

# Minutes

## Cabinet

### 12th July 2021



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
<b>Innovative Environment</b>		
Finance and Corporate Transformation	Councillor J McKee	Yes
The Environment	Councillor Mrs W Schmitt	Yes
<b>Connecting People, Places and Prosperity</b>		
Economic Growth	Councillor T Cunningham (Deputy Leader)	Yes
Housing, Assets and Skills	Councillor K Bowers	Yes
Planning and Infrastructure	Councillor Mrs G Spray	Yes
<b>Supporting Our Communities</b>		
Health and Wellbeing	Councillor P Tattersley	Yes
Communities	Councillor F Ricci	Yes

**Present as Cabinet Support Members:** Councillor I Pritchard (Innovative Environment) and Councillor Mrs I Parker (Supporting Our Communities).

**Present as Invitees of the Leader:** Councillor J Abbott, Leader of the Green and Independent Group, Councillor D Mann, Leader of the Labour Group and Councillor Mrs J Pell, Leader of Halstead Residents Association.

#### 9 DECLARATIONS OF INTEREST

**INFORMATION:** The following interests were declared:-

Councillor G Butland declared a Non-Pecuniary Interest in Agenda Item 5a - 'Fourth Quarter and Annual Performance Report 2020-21' as an Elected Member of Essex County Council which was referred to in the Agenda report.

Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 5a - 'Fourth Quarter and Annual Performance Report 2020-21' as an Elected Member of Essex County Council which was referred to in the Agenda report.

10 **MINUTES**

**DECISION:** The Minutes of the meeting of the Cabinet held on 17th May 2021 were approved as a correct record and signed by the Chairman.

11 **QUESTION TIME**

**INFORMATION:** There was one statement made by Mr R van Dulken, an Elected Member of Braintree District Council but speaking in a private capacity, regarding Agenda Items 8a and 11 – 'Sible Hedingham Land Disposal for Development of a Medical Centre'.

Mr van Dulken attended the meeting and he read his statement to the Cabinet immediately prior to the consideration of the Items.

12 **FOURTH QUARTER AND ANNUAL PERFORMANCE REPORT 2020-21**

**INFORMATION:** Consideration was given to the Council's Fourth Quarter Performance Management Report for the period 1st January 2021 to 31st March 2021 and the Annual Performance Report for 2020/21.

Over the last year the Council had adapted to deal with the impact of the coronavirus pandemic in order to support residents, communities and businesses and to keep key services running. In March 2021 the Cabinet had agreed to extend the existing Annual Plan until September 2021 to enable projects which had been impacted by the pandemic to be reviewed and to allow additional time for projects to be completed. At the end of March 2021, 10 projects had been completed, 32 were progressing and were on track for completion, and 10 were currently categorised as having an amber status due to the impact of the pandemic.

Targets had not been set for all performance indicators in 2020/21 due to the disproportionate impact of the pandemic. However, for those that remained six performance indicators had met or exceeded their target and eight performance indicators had missed their target. Five of these had missed the target by less than 5%. These were kilograms of waste collected; the percentage of complaints responded to within timescale; the collection rate for Business rates; the collection rate for Council Tax; and the percentage of invoices paid within 30 days. Three performance indicators had missed their target by more than 5% and these were recycling rates; average waiting time for disabled facility grants; and average call answering time in the Customer Service Centre.

Despite the impact of the pandemic there had been a number of achievements during the year including the provision of 220 affordable homes against a target of 150. Members of the Cabinet acknowledged also that the number of working days lost to sickness per Council employee continued to be low and they asked the Chief Executive to pass on their appreciation of this achievement to all members of staff.

In an amendment to the report it was noted that the final version of the Council's draft Climate Change Strategy would be presented to Council in September 2021, not July 2021.

The financial part of the report provided an update on the position for the year. It examined the outturn spending on day-to-day service provision compared to the budget for the year and included a summary of treasury management activities; movements on the General Fund balance; and a summary of spend on capital projects in the year. The report provided a brief commentary on the impact of the coronavirus pandemic on the Council's budget position. The outturn financial position for the year showed an overall adverse variance against the budget of £2.351million before taking into account any exceptional financial support provided to the Council to meet the costs and losses of income from the coronavirus pandemic. The overall budget impact of the pandemic was an adverse variance of £3.163million (net of savings made by the Council and additional income received from activities directly linked to the impact of the pandemic on services). This budgetary impact had been offset by additional exceptional funding received through various streams made available by the Government and other external bodies. The position regarding the base budget was a net positive variance of £812,000 after carry forwards, which was in line with the forecast reported at Quarter 3. Taking into account the reported budget variance, changes in earmarked reserves and other planned movements in balances, the unallocated General Fund balance had reduced by £883,000. Expenditure on capital projects for the year had been £31.587million with significant progress being made on the Horizon 120 Business Park, Manor Street regeneration, and town centre improvements.

**DECISION:** That the performance of the Council for the Fourth Quarter (January 2021 to March 2021) and at the end of the financial year 2020/21 be noted.

**REASON FOR DECISION:** The purpose of the report is to summarise the performance of Braintree District Council at the end of the Fourth Quarter (January 2021 to March 2021) and at the end of the financial year 2020/21.

13 **\*\*BRAINTREE DISTRICT COUNCIL OFF-STREET PARKING PLACES ORDER**

Minutes Published: 19th July 2021 Call-in Expires: 27th July 2021
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**INFORMATION:** Consideration was given to a report on the revocation of the Braintree District Council Off-Street Parking Places Order (OSPPO) 2021 and the making of a new Order in accordance with the Road Traffic Regulation Act 1984 (as amended) to reflect changes to car parking provision in Braintree town centre. The new OSPPO would exclude two former car parks at Victoria Street and Manor Street, Braintree and include a new car park at Victoria Square, Braintree. All other provisions within the 2021 Order would remain.

The proposed Order would be subject to statutory consultation in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended) and advertised to invite comments from the public and key stakeholders.

During the discussion on this Item, Councillor D Mann noted that an estimated income of £29,000 per annum would be generated from the new car park at Victoria Square, Braintree and he queried how this compared to the current income from the existing car parks at Victoria Street and Manor Street, Braintree. Councillor Mrs W Schmitt, Cabinet Member for the Environment, agreed to provide a written response to Councillor Mann's question and to copy this to all Councillors.

**DECISION:**

- (1) That authority be given to commence the Order making process for a new Off-Street Parking Places Order to remove the Council's car parks at Victoria Street and Manor Street, Braintree and to include the new car park at Victoria Square, Braintree together with the tariff, as set out in paragraph 4.1 of the Agenda report and repeated below:-

<b>Days</b>	<b>Tariffs</b>
Monday to Saturday 7am – 7pm	Up to 1 hr £1.00 1 to 3 hrs £2.00 3 to 6 hrs £3.50 over 6 hrs (daily rate) £6.00
Sunday 7am – 7pm	Daily charge £0.50
All days 7pm – 7am next day	Overnight charge £0.50 Valid 7pm to 7.30am
All days 7pm – 7am next day	<u>Overnight Permit Valid</u> <u>7pm to 7.30am</u> Quarterly £30.00 Six months £55.00 Annual £100.00

- (2) That, subject to paragraph 3 below, the Operations Strategy and Policy Manager, in consultation with the Head of Governance, be authorised to take all such steps as are expedient and necessary to make a new Braintree District Council Off-Street Parking Places Order in accordance with paragraph 1 above.
- (3) That, in the event that objections are submitted to the making of the new Off-Street Parking Places Order, the Cabinet Member for the Environment be authorised to consider the objections received within the statutory consultation period and to determine whether the Order should be confirmed with or without modifications.

**REASON FOR DECISION:** The purpose of the report is to seek authority for a new Braintree District Council Off-Street Parking Places Order to reflect changes to car parking provision in Braintree town centre as part of the Public Realm Project.

14 **STRATEGIC RISK REGISTER**

**INFORMATION:** Consideration was given to a report on an update to the Council's Strategic Risk Register. The Register set out risks which had potential to impact on the delivery of the Council's Corporate Strategy over the medium-term. The Register had been approved by the Cabinet on 7th September 2020 and it had subsequently been considered by Councillors at a Members' Development Evening held on 27th May 2021.

At the Members' Development Evening, Members had reviewed each of the eleven risks and they had determined proposed amendments to the risk ratings via a vote. In particular, consideration had been given to a proposed increase in the rating of Risk 4 'Community Resilience' and Risk 6 'Affordable Housing and Homelessness' from C2 to B2 and a proposed decrease in the rating of Risk 5 'Service and Project Delivery' from C2 to D2. The proposed increased ratings for Risks 4 and 6 had not been supported, but the proposed decreased rating for Risk 5 had. As a consequence, the number of risks requiring active management had reduced from eleven to ten. Details of these risks together and the Management Action Plans for each of them were set out in Appendix 1 to the Agenda report.

In discussing this Item, Members commended the review process which had enabled all Councillors to comment and vote on potential changes to the Strategic Risk Register. It was proposed that this procedure should be repeated in future.

**DECISION:** That the updated Strategic Risk Register and the Management Action Plans for managing high rated risks, as set out in in Appendix 1 to the Agenda report, be approved.

**REASON FOR DECISION:** To approve the Council's updated Strategic Risk Register following consideration at the Members' Development Evening on 27th May 2021.

15 **\*\*MICROSOFT OFFICE SOFTWARE LICENCE PROCUREMENT**

Minutes Published: 19th July 2021
Call-in Expires: 27th July 2021

**INFORMATION:** The Cabinet considered a report on the Council's procurement of a licensing model for Microsoft Office software and the funding required.

The Council currently used a mix of Microsoft Office 2013 perpetual licences which did not attract an annual cost and Microsoft Office 365 subscription licences which were paid for on an annual basis. However, Microsoft and a number of other software vendors had moved to a subscription only style licensing model, which required users to pay for an annual licence rather than a perpetual licence. Furthermore, with effect from February 2021 Microsoft had discontinued support for the Microsoft Office 2013/Office 365 configuration which the Council currently used. It was reported that the Council renewed its Microsoft Office subscription based licensing arrangements every three years and that the next renewal date was 31st July 2021. In order to ensure continued Microsoft Office support for all users and to minimise the risk of compatibility issues between versions, all Microsoft licences currently held by the Council would need to move to Microsoft Office 365 subscription based licences at

this point. The Council's current budget for Microsoft Office software licensing was £58,110 for 2021/22 and £65,290 for 2022/23. This reflected the current mix of perpetual and subscription based licensing.

It was important that the Council's licensed software should be up-to-date to prevent compatibility issues with internal processes and to ensure that security updates could be applied. There were two options which the Council could consider in order to procure Microsoft Office 365 licences. Option 1 was a standard model, which would provide staff and Councillors with the software required to carry out their roles, duties and functions, but it would not provide enhanced security to support the remote or hybrid working model which the Council was currently operating. The cost of this option would be £81,000 per annum, requiring an increase in budget of £3,000 in 2021/22 and £16,000 in 2022/23 onwards. This option also increased the risk of costs associated with a data breach, or a cyber security incident. Option 2 was an enhanced security model, which would increase the protection available to support remote and hybrid working. This option would provide the Council with security features to separate work-related data from personal data and allow the Council to remotely wipe Council data from a device without interfering with personal information on that device. This option provided an increased level of security, protected data more effectively and reduced opportunities for data loss. The cost of this option would be £93,000 per annum, requiring a further budget allocation of £8,000 in 2021/22 and £28,000 from 2022/23 onwards. Option 2 was the recommended option.

A procurement process had been conducted through a mini-competition exercise via the NHS Shared Business Services Framework based on the ability to deliver the required licensing model, the cost of either standard or enhanced security features and the technical support offered by the supplier. Bids had been sought from eligible companies in May 2021 and four responses had been submitted. These had been assessed on price and the quality of the bidders' technical support, advice, experience in the local government arena and support base. One company had scored highly in all aspects and it was proposed that it should be awarded the contract dependent on which option the Council decided to pursue.

In discussing this Item, it was noted that the Council already had procedures in place for wiping Council data from devices held by Councillors and staff and these would continue to be implemented. However, it was suggested that consultation with the Chairman of the Governance and Audit Scrutiny Committee could be incorporated within the procedures as a further level of control in cases affecting Councillors.

**DECISION:** That Cabinet:

- (1) Notes the procurement of Microsoft Office software licensing (option 2), which provides increased security measures to support remote and hybrid working in accordance with the process set out in paragraphs 3.12 and 3.13 of the Agenda report.
- (2) Agrees to the allocation of funding of £8,000 in 2021/22 and £28,000 in 2022/23 and following years to allow for the upgrade of the Council's Microsoft software licences, ensuring that products are supported by Microsoft, are compliant with Microsoft's latest licensing models and include recommended security features.

- (3) That the Corporate Director (Operational) be authorised to award the contract for the software licences following the conclusion of the procurement process, provided that this is within the agreed budget set out above.

**REASON FOR DECISION:** To agree the new Microsoft Office software licensing model for Braintree District Council and to agree the associated funding required to procure this software.

16 **\*\*MEDICAL CENTRE DEVELOPMENT AT SIBLE HEDINGHAM - LAND DISPOSAL - PUBLIC**

Minutes Published: 19th July 2021 Call-in Expires: 27th July 2021
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**INFORMATION:** Members were reminded that this Item was linked to Item 11 in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item it would be 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 if it is necessary to discuss Item 11 of the Agenda and the private report, on the grounds that it involves 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 Public Session of the meeting. There was no discussion in Private Session, nor disclosure of information contained in the private report. However, Members agreed that the information contained in the private report would remain exempt from public disclosure in accordance with paragraph 3 of Part 1 of Schedule 12(A) of the Act. Minutes of both the public report and the private report have been produced and these are set out below.

**INFORMATION:** It was reported that on 12th July 2013 Braintree District Council had entered into a Section 106 Agreement relating to the residential development of land in Sible Hedingham previously occupied by 'Premdor'. A term of the Agreement required the developer to transfer 2,477 m<sup>2</sup> of land, at nil cost, to the Council for the development of a new medical centre. This transfer had been completed on 15th March 2021.

The Council was seeking to provide a modern health care facility to replace two existing surgeries, which were regarded as no longer fit for purpose. The Council intended to generate a net positive income stream through the development of the medical centre and its lease to the Sible Hedingham and Castle Hedingham Group Medical Practices which were to merge. This had been supported by Cabinet on 9th July 2018 and 26th November 2018 when funding for a feasibility study and the development of the centre had been approved. However, subsequent independent advice had indicated that the capital costs of the proposal were likely to exceed the value generated by the lease terms agreed with the Medical Practices and on this basis the project was not considered to be financially viable. The financial implications were set out in the private Agenda report.

In the circumstances, the Council had agreed instead with the Medical Practices to seek bids from developers for the provision of the medical centre. A formal competitive process had subsequently been undertaken which had concluded on 8th March 2021. It was proposed that One Medical Ltd should be appointed as the preferred developer and that a contract should be entered into to transfer the land to them to enable work to commence on the development of the new medical centre.

**DECISION:** That the Corporate Director (Growth) in consultation with the Corporate Director (Finance) be authorised to approve terms to be agreed with One Medical Ltd and to enter into a contract for the disposal of the required land for the purposes of the Sible Hedingham Medical Centre, in accordance with the financial information contained in the private Agenda report.

**REASON FOR DECISION:** To seek authority to conclude negotiations and to enter into a contract for the transfer of land to One Medical Ltd for the provision of a new medical centre in Sible Hedingham.

**DECISION:** That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting to consider the private report under Agenda Item 11 and for the private report to remain private on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

17 **\*\*MEDICAL CENTRE DEVELOPMENT AT SIBLE HEDINGHAM - LAND DISPOSAL – PRIVATE (Minute Admissible in the Public Domain)**

Minutes Published: 19th July 2021
Call-in Expires: 27th July 2021

**INFORMATION:** This Item was considered entirely in the Public Session of the meeting. There was no discussion in Private Session, nor disclosure of information contained in the private report. However, Members agreed that the information contained in the private report would remain exempt from public disclosure in accordance with paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972. This Minute does not disclose any private information contained in the private report and it is admissible in public.

**INFORMATION:** It was reported that on 12th July 2013 Braintree District Council had entered into a Section 106 Agreement relating to the residential development of land in Sible Hedingham previously occupied by 'Premdor'. A term of the Agreement required the developer to transfer 2,477 m<sup>2</sup> of land, at nil cost, to the Council for the development of a new medical centre. This transfer had been completed on 15th March 2021.

The Council was seeking to provide a modern health care facility to replace two existing surgeries, which were regarded as no longer fit for purpose. The Council intended to generate a net positive income stream through the development of the medical centre and its lease to the Sible Hedingham and Castle Hedingham Group Medical Practices which were to merge. This had been supported by Cabinet on 9th July 2018 and 26th November 2018 when funding for a feasibility study and the development of the centre had been approved. However, subsequent independent advice had indicated that the capital costs of the proposal were likely to exceed the



value generated by the lease terms agreed with the Medical Practices and on this basis the project was not considered to be financially viable. The financial implications were set out in the private Agenda report.

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**DECISION:** That the Corporate Director (Growth) in consultation with the Corporate Director (Finance) be authorised to approve terms to be agreed with One Medical Ltd and to enter into a contract for the disposal of the required land for the purposes of the Sible Hedingham Medical Centre, in accordance with the financial information contained in the private Agenda report.

**REASON FOR DECISION:** To seek authority to conclude negotiations and to enter into a contract for the transfer of land to One Medical Ltd for the provision of a new medical centre in Sible Hedingham.

The meeting commenced at 7.15pm and closed at 8.04pm.

COUNCILLOR G BUTLAND  
(Leader of the Council)