**

INFORMATION: There were no registered speakers for public question time.

63. **CORPORATE STRATEGY 2024-2028**

Minutes Published: 8th March 2024 Call-in Expires: 15th March 2024

INFORMATION: Members were asked to consider the report which set out the new Corporate Strategy for 2024 to 2028. The Corporate Strategy 2024 - 2028 set out the themes and priorities of the Council for the next four years.

Members were advised that the Corporate Strategy 2024 - 2028 set out the Councils high level ambitions and strategic priorities for the next four years. The Strategy also introduced a vision for the Authority: ‘To create a district of opportunity – A place where our communities can thrive, our people can prosper and our environment is cherished for all to enjoy’.

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It was added that the strategy described the context in which the Councils services would work to drive forward the actions needed to achieve the vision. The Strategy introduced three key themes:

- Communities
- Prosperity
- Environment

It was noted that providing equal opportunities was at the heart of the strategy and that the Council would be striving to support communities to be strong, safe and vibrant and businesses to thrive in a resilient local economy, whilst protecting the environment for all to enjoy.

It was reported that the Councils Fit for the Future programme would underpin the themes and help the Council to remain resilient and adaptable in an evolving landscape, to proactively meet the challenges and opportunities in new and innovative ways of ensuring financial stability. Accountability for performance against the corporate priorities would be delivered through Annual Plans and performance would be reported quarterly to Cabinet on progress made.

DECISION: The new Corporate Strategy 2024 - 2028 was agreed by Cabinet and recommended to Full Council.

64. **FIT FOR THE FUTURE TRANSFORMATION PROGRAMME**

Minutes Published: 8th March 2024 Call-in Expires: 15th March 2024

INFORMATION: Members were asked to consider and approve the report which set out the design principles of a three-year transformational change programme, entitled Fit for the Future.

It was reported that the local government sector had been under considerable financial pressure since the 2010s when reductions were made to the amount of financial support that was provided by Central Government. Demands on services had grown and also become more complex. This had been driven by a number of factors including but not limited to, an aging population, increased levels of poor physical and mental health and extreme pressures on housing markets. The cost of providing services has also risen due to inflation. Braintree District Council had acted decisively to deal with these cost and service pressures and ensured it has been able to balance its budget through £10 million of improved efficiencies and increased income over the last ten years.

Members were advised that the updated Medium Term Financial Strategy that was presented to Cabinet and Full Council last month set out the challenges that faced the Council. A balanced budget had been set for 2024/25 but there was a structural deficit of over £2.3 million. The Council had managed to rectify its deficits in the past and protect its services but if the Council were to do that again it would need to take a new approach. The structural deficit was predicated on a number of assumptions but with

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any forecast there was a risk that factors and conditions could change. There was considerable volatility on a macro-economic level, and this had potential wide-reaching implications and therefore the position could worsen in future years.

It was recognised that the Council was in a more favourable position than many other local authorities and its balanced budget in 2024/25 meant that the Council were able to plan and take strategic decisions to achieve sustainability rather than needing to immediately reduce its cost base through cruder measures. Therefore, it was proposed that the Council launched a three-year transformation programme to work across all functions and activities of the organisation with the aim to deliver a sustainable financial model, by financial year 2028.

It was likely that some of the changes required would not deliver full financial benefits in their first year of operation which meant there could potentially be a lag between the end of the programme and the full impact of benefits. It should be noted that there had been no fundamental reform of the local government funding model since the introduction of Council Tax in 1992 and it had been recognised by all political parties at a national level that reform was needed and a Fair Funding review was announced in 2016 but had so far been deferred. If there was significant local government finance reform during the programme period it was likely that the programme and associated timelines would need to be reconsidered.

It was reiterated that the Council was in a robust position and delivering well against its priorities and that this programme was starting now to ensure that it could continue to do so and be fit for the challenges that were coming and on that basis the programme was being called 'Fit for the Future'.

DECISION: That Cabinet approved the design principles of the Fit for the Future transformation programme as set out in the report.

65. **AGILE AND FLEXIBLE: CAUSEWAY HOUSE REFRESH BUSINESS CASE**

Minutes Published: 8th March 2024 Call-in Expires: 15th March 2024

INFORMATION: Members were asked to consider the report which set out the Causeway House Refresh Project. The Project was part of Braintree District Council's wider Agile and Flex programme that had been instigated to ensure that the Council was continuing to work effectively and efficiently as ways of working change across the sector.

Members were advised that Causeway House was purpose built in the 1980s for the use of the Council. The building consists of three floors of office type accommodation. The use of the building had changed over the years as the needs of the Council had changed and in more recent times, parts of the building had been shared with partner organisations and let to third parties on a commercial basis. The last refresh of the office space was more than a decade ago.

It was added that the office space in Causeway House was not currently fully utilised which was effectively creating an opportunity cost to the organisation but without a

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reconfiguration it was not possible to take advantage of that potential opportunity. By consolidating into a smaller footprint within the building, the currently underutilised space could be repurposed. The current BDC footprint within the building was approximately 3483 square metres (sqm) and it was estimated that this could be reduced to 2,612 sqm, a reduction of 25%. This space could be offered to the market as office accommodation or be utilised in another way to deliver the priorities of the organisation. An assessment of the best use for this space would form part of the review of operational assets that were being undertaken as part of Fit for the Future. The rationalisation of the Council's requirement for office space would allow for different options to come forward that should have a positive impact on the costs of providing operational assets in future as well.

To enable that rationalisation, it would be necessary to implement a new working model for the Council employees who used the building. As a response to the public health restrictions put into place in response to the Covid19 pandemic, the Council moved a large proportion of its office-based activities to a working from home model and as restrictions eased it was clear that there were opportunities to review the model on a long term basis.

It was noted that the majority of the Council's office based employees had stated a preference for hybrid working, with limited appetite for either full office based or home working models. This was in line with the majority of workforce surveys, conducted nationally both within the public and private sectors and some studies suggested that employees would be willing to move employers if flexible/hybrid working wasn't offered. Hybrid working also allowed the Council to recruit from a wider geographical area as many candidates were willing to make longer home to work journeys when the journey was not required on five days a week basis. Having an extended group of candidates generally resulted in better quality of appointments, regardless of the geographical location of the successful candidate.

As a result of these considerations the Chief Executive Officer, as Head of Paid Service, agreed that a hybrid model, where staff spend some time in the office and some time working from home where business need allowed, would deliver best against the stated outcomes. Business need would continue to be the paramount factor when managers agreed working patterns with employees and business need encompassed the requirement to be in-person to train and support colleagues. Alongside business need, consideration needed to be given to those who were unable to work from home and there would be no requirement for employees to work from home if they did not wish to do so. The Council offices would remain open and operational through the core business hours, and officers would be able to utilise the buildings unrestricted during those periods.

It was noted that there was an error in the report in respect of paragraph 3.5 which read "The current BDC footprint within the building is approximately 324 square meters and it is estimated that this could be reduced to 243 square meters, a reduction of 25%". This was incorrect and should read as follows "The current BDC footprint within the building is approximately 3,483 square meters and it is estimated that this could be reduced to 2,612 square meters, a reduction of 25%".

DECISION: That Cabinet agreed:

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1. To approve the Project as set out in Appendix A of the report,
2. To approve the Project spend of up to £1,200,000 which would be funded from allocated general capital reserves; and
3. To delegate authority to the Corporate Director of Support Services for the award of contracts related to the delivery of the Project, provided these are within the agreed Project Budget.

66. **CORPORATE PEER CHALLENGE 2023: ACTION PLAN**

Minutes Published: 8th March 2024
Call-in Expires: 15th March 2024

INFORMATION: Members were asked to consider the Action Plan which would implement the recommendations of the report produced by the Peer Challenge team following the Local Government Association Corporate Peer Challenge that was carried out in October 2023.

Members were advised 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 the programme was the Corporate Peer Challenge and Councils were expected to engage in a Peer Challenge approximately every five years. Braintree District Council's last Peer Challenge was carried out in 2013. Discussions had been held with the LGA for the next iteration of the programme however, that had fallen in the early days of the Covid19 pandemic and was therefore put on hold. The current Chief Executive and the Leader of the Council agreed that a Peer Challenge would be held in 2023. The recommendations of the Peer 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.

It was reported that the peer team had spent four days on site at Causeway House during the second week of October and had spoken to a wide range of stakeholders. Verbal feedback was provided to Cabinet members, senior managers and other officers at the end of the week and the feedback was developed into a more detailed report by the peer team and this Peer Report was received by the Chief Executive on 24th November 2023. The Peer Report had been published on both the Council's website and the LGA website.

It was added that at the meeting of Cabinet in December 2023 it was agreed that an action plan would be developed which would set out the actions required to deliver the recommendations in the Peer Report. The action plan had now been developed and included details of responsible officers and target timelines for delivery.

DECISION: That Cabinet approved the proposed action plan in Appendix A of the report for the implementation of the recommended actions from the final LGA Corporate Peer Report.

67. **MANAGED SERVICE SOLUTION FOR TEMPORARY WORKERS**

Minutes Published: 8th March 2024
Call-in Expires: 15th March 2024

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INFORMATION: Members were asked to consider the report which set out the proposal to sign the Council up to the Essex County Council managed service solution for temporary worker services.

Members were advised that Braintree District Council did not currently have a formal arrangement or contract in place for the provision of temporary workers. Instead, managers liaised directly with individual agencies to source temporary and/or interim workers mainly through a preferred suppliers list. This arrangement was not the most cost effective as fees were negotiated on an ad-hoc basis and had not been market tested for some time. In addition, the administrative burden of timesheet and invoice processing for temporary workers across several agencies was high. The existing arrangements for engaging agency workers had been in place for a number of years and had only been reviewed within the Operations Service. The other areas that used agency/temporary staff such as Planning, Legal, Customer Services, Building Control and Housing had spent over £1.2m in 2022/23 across various agencies.

It was reported that Essex County Council (ECC) had established a Dynamic Purchasing System (“DPS”) that allowed efficient placement of job roles with external agency work providers. The DPS operated within predefined role rate bands and included percentage mark-ups paid by ECC. This arrangement offered several advantages including compliance with the Public Contracts Regulations 2015, flexibility for additional providers to join the DPS upon application and consistent and transparent rates and mark-ups.

It was added that ECC had 250 agencies on the framework and had engaged with many of the Council services to sign up the agencies used, negotiating reduced rates enabling the Council to identify savings as soon as it signs up to the ECC managed service solution. Where specialist agency support was required, ECC would access through its own direct supply chain of agencies. They had also partnered with Matrix SCM who would engage the temporary worker, manage the time sheet, payroll, and billing, and invoice the council directly.

It was noted that ensuring the provision of cost effective and high-quality agency workers was vital for the Council to effectively resource alongside its existing permanent and fixed-term staff. The use of agency and temporary staff was kept to a minimum, but it was sometimes necessary to fill resource gaps due to sickness, other leave requirements, unavoidable demands in services and for covering short term interim assignments in services.

In addition to the cost savings achieved through reduced agency fees, the managed solution offers savings for converting temporary workers to permanent staff. Currently, agencies charged between 15-20% of the annual salary. However, with the ECC manager service, no fee was payable if the temporary worker was recruited to a permanent position through a formal recruitment exercise. If for any reason a formal recruitment process was not entered into, a fee would apply, but this was at a significantly lower rate compared to the current fees.

It was recognised that this arrangement would bring greater transparency to the total agency spend of the Council. By having a single provider, it would be easier to track and monitor expenses. This would enable the implementation of management information and Key Performance Indicators to evaluate the service provided by ECC.

DECISION: That Cabinet agreed to sign the Council up to the Essex County Council Managed Service Solution framework for temporary workers for 3 years from 1 April 2024.

68. **SCHEME OF DELEGATION FOR THE MANAGEMENT OF STRAY DOGS**

Minutes Published: 8th March 2024 Call-in Expires: 15th March 2024

INFORMATION: This report provided Members with an update on the Braintree District Council stray dog service and seek delegated authority for the management of American XL Bully type dogs following changes to UK legislation.

The Council was required to have in place a process for the management of stray dogs. Presently, any XL Bully type dogs seized as a stray could be held at RSPCA Danaher Animal Home for the 7 days, but if not claimed, the Council would either need to transfer them to a licensed boarding kennels that were willing to kennel this breed or find an alternative provision. Under the Environmental Protection Act 1990, any dog seized in accordance with this Act that has been detained for seven clear days after the seizure and has not been claimed by the owner, may be disposed of either through selling or giving it away, giving it to an establishment for stray dogs or by destroying it. Due to the provisions of the legislation, the first two elements were not available options for the management of this breed.

DECISION: That Cabinet agreed:

To delegate authority to:

- a) the Head of Operations, or
- b) in instances where there are licensing considerations, to the Head of Environment, to instruct RSPCA Danaher Animal Home, Wethersfield, to euthanise a stray XL Bully dog in circumstances set out within this report.

69. **POTENTIAL OPEN SPACE IMPROVEMENTS (FORMERLY THE – OPEN SPACES ACTION PLAN)**

INFORMATION: Members were advised that this report introduced the 2024 edition of the Potential Open Spaces Improvements (POSI), this document was formerly known as the Open Spaces Action Plan (OSAP). The POSI was a table of outlined proposals for the provision and enhancement of open spaces in the Braintree District. Its purpose was to demonstrate the need for these and enabled the Council to identify where financial contributions, being sought from Developers under the Open Spaces Supplementary Planning Document, were being spent.

It was added that the Plan formed part of the Councils evidence base for securing planning obligations from Developers to enhance existing open spaces or providing

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new ones. Adopting the 2024 POSI replaced the POSI 2022 edition, updating the currently adopted information.

DECISION: That Cabinet approved the Potential Open Space Improvement 2024, as set out in Appendix 1 of the report.

70. **STRATEGIC RISK REGISTER**

INFORMATION: Members were advised that the purpose of risk management was to effectively manage threats and leverage opportunities to achieve the Council's objectives. Risk management was not about eliminating risk or being risk averse, it was about being aware of and managing acceptable risk.

It was reported that the Register was previously agreed by Cabinet on 25th September 2023, and the aim was to formally review the Register at least twice a year. The Register had recently been reviewed and updated by Senior Managers and Management Board. Nine of the eleven previously identified risks remained above the Risk Tolerance Line and therefore required active risk management. The Register identified current controls and additional actions required to mitigate risks.

Members were informed that a new risk relating to Landscape Services had been added to the Strategic Risk Register. The escalation of this risk from the service Operational Risk Register reflected an increase in tree related risks combined with a limited capacity to manage those risks, with potential impacts on both the residents and the Council.

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

71. **THIRD QUARTER PERFORMANCE REPORT 2023/24**

INFORMATION: It was reported that the performance in the third quarter continued to show progress across the projects undertaken this year. A further three projects had been completed taking the total to six, and 41 projects remained on track. A number of projects had been through the appropriate change management process to amend the end date due to being re-prioritised or re-scoped as necessary to accommodate new and competing demands on the Council. There had been an increase in amber status projects in the third quarter. Amber statuses reflect delays in obtaining planning permissions and budgetary constraints, amongst other challenges which were detailed in the report.

Ten performance indicators had met or exceeded target in the third quarter, a reduction of one compared to the second quarter. The collection rate of council tax had slipped slightly below target. A further three performance indicators had missed target by greater than five percent. The areas of underperformance continued to be in relation to the number of homes granted planning permission, recycling rates, and enquiries resolved at first point of contact in the customer service centre.

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The Finance section of the report set out the current budgetary position, information on capital spending and resources, details of treasury management activity and the estimated movement on General Fund unallocated balances. The review of income and expenditure against budget and forecast for the year indicated a net overall positive variance of £494k. Staffing expenditure was currently projected to be underspent at service level which included the corporate efficiency target. This followed a budget transfer of £600k agreed at Full Council on the 11th December 2023 between Treasury Management income and all service staffing budgets to offset the Employers' annual pay increase offered from April 2023.

Other expenditure was forecast to be £730k over budget, and the Council was also accruing legal costs in relation to the Wethersfield asylum centre appeals. Offsetting the projected forecast for other expenditure, was an overachievement of income currently forecast to be £1.3m, which was mainly attributable to treasury management investment income.

It was added that capital spend to the end of the third quarter was £3m, mainly incurred on the disabled facilities grant programme. Capital spend typically increased in later quarters. Currently there was an estimated positive variance against the capital projects of £223k. The estimated movement on the General Fund unallocated balances was a net withdrawal of £471k.

DECISION: That Cabinet noted the performance of the Council for the third quarter (October 2023 to December 2023).

72. LEISURE SERVICES CONTRACT VARIATION

Minutes Published: 8th March 2024 Call-in Expires: 15th March 2024

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 8.41pm.

COUNCILLOR G BUTLAND
(Leader of the Council)

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