

Minutes

Cabinet

10th February 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 & Leisure	Yes
Councillor Mrs J C Beavis	Customers & Communication	Yes
Councillor M C M Lager	Efficiency & Resources	Yes
Councillor Mrs J W Schmitt	Communities & Housing	Yes
Councillor R G Walters	Environment and Sustainability	Yes

Deputy Cabinet Members	Portfolio	Present
Councillor N G McCrea	Leader's Portfolio	Apologies
Councillor T S Wilkinson	Enterprise, Culture & Leisure	Yes
Councillor D L Bebb	Customers & Communication	Apologies
Councillor J McKee	Efficiency & Resources	Yes
Councillor Mrs E Edey	Communities & Housing	Yes (from 8.05pm)
Councillor R G S Mitchell	Environment and Sustainability	Apologies

The following Councillors were also present as invitees of the Leader

Councillor J E Abbott, Leader of the Green Group (from 8.05pm)

Councillor Dr R L Evans, Leader of the Labour Group (until 9.04pm)

Councillor T J W Foster, Chairman of Witham Local Committee (from 8.05pm)

Apologies for absence were received from

- Councillor R J Bolton, Chairman of Halstead Local Committee
- Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association, and
- Councillor S M Walsh, Chairman of Braintree Local Committee.

An apology for lateness was received from Councillor Mrs E Edey, as she was attending the training for members of the Planning Committee.

Councillors A V E Everard, J H G Finbow, E R Lynch, D Mann, Mrs J A Pell, R Ramage, Mrs C Sandbrook, Mrs W D Scattergood, A F Shelton, C Siddall and Mrs G A Spray were also in attendance.

109 **DECLARATIONS OF INTEREST**

There were no interests declared.

110 **QUESTION TIME**

There was no questions asked or statements made.

111 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 1st December 2008 be approved as a correct record and signed by the Leader, subject to Decision No. 2 of Minute 96 (Page 44) being amended to 'That additional funding of £15,000 per annum for each of three years to the Citizens' Advice Bureau be approved'; and for Decision No 12 of Minute 96 (Page 45) being amended to clarify that the Discretionary Rate Relief ceasing from 31st March 2009 'only refers to foundation schools, private schools and colleges', and not all schools. It was noted that Councillors R G Walters and R G S Mitchell had been appointed the Council's representatives on the Joint Committee of the Joint Parking Scheme.

The Leader of the Council referred to the inclement weather on Monday 2nd February 2009 and the necessity to reschedule the Cabinet meeting from that evening to tonight. Unfortunately, this had resulted in a 'clash' with some Members who also sit on the Planning Committee attending a training session. Therefore, the agenda was adjusted and the Budget Proposals moved to 8.00pm, to allow Councillors to take part. It was clarified that Agenda Item 12a in Private Session – Use of Resources can now be taken in public and will be first on the agenda.

112 **USE OF RESOURCES 2008 – KEY LINES OF ENQUIRY**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the report detailing the Council's Use of Resources judgement as provided by external auditors, PKF. There had been improvement on Financial Reporting and Financial Management sectors. David Eagles of PKF reiterated the continuing improvement in processes at the Council, and explained the new assessment process that changes from process based assessment to outcomes and impacts, and advised that particular new areas had not been looked at before, i.e. workforce, and the importance of the whole Council's approach.

DECISION: That the report on the Use of Resources Key Lines of Enquiry 2007/08 from PKF, the Council's external auditors be received and noted.

113 **ANNUAL REPORT 2008**

The Chief Executive presented the first (pilot) Annual Report produced for the District for many years, and explained the current process coincides with the calendar year. However, it was noted that the first formal Annual Report for 2008/09 will be presented to the July Cabinet.

Members agreed it is an excellent, very readable document.

DECISION: That the first Annual Report be noted.

114 **ANNUAL PLAN 2009/10**

Cabinet were advised that the Corporate Action Plan, Corporate Improvement Plan and the Corporate Performance Plan had been incorporated to produce two documents of an Annual Plan (setting out future plans and targets), and an Annual Review reflecting on performance and achievements.

The Leader requested Cabinet Members provide their planned actions and projects to deliver their portfolio priorities (Appendix 1 of report) to the March Cabinet, when the Annual Plan will be received.

DECISION: That the proposed priorities for action in 2009/2010 as set out in Appendix 1 of the report be agreed.

115 **PROGRAMME AND PERFORMANCE MANAGEMENT REVIEW**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented proposals to set up a Programme Management Office (PMO) initially for one year to support the Council's current project and performance management procedures. This process will provide more capability; encourage more management time (not monitoring), and develop figures that can be audited or checked.

Cabinet agreed that project management is a specialised area, and the creation of a PMO would save the Council time and money, and link with many future projects. The governance arrangements will provide transparency to the elected Member, and provide opportunity to non-Executive members to participate. The Leader advised that governance arrangements proposals would be received at the next Cabinet meeting.

DECISION: That a Programme Management Office be set up for a period of one year as detailed in the report.

116 **SUPPORTING OUR COMMUNITIES**

Cabinet received details on ways the Council are assisting and helping the community through the current economic climate, including financial and general support by creation of an Economic Support Fund of £50,000 being set up to meet extra costs; limiting the Council Tax increase to 2.5% for each of the next three years, and providing additional funding to the Citizens' Advice Bureau (CAB). In addition, the Council are working with its partners to achieve extra funding through Government Performance Reward Grants and support for elderly residents by way of health, social care, housing and personal safety. A major programme of work on numerous projects will assist and aid the quality of life, and the report addresses the Council's current actions and focus on those it will take in the future.

Councillor Harley, Cabinet Member for Enterprise, Culture and Leisure, referred to

areas within his portfolio on business comprising an Economic Summit in Summer 2009; discretionary rate relief, use of local suppliers and small businesses paid within a 16-day period; the rent-free period, and 12-month Council Tax payment period instead of 10 month.

The Leader of the Council advised that the CAB in Haverhill had written to him thanking the Council for the 'series of help' pages published in the Haverhill Echo.

DECISION:

- (1) That a local economic summit led by the Cabinet Member for Enterprise, Culture and Leisure be held by June 2009 to consider the impact upon business and the local economy.
- (2) That monthly information be gathered to monitor the current economic situation. This to include a range of indicators from level of benefit claimants, job losses or house repossessions, and will be made available to all Members from March 2009, and information broken down to whatever level is appropriate. Councillor Harley to bring any issues or trends to the Cabinet's attention.
- (3) That the Council develops the current campaign with partners to signpost all potential advice and guidance to residents, with the Cabinet Member for Communities and Housing to lead on the campaign.
- (4) That Local Committees consider the impact of the economic position on the locality and how they can support the different communities.

117 **BRAINTREE DISTRICT LOCAL AREA AGREEMENT**

The Head of Corporate Policy advised that projects within the Annual Plan will be delivered by the District Council solely. Other projects are delivered in partnership and the Braintree District Local Area Agreement sets out all the priorities of the District with our key sector partners, as stated in Appendix 1 of the report. These projects are funded by the Performance Reward Grant (PRG) through the Essex Local Area Agreement, and include projects in rural isolated areas funded by the PCT, that will free-up funding on the Teenage Pregnancy project.

The Leader of the Council considered that the elected member should become more involved in the Village Agents projects, and bring liaison to the Local Committees. It was noted that targets on the projects are countywide and fit within a robust performance management framework. If these targets are not achieved the PRG could be reduced, and it is therefore beneficial that both Ward Members and Parish Councils take an active role in the process. Cabinet Members were requested to consider if the Council are the lead agency when putting forward their Action Plans, or whether additional resources are required.

DECISION: That the content of the report be noted.

118 **REPLACEMENT SWIMMING POOL - WITHAM**

Cabinet received proposals for the replacement swimming pool project at Witham to be included in the work of the Three Towns: One Vision Programme Board; and for costs up to £25,000 to be allowed from the Capital Programme. In response to a

query whether funding for the new pool is relatively secure, the Leader advised of resources put aside in the Capital Programme for a number of capital projects – one of which is the pool. It was noted that a Business Case for any new swimming pool in Witham will be presented to the Programme Board by 31st March 2009.

DECISION:

- (1) That the Witham replacement swimming pool be included in the work of the Three Towns: One Vision Programme Board
- (2) That costs up to £25,000, be incurred from the Capital Programme to produce design options and indicative costs.

119 **CABINET MEMBERS' UPDATES**

Councillor Walters, Cabinet Member for Environment and Sustainability, reported on **flooding incidents in the Braintree District** on 10th February 2009 and the delivery of sand bags in the early hours at Rayne to stop properties being flooded. The Leader requested that thanks from Cabinet Members are extended to officers and staff, on their assistance to residents.

Councillor Mrs Beavis, Cabinet Member for Customers and Communication, referred to the **Member Conference Day** held on 24th January 2009, and extended thanks to staff and facilitators in making the day a success. Communication is considered a key issue and Quarterly Bulletins are proposed, and a programme of Member Training and development.

Councillor Walters, Cabinet Member for the Environment and Sustainability, expressed **thanks to crews of refuse vehicles** that had continued to work through the recent snowy period. Staff teams had also taken part in gritting of main pedestrian routes in town centres improving safety of vulnerable people.

Councillor Harley, Cabinet Member for Enterprise, Culture and Leisure, advised on the Economic Development programme, the work of Task & Finish Groups in this domain, and the Council's commitment to an **Economic Development Strategy**. The Economic Development Partnership Board now includes transport issues, and had been renamed the Economic Development and Transportation Partnership Board.

120 **PERFORMANCE & PROJECT MANAGEMENT**

INFORMATION: The recommendation from the Performance & Efficiency Programme Board 27th November 2008 was incorporated under Agenda Item 5d (Minute 115 refers).

121 **BUSINESS EFFICIENCY PROGRAMME**

The recommendation from the Performance & Efficiency Programme Board 27th November 2008 was incorporated under Agenda Item 5c – Council Budget and Council Tax 2009/10 (Minute 123 refers).

DECISION: The Business Efficiency Programme of reviews and timetable was noted.

122 **REVIEW OF FEES AND CHARGES**

Councillor Mrs Sandbrook, Chairman of the Fees and Charges Task and Finish Group, referred to the Audit Commission's report entitled 'Positively Charged', and the slight changes to the Task and Finish Group report, and on any increase in charges within the Council's control being deferred until April 2010. The six recommendations on Page 18 of the agenda were presented.

Cabinet Members congratulated Councillor Mrs Sandbrook and her colleagues on the depth and detail of the report. The Leader advised it is customary for Cabinet to respond to Task and Finish Group's within three months of their report, and a response is proposed during 2009/10, to feed into the budget arrangements for 2010/11. It was requested that each Cabinet Member is to consider the impact on where a concession is granted, on the potential fees and charges in 2010/11 (Recommendation No 2); and the continuance of free parking (up to three hours) for blue badge holders in the Council's car parks (Recommendation No 3).

The Leader has requested Councillor Walters, the Portfolio Holder for car parks to look at the whole aspect of car parking operation in the Braintree District, including town centres and car parks in villages. A fresh approach to car parking strategy is proposed, that may involve working with other agencies and Councils; and include the upgrade of payment machinery used at car parks. The outcome of the investigation by Councillor Walters will be shared with Members of the Fees and Charges Task and Finish Group.

DECISION:

- (1) That recommendations 1 to 6 on Page 18 of the agenda be endorsed.
- (2) With regard to Recommendation No 5 that Councillor Walters, Cabinet Member for Environment and Sustainability, will lead on the whole aspect of car parking operation and charges, by way of a strategic cross-interest group, and report to Cabinet by September 2009; and will also consider the free parking identified at Coggeshall, Earls Colne, Sible Hedingham and Rayne Road, Braintree.

123 **COUNCIL BUDGET & COUNCIL TAX 2009/10**

The Leader of the Council introduced the budget item and advised of the process being undertaken.

Councillors Mrs Spray and C Siddall joined the table as Ward Members for the Three Colnes Ward, and spoke against proposals for the closure of public toilets at Queens Road, Earls Colne. Councillor Mrs Spray advised that the topic has raised more comments from constituents than any other issue since she had been a Councillor, as another 'hit' on the villages; and a petition comprising 83 signatures to 'Save our Loos' had been made to the District Council for the toilets to remain open for local people and visitors to Earls Colne whilst on shopping or leisure purposes. In the One District: One Vision report Earls Colne is included as a key-service village of the District and has a Post Office, a Co-op and a few pubs, and if the funding support was withdrawn

for the toilets the Parish Council could not fund them on their own. The District Council has supported villages and rural areas in many ways over the past year, but would it campaign against a closure of a main village store or focus more attention to town stores. This is how local residents currently perceive this issue – that is important to their village.

Councillor Siddall referred to the strong opposition against the toilets closure, and advised they were well used by Earls Colne and surrounding villages. The proposed closure is contrary to initiatives in the Medium Term Financial Strategy – where it is to improve public access to toilets and disabled facilities. The consultation period with the Parish Council was considered too brief, and the precept measures too restrictive if the proposal went ahead.

Cabinet Members provided feedback on aspects of the consultation undertaken in their portfolio areas, including suspension of garden waste collection during the winter months, and to see no increase of Members Allowances over the next two years. Councillor Mrs Schmitt did clarify that part funding of the PCSO's only referred to two people in the whole Braintree District and Essex Police will now cover these costs. The Concessionary Fares Tokens are to continue in their present form, and active checks will be undertaken to ensure they are used within the rules originally intended. With reference to closure of public toilets there has been little feedback in Braintree and Witham areas compared to the Earls Colne reaction. Therefore, this will not be followed through and proposals on public conveniences deferred to allow further discussion and investigation on how they can be provided at a reduced cost.

Group Leaders and Chairmen of Local Committees were invited to express their comments. Councillor Dr Evans welcomed that the public toilets proposals would be looked at again. However, it was considered that views of the community should be further explored before any change to green waste collection during December to February.

Councillor Abbott stated that he supports many of the budget saving measures, and was also pleased with the public toilets measures. However, concern was raised to the stopping of the green bin collection for three months as this will not only affect garden waste, but dislocate the service, show wrong signals on the Council's green policy, affect performance levels, and he queried if a cost benefit analysis had been completed on landfill tax.

Councillor Foster advised the above issue was discussed and supported by the Witham Local Committee.

Other Councillors present were invited to participate in the consultation process -

- Councillor Eric Lynch supported the rethink on closure of public toilets, and queried the consultation on those at Braintree Bus Park. With regard to changes in green bin collections it was considered that February remains unchanged, and only December/January be considered.
- Councillor Mrs Pell referred to a Halls Review completed in Halstead and the limited life of the Senior Citizens' Centre. A Working Group comprising of Braintree District Council, Essex County Council and Halstead Town Council had concluded that a new Community Centre in Halstead is required. The users of the Centre are unsure on the future and would like to see provision and answers, and reassurance that the facility providing day care and hot dinners will continue. Councillor Mrs Pell requested that a plan is developed for this

- year, next year and future years in provision for the elderly.
- Councillor Mrs Scattergood spoke on the Review of Car Park arrangements, and requested that when it takes place consideration is given to a proposal by Sible Hedingham Parish Council that either (i) the Parish Council could take responsibility for the management of the car park at Summerfields, or (ii) the Parish Council be given the option to purchase the freehold prior to April 2010. The Leader advised that the Cabinet Member had been requested to take a strategic approach to car parking that could include car parks being managed by other organisations.

Councillor Walters responded to the waste issues raised; Councillor Butland advised he did receive feedback to the Braintree bus park consultation; Councillor Mrs Schmitt stated that the Senior Citizens' Centre is included in the Halls Review which is still ongoing, and will also be affected by the Three Towns: One Vision project. Any rumours or areas requiring clarity -especially those affecting elderly people - should be addressed to the Cabinet Member/Lead Officer to get the facts. Publicly owned facilities are currently being discussed with the Town Councils.

The Leader made reference to the two petitions being received at Cabinet, and the process for petitions. Firstly, the petition comprising 83 signatures from Earls Colne residents on closure of the public toilets – this proposal is not now going to be recommended.

Secondly, on the petition comprising 247 signatures objecting to the proposal for Tabor Field, Braintree being considered as a new allotment site, whereas it should be retained as public open space for all members of the community. This will be referred for discussion to Braintree Local Committee for local members to decide.

Councillor Lager, Cabinet Member for Efficiency and Resources, introduced the budget papers and proposals to put forward to Council.

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

1. The changes to service provision, as detailed in Appendix C to the Cabinet report, with the exception of the proposal to close the public conveniences, be approved.
2. The proposal to close the public conveniences be deferred to allow further discussions and investigation on how they could be provided at reduced costs.
3. The revised budget shortfall, of £163,180, for 2009/10 be met from the General Fund balance.
4. The budget variations to the current base budget as summarised in the revised Appendix P to the Cabinet report, copy attached, be approved.
5. The budget bids detailed in Appendix B of the Cabinet report be approved.
6. No increases to existing Fees and Charges for 2009/10.

7. The introduction of new charges for the eradication of pests of public health significance, from 1st April 2009, as detailed in section A.5. of the Cabinet report, be approved.
8. The Discretionary Rate Relief scheme effective from 1st April 2009, as detailed in Appendix D of the Cabinet report, be approved.
9. The housing rent increases for 2009/10 be 5.5% per week.
10. No increases be applied to housing service charges for 2009/10.
11. The proposed Housing Revenue Account budget for 2009/10, as detailed in Appendix I to the Cabinet report, be approved.
12. It be agreed that following the receipt of a petition against the creation of 70 new allotment plots at Tabor Field, Braintree, the £35,000 identified in the capital bids should be treated as a provision and referred to the Local Committee for further consideration.
13. The General Fund Capital bids for 2009/10 at Section D.3. of the report and listed in Appendix L to the Cabinet report, be approved.
14. The Prudential Indicators and limits set out in Appendix N to the Cabinet report be approved.
15. The Policy on Minimum Revenue Provision as recommended in Appendix N to the Cabinet report be approved.
16. The Treasury Management Strategy, including annual investment strategy, for 2009/10 be approved.
17. The proposed detailed estimates, as amended during the discussion above, in Appendix P to the Cabinet report and the Council Tax increase of 2.5% be approved, having taking into consideration:
 - The consultation feedback received; and
 - The Section 151 Officer's report on the robustness of the estimates and the adequacy of balances (Appendix O of the Cabinet report).
18. Given the anticipated budget gap over the next two years, the Performance and Efficiency Programme Board be tasked with identifying a further £500,000 savings to feed into next year's budgetary process.
19. The Medium Term Financial Strategy is updated to take account of the information detailed in the report and the decisions made.

124 **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

Cabinet received a recommendation from the Audit Committee held on 8th January 2009, regarding guidance from John Healey MP, Minister for Local Government, on the use of surveillance powers by the Council which fall within the test of 'necessity and proportionality', i.e. not for cases of dog fouling or littering.

DECISION: That guidance from the Minister for Local Government of the non-use of surveillance in respect of dog fouling and littering cases be adopted; and that the RIPA Monitoring Officer continues to scrutinise each application for 'necessity and proportionality'.

125 **CHIEF EXECUTIVE'S REPORT**

INFORMATION: The main focus of the Cabinet meeting was related to the budget proposals, and no report from the Chief Executive was received.

126 **URGENT DECISION BY THE CHIEF EXECUTIVE**

The Chief Executive, in liaison with the Leader of the Council, and the Chairman of the Overview and Scrutiny Committee, had made an urgent decision to accept grant funding from the Mid Essex Primary Care Trust to provide free public swimming sessions at the Halstead, Witham and Braintree swimming centres between 1st January 2009 and 31st March 2009.

Councillor Wilkinson, Deputy Cabinet Member for Enterprise, Culture and Leisure, reported that the 'take-up' of the scheme had been well received, and more information will be available at a future meeting.

DECISION: That the urgent decision, as described above, be noted.

127 **DELEGATED DECISIONS**

That the following delegated decisions be noted

- Councillor Harley agreed for the Council to participate in the Under 16's free swimming offer at Braintree, Witham and Halstead swimming centres between 1st April 2009 and 31st March 2011.
- Councillor Mrs Schmitt agreed the final version of the revised Local Compact Draft Funding and Procurement Code of Practice for adoption.

128 **MINUTES FROM CABINET SUB-GROUPS**

Consideration was given to the minutes of

- Local Government Reform Cabinet Sub Group – 26th November 2008
- Performance & Efficiency Programme Board – 27th November 2008
- Joint Consultative Group – 1st December 2008

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

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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 Part 1 of Schedule 12 (A) of the Act.

Whilst the following item of business was discussed in private session, the minutes do not contain any confidential information and it is therefore admissible in the public domain.

129 **TOWN CENTRE REGENERATION – THE NEXT STEPS**

Cabinet received three recommendations from the Three Towns: One Vision Programme Board, as included in the minutes of the meeting held on 8th December 2008.

DECISION:

- (1) That the three recommendations under Minute 4, The Next Steps, be endorsed.
- (2) That the minutes of the meeting of the Three Towns: One Vision Programme Board held on 8th December 2008 be noted.

The meeting commenced at 7.15pm and closed at 9.07pm

G BUTLAND
(Leader)

