

Minutes

Cabinet

6th July 2009



Present:

Cabinet Members	Portfolio	Present
Councillor G Butland	Leader	Yes
Councillor N R H O Harley	Deputy Leader and Cabinet Member for Enterprise & Culture	Yes
Councillor Mrs J C Beavis	Customers & Communication	Yes
Councillor M C M Lager	Efficiency & Resources	Yes
Councillor Lady Newton	Housing & Well-Being	Yes
Councillor Mrs J W Schmitt	Communities	Yes
Councillor R G Walters	Environment and Sustainability	Yes

Deputy Cabinet Members	Portfolio	Present
Councillor D L Bebb	Customers & Communication	Yes
Councillor Mrs E Edey	Communities	Yes
Councillor N McCrea	Enterprise & Culture	Yes (until 9.35pm)
Councillor J McKee	Efficiency & Resources	Yes
Councillor R G S Mitchell	Environment & Sustainability	Yes
Councillor Mrs C Sandbrook	Efficiency & Resources	Yes
Councillor C Siddall	Leader's Portfolio	Yes
Councillor Mrs G Spray	Housing & Well-Being	Apologies
Councillor T Wilkinson	Enterprise & Culture	Yes

The following Councillors were also present as invitees of the Leader

Councillor Dr R L Evans, Leader of the Labour Group, Councillor T J W Foster, Chairman of Witham Local Committee, and Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association.

An apology for absence was received from Councillor S M Walsh, Chairman of Braintree Local Committee.

Councillors E R Lynch, D Mann and Mrs J M Money were also in attendance

28 **DECLARATIONS OF INTEREST**

Councillors Lager declared a personal interest as a member of Witham Town Council in Agenda Item 6b, Delivering Community Facilities, as they may/may not be involved in the transfer of a community/public hall.

In accordance with the Code of Conduct all Members remained in the meeting for all

the items, unless stated otherwise, and took part in the debate and decision thereon.

29 **QUESTION TIME**

There was no questions asked or statements made.

30 **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 8th June 2009 be approved as a correct record and signed by the Leader.

The Leader of the Council advised of the following item

- Council Worker of the Year Award. John Morris has received the Lifetime Achievement Award under the Council Worker of the Year Awards made at the LGA Conference on 2nd July 2009, in Harrogate. Mr Morris has worked for 40 years on care and maintenance at Witham Cemetery, and Cabinet sent their congratulations to him, and noted that this would be formally recognised at the Council meeting on 20th July 2009.

31 **HOUSING TRANSFER – DELIVERING THE PROMISES**

The Leader of the Council welcomed Phil Adams, Chief Executive of Greenfields Community Housing(GCH), to the meeting and advised that their report will be received on a annual basis and this will assist the Council in monitoring the promises made to tenants at the time of Stock Transfer.

Mr Adams referred to the Offer Document and the 113 promises to deliver within five years of post transfer of the housing stock. A tracking document is in place on the promises, and the Housing Corporation has made assessments. GCH is now 18 months old, and Mr Adams was pleased with their progress, together with the Community Gateway Group, on delivery of 50% of the promises prior to Housing Transfer, and being 'on track' to deliver 96% of the promises within the timeframe. The remaining 4% of promises require intervention to deliver in the five years – however, it is predicted that full delivery will be made.

The Housing Corporation – which has become the Tenant Services Authority – produced an assessment in March 2009 under a 'traffic light' recording system, and this has received discussion by the GCH Board, the Community Gateway Group and staff. The 18 month view is that GCH has made an 'excellent start'.

Mr Adams reported that any recommendations for improvements are being fed into the Service Plans, and that the Decent Homes Programme comprising a £98m investment over five years is also 'on track', and providing value for money, quality of product and sustainability. The first phase of this is now complete, and the second phase is commencing with key promises being addressed, including the creation of an anti-social behaviour team (working with the Council and Police). GCH are working in partnership with the District Council and other local authorities, with the Choice Based Lettings scheme implemented and an options appraisal on the sheltered housing stock, and Area Forums established (involving 23% tenants). Other highlights are the new area office being opened in Witham, the empty property standard being agreed, and the aids and adaptations service is now within six weeks (was previously 20 weeks plus).

Cabinet congratulated GCH on their performance, the forward thinking of their

management and the success of the Community Gateway Model – an area that the Tenant Services Authority are keen to learn more about. In response to a query whether tenant engagement to the promises being delivered is happening, Mr Adams advised that GCH were the third Housing Association (from four) adopting the Community Gateway Model in the country and tenants/leaseholders are included in the GCH Board, the Community Gateway Group, the three Area Forums; and that the three Community Options Studies undertaken through 2009 will comprise of customer and community views.

The Leader thanked Mr Adams for his progress update, and advised of the GCH Annual Report on the website.

DECISION:

- (1) That the verbal Annual Report from Greenfields Community Housing be noted.
- (2) That the progress report on meeting the housing transfer promises be noted.

32 **ANNUAL REPORT AND STATEMENT OF ACCOUNTS**

Councillor Butland, the Leader of the Council, presented the Annual Report for 2008-2009, and it was confirmed that the Capital Expenditure statistics on Page 19 relate to hundreds of thousands, i.e. allotment improvements planned for 2009-2010 is £85,000.

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the unaudited Statement of Accounts 2008-2009 that were approved by the Audit Committee in June, for the Leader of the Council to certify on behalf of the Council, and to note the Annual Treasury Management Report.

It was noted that the Statement of Accounts now contains the pay of Chief Officers, and Members Allowances/Expenses.

DECISION:

- (1) That the Annual Report for 2008-2009 be approved.
- (2) That the Statement of Accounts 2008-2009 be endorsed.

33 **THE COMMUNITY AND HOUSING INVESTMENT PARTNERSHIP (CHIP FUND) – ANNUAL FUNDING REVIEW**

Cabinet received details of the jointly managed CHIP Fund, including the current five key funding themes and the grants awarded during 2008-2009. An Endowment Fund with a total of £660,000 has been set up, and will be invested and managed until July 2011, when the funding will become available for distribution to the local community. The CHIP Fund currently has a balance of approximately £11m.

In response to a query whether there was any immediate plans for the CHIP Fund, Cabinet were advised that negotiations between the Council and GCH will take place, and a Strategic Plan or Action Plan developed to link in with any appropriate timescale, e.g. of the Investment Policy.

Members requested that the CHIP Fund is focused on appropriate schemes, and not distributed like the Local Committee funding mechanism, where grants are awarded to

organisations that have already received funds from other sources, although it was confirmed that no organisation are receiving funds that are disproportionate to the costs. Members agreed that the long term should be considered, and larger sustainable projects supported.

DECISION: That the current position of the CHIP Fund be noted.

34 **ORGANISATIONAL DEVELOPMENT**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the report containing proposals on future staffing of the Council, including adequate management capacity and appropriate skills. The process will involve talent management - the 'Talent Book' method – and succession planning, to achieve a spread of skills and qualifications of staff.

Members welcomed the report, and it was agreed that regular progress reports on the proposals will be made, and will include the Overview and Scrutiny function.

DECISION: That the proposed approach to talent management, succession planning and management development for the next two years be agreed.

35 **MODERN APPRENTICESHIPS**

Cabinet received proposals to develop the Modern Apprenticeship scheme at the Council, and noted that funding was from existing sources.

It was queried which awarding body would be used for the National Vocational Qualification (NVQ) in the apprenticeships. The Leader advised that this information would be made available.

A Member quoted an example of a scheme between some London authorities to involve small voluntary organisations, i.e. on administration and Human Resource areas, and help to train a full time voluntary worker with a range of skills. It was queried if this Council should be involved in this type of scheme.

The Cabinet Member stated that Essex County Council are planning to create 400 apprenticeships across the county, and the quoted scenario to combine efforts was sensible, if the Council was approached by a voluntary organisation.

DECISION:

1. That, where appropriate, suitable funded vacancies be converted into modern apprenticeship opportunities. These must provide a positive learning and development opportunity for any modern apprentice.
2. That the above be split into two or three modern apprenticeship opportunities per vacant post.
3. That six new modern apprenticeships for the Council be created, and the financial consequences for the next two years be met from balances.

36 **PLACE SURVEY**

Councillor Mrs Beavis, Cabinet Member for Customers and Communication, provided

a verbal report on the Place Survey that had been undertaken between September to December 2008. This has initially identified that further engagement needs to take place with communities, and that the role of Local Committees will be revisited. It was noted that the Cabinet Members report to Council on 20th July 2009 will include this topic, with the full report to Cabinet in September.

The Leader advised of some confusion with a press release, and requested that Councillors look to the figures quoted on the website, and that the Audit Commission acknowledges the correct information.

DECISION: That the verbal report be noted.

37 **DELIVERY OF COMMUNITY FACILITIES**

Councillor Mrs Schmitt, Cabinet Member for Communities, referred to the review of the 15 Council-owned community halls and the adoption of the policy quoted in Item 2 of the report. The devolution of power and the transfer of assets to Parish/Town Councils, Community Associations, Community Groups or trusts wherever possible, was promoted as many groups have charitable status and can attract grant funding, i.e. Spring Lodge in Witham. Discussions are ongoing with community groups and the outcome of this will be reported to the relevant Local Committee.

Members requested that each respective Local Committee establish a sub group to consider any transfer proposals and to liaise with the community, before any proposals are formally received at the full Local Committee. Further funding by the Council to community halls was briefly discussed, i.e. on advertising costs, and that you have to market the halls, especially the 'flagship' halls in Braintree and Witham, to attract customers and achieve income. However, it was noted that the Council owned halls are all to a good standard, as earlier investment had been made for their compliance on health and safety, and Disability Discrimination Act (DDA) requirements. Generally, Cabinet welcomed the delegation of community/public halls to the community, but highlighted the risk of the Council being left with the less popular halls. It was emphasised that playgroups and other groups who are currently using the halls will be offered proper alternative accommodation.

DECISION: That the policy detailed in Item 2 of the report be adopted.

38 **OUTSTANDING ISSUES FROM THE PUBLIC SAFETY POLICY DEVELOPMENT GROUP**

Cabinet were referred to the recommendations from the Public Safety Policy Development Group (PSPDG) report 2005-2006 that were accepted but deferred pending the Crime and Disorder Act Review 2006. This legislation has now been embedded into the work of the Braintree Crime and Disorder Reduction Partnership (CDRP) and includes changes dealing with anti social behaviour, and the creation of Neighbourhood Action Panels (NAP's).

Cabinet agreed that all outstanding issues from the PSPDG had been formally addressed, and welcomed the detail and acronym information quoted in the report.

DECISION: That all the recommendations from the PSPDG report have been met and this conclude the significant contribution and research of the PSPDG.

39 **INFORMATION SECURITY POLICY**

Councillor McKee, Deputy Cabinet Member for Efficiency and Resources, presented the policy on Information Security to cover IT and paper based issues at the Council. The mandatory policy comprises of 15 Codes of Practice and will require compliance and training for both staff and Members. Councillor Lager moved the recommendation.

DECISION: That the Information Security Policy be adopted.

40 **WITHAM REPLACEMENT POOL**

The Leader introduced the item and referred to the report received at Witham Local Committee on 30th June 2009, the extract from the minutes, and the additional briefing note and papers tabled at this meeting.

Councillor Foster, Chairman of Witham Local Committee, presented their recommendation of an enhanced standard option for the pool, and incorporating a gymnasium, squash facilities and diving pool, constructed to a 'good' Building Research Establishment Environmental Assessment Method (BREEAM).

Councillor Lady Newton, Cabinet Member for Housing and Well-Being, advised that since the last Options Paper was produced in April 2009, BREEAM had introduced a bespoke assessment service and the briefing note further explained that the new Maltings Academy is to be built to a 'very good' standard and that all secondary school projects over £2m now have to achieve a BREEAM rating of 'very good'. The two options for the pool are a 'standard' or 'enhanced standard' facility, with a BREEAM standard of 'very good' or 'excellent'. It was noted that £150,000 is set-aside in budgets for design and consultancy work, and Cabinet may request that the bespoke service, at a cost of £1,800 to £3,000, could be used. Reference was made to pools at Southend, Chelmsford, and Waltham Forest that currently had diving boards.

During the discussion the following issues were raised

- the commitment to replace the Bramston Pool and provide a swimming pool for Witham – a total of three swimming pools in the district
- the additional facilities of squash courts – a marginal and declining sport
- the gymnasium – a difficult facility to run on scheduling and timing, with good private gyms in the area
- the specialist area of a diving pool, with no local alternative and an expensive facility
- private clubs do exist locally to provide the dryside provision
- the good sporting facilities in the district
- the investment in healthy living
- the accessibility of local people to facilities that currently exist
- for evidence of demand and market research
- the charging process and how revenue can repay the investment
- the running costs of the dryside facilities
- a Marketing Plan/Business Case for the facilities
- the need to be cost effective

Cabinet were reminded of the decision of Witham Local Committee and the local perception, need and interest of people in the area for the swimming pool – and the

dryside facilities never being ruled out. The recommendation from them was for a 'good' standard to allow funding towards the diving pool.

The Leader of the Council proposed that detailed information is provided to allow Cabinet and Council to look across the whole district before making this investment. It had previously been advised at a Council meeting that the replacement of the swimming pool is first and foremost, with other facilities included if affordable and if publicly supported. Therefore, it is recommended to take this issue to the Programme Boards as a matter of urgency to provide a full report on

- Comparison of costs and net income
- The revenue consequences of having a diving pool
- The revenue implications on each element of the facilities
- The affordability against the Capital Programme, and other demands/priorities of the Council
- An evaluation of BREEAM and the bespoke requirement to ensure whatever is constructed is to a good/very good standard

DECISION: That the project for Witham replacement pool is urgently referred to the Programme Boards to provide the information as indicated above.

41 **RECOMMENDATIONS FROM THE PROGRAMME BOARDS**

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

42 **CHIEF EXECUTIVE REPORT**

INFORMATION: The report from the Chief Executive will be received in Private Session.

43 **CORPORATE HEALTH AND SAFETY ANNUAL REPORT**

Cabinet received the Annual Report, and were advised of Health and Safety issues being integrated into Business Plans and future issues include improving risk assessments, a checklist ('crib' sheet) for Managers, to update the first aid provision, and to improve the working environment.

A member raised issues relating to accidents to employees and whether they are reported to the Health and Safety Executive; if any accidents had been reported involving Members; the size of the sample used in the report, and on Health and Safety requirements for people using the Council premises.

These were to be provided in written form to the Portfolio Holder, with a copy of the response to be circulated to Cabinet Members.

It was noted that the Health Safety and Emergency Manager is a Chartered Fellow of IOSHH, and this should be quoted in future reports.

DECISION: That the annual Corporate Health and Safety report be noted.

44 **POSITION STATEMENT ON EMERGENCY PLANNING**

Councillor Walters, Cabinet Member for Environment and Sustainability, presented the report on Emergency Planning – Annual Audit Commission Self-Assessment Tool

2008-2009, including the revision on the Council's emergency procedures for flooding.

Cabinet noted that the Council does not have a statutory duty to supply sandbags and that during earlier flooding conditions 700 sandbags were distributed. It was also recognised that Parish Councils have their own emergency planning procedure, mostly in conjunction with the District Council, and that a Parish event is to be held during September on flood awareness.

A different type of 'emergency' was reported from Halstead where a building was being demolished on a Sunday, and that officers could not be contacted. It was agreed that the Council had a responsibility for the safety of local people and relevant procedures should be considered.

DECISION: That the self-assessment position statement for 2008-2009 and action taken to ensure the emergency preparedness of Braintree District Council be noted.

45 **MINUTES FROM CABINET SUB-GROUPS**

Consideration was given to the minutes of

- Cabinet Working Group – London 2012 – 11th June 2009
- Local Government Reform Cabinet Sub Group – 29th June 2009

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

46 **DELEGATED DECISIONS**

INFORMATION: There were no delegated decisions to be received.

47 **SUSTAINABLE COMMUNITIES ACT 2007**

The Sustainable Communities Act (SCA) became law in October 2007 and provides an opportunity for local people to ask central government, through their local authority to take action on specific issues to promote the sustainability of their communities. This can consist of anything that can improve the economic, social or environment well being of the area, or promote civic or political activity.

A consultation process is being undertaken on the Act and a response is required to the Local Government Association by 31st July 2009. Cabinet supported the proposal for this item to be received at Full Council on 20th July 2009.

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

That support be given to the Sustainable Communities Act 2007

EXCLUSION OF PUBLIC AND PRESS

DECISION: That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 & 4 of Part 1 of Schedule 12 (A) of the Act.

Whilst the following items of business were discussed in private session, the minutes do not contain any confidential information and are therefore admissible in the public domain.

Councillor Mann left the meeting whilst the following item was discussed as he is a member of the GCH Board.

48 **GROUNDS MAINTENANCE CONTRACT – GREENFIELDS COMMUNITY HOUSING**

Cabinet gave consideration to the submission of a tender for the Greenfields Community Housing Grounds Maintenance Contract, including various budgetary figures and costs.

DECISION:

1. That the submission of a bid for Greenfields Ground Maintenance Contract be agreed.
2. That delegated authority be given to the Cabinet Member for Environment and Sustainability to agree the final tender bid.

49 **LEISURE CONTRACT TRUST**

Cabinet received the options report on the Leisure Contract with DC Leisure, including continuing service provision and the benefits of the proposals.

DECISION: That the recommendation contained in the report be accepted.

50 **ORGANISATIONAL DEVELOPMENT AND BUSINESS EFFICIENCY IMPLICATIONS**

The Chief Executive presented proposals on the future management structure of the Council, and issues relating to budgetary provision.

DECISION:

1. That the recommendation at Item (a) in the report be approved.
2. That it be **RECOMMENDED TO COUNCIL: -**
 That a provision of £500,000 be set aside from balances to meet any costs arising from staffing reductions to achieve the £800,000 revenue budget reduction target.

The meeting commenced at 7.15pm and closed at 9.52pm

G BUTLAND
(Leader)

