

# Minutes

## Cabinet

### 12th March 2018



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available at [www.braintree.gov.uk](http://www.braintree.gov.uk).

#### Present:

Portfolio	Cabinet Member	Present
Leader of the Council	Councillor G Butland	Apologies
Deputy Leader of the Council Environment and Place	Councillor Mrs W Schmitt	Yes
	Councillor R van Dulken	Yes
Planning and Housing	Councillor Mrs L Bowers-Flint	Yes
	Councillor Mrs G Spray	Yes
Economic Development	Councillor T Cunningham	Yes
	Councillor K Bowers	Yes
Health and Communities	Councillor P Tattersley	Yes
	Councillor F Ricci	Yes
Finance and Performance	Councillor D Bebb	Yes
Corporate Services and Asset Management	Councillor J McKee	Yes

Also present as invitees of the Leader:

Councillor Mrs Pell, Leader of Halstead Residents Association

Councillor Mann, Representative of the Labour Group

Councillor Barlow, Chairman of the Overview and Scrutiny Committee

Councillor Schwier was also in attendance.

#### 54 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

#### 55 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Cabinet held on 5<sup>th</sup> February 2018 be approved as a correct record and signed by the Vice Chairman in the absence of the Chairman.

#### 56 **QUESTION TIME**

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

57 **LEADER'S UPDATE**

In the absence of the Leader, the Deputy Leader had no updates to make.

58 **ANNUAL PLAN 2018-19**

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**INFORMATION:** The Annual Plan sets out the actions and performance targets of the Council for 2018/19. These actions and targets would support the Council's Corporate Strategy 2016 – 2020.

The key aspects of the plan were that it showed the wider range of achievements delivered by the Council during 2017/18, it also highlighted the action and performance targets for 2018/19. This year the Council had signed up to The Future of Essex, along with over 100 other partners in the County, which set out the vision for the County over the next 18 years. Within the Annual Plan 2018/19 the Council had identified those projects where they would be working in partnership and that also contribute to delivering the vision.

**DECISION:** That the Annual Plan 2018/19 was approved.

**REASON FOR DECISION:** To agree the Council's key priorities and actions for 2018/19.

59 **THIRD QUARTER PERFORMANCE MANAGEMENT REPORT 2017-18**

**INFORMATION:** Members were updated on the third quarter performance management report for 2017/18.

As at the end of the third quarter, 17 projects had been completed and a further 42 projects were on track and progressing well. In terms of performance indicators, 13 had achieved or exceeded target, one had missed target by less than 5% and five had missed target by more than 5%. The performance indicator that had missed target by less than 5% was in respect of the collection of business rates. Members were advised that this was now back on track. The performance indicators that had missed target by more than 5% were in relation to affordable homes, visits to leisure facilities and participation levels, the number of passenger journeys under the community transport scheme and the time taken to process housing benefit claims.

In terms of financial performance, there was an overall positive variance for the year of £230,000 (1.6%) projected against the budget. It was reported that this figure should have been more, however at the last meeting of Full Council, Members agreed to set aside an additional £300,000 for a provision of planning appeal costs.

Members were informed of the following; the construction of the Business Hub at the Premdor site in Sible Hedingham was now complete and would be handed over to the Council this year; Since April 2017, 41 Councillors had awarded 71 grants through the Councillors Community Grant Scheme totalling an amount of just over £54,000; Recycling rates were currently at 52% and 555 fly tips had been collected within 24

hours of being reported. It was also reported that since April 2017, planning permission had been granted for just under 1800 homes.

Members were provided with an update on the portfolio for health and communities. It was reported that a review was due to be carried out with the leisure centres to determine how visits were being measured at the leisure centres. It was reported that at the start of the contract under 16s and over 60s had been measured as priority growth areas, and whilst there had been increases on both, the rate of growth for under 16s had slowed, although it was recognised that the rate of growth could not continue exponentially. It was also reported that the number of visits from over 60s continued to grow. The team will work with Fusion to understand the priority areas and ensure that performance indicators reflect this.

In terms of passenger journeys for the Community Transport scheme, the Council were looking to review the way that this is measure in the coming year to ensure that performance indicators reflect the changes in demand for the service. The Cabinet member for Environment and Place passed on her thanks to the Operations staff for their efforts in the recent adverse weather conditions.

**DECISION:** To note and endorse the report.

**REASON FOR DECISION:** To inform the Cabinet of the performance of the Council.

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## **ANNUAL REPORT FOR CORPORATE HEALTH & SAFETY**

**INFORMATION:** Members were informed that this report provided an annual review of the Health and Safety performance of the Authority for the calendar year 2017 and highlighted information on the action the Council has taken to protect its employees, volunteers, contractors, clients and members of the public.

It was reported that there was a total of 55 reported accidents to employees from January to December 2017; this was an increase of 41%, against a total of 39 reported in 2016. The increase in accidents was primarily due to the extremely bad weather conditions over the winter months. The accidents to non-employees was down by 66%.

The total number of days lost due to accidents during 2017 was 127; this was a decrease of 22% from 2016 when 163 days were lost.

In terms of staff welfare the number of days lost to sickness in the public sector generally was 2.9% with 2.7% days lost in Local Government and it was recognised that Braintree District Council was working better than the national average, this was also the case with long term and short term sickness absences.

It was agreed by Members to include in the next report the sickness and absence figures for the previous year to allow for comparison.

**DECISION:** That Members noted the Annual Report for Corporate Health and Safety for 2017.

**REASON FOR DECISION:** To ensure that the Council is meeting its statutory obligation under the relevant Health & Safety legislation.

## 61 **STRATEGIC RISK MANAGEMENT**

**INFORMATION:** The report provided Members with an updated Strategic Risk Register for the Council. The Strategic Risk Register agreed by Cabinet on 29th November 2016 had been reviewed by the Corporate Management Team.

The Register detailed the risks which had potential to impact on the delivery of the Corporate Strategy over the medium-term. The number of strategic risks identified had increased to 10 with three new risks for inclusion in the register. These new risks were identified as; Strategic Investment, which had been assessed as C2 risk rating, Emergency Planning which had been assessed as D1 risk rating and Information and Cyber Security which had been assessed as C2 risk rating.

The Local Plan, which had previously been divided into three risks, was now shown as a single risk. The number of risks now requiring active management was eight and these were all critical impact and significant likelihood.

**DECISION:** That Members agreed the updated Strategic Risk Register and the Action Plans, for managing the high rated risks, as detailed in the report.

**REASON FOR DECISION:** To demonstrate that the Council regularly identifies the strategic risks which may affect the achievement of its objectives and that it actively manages them, as appropriate.

## 62 **EMERGENCY PLANNING ANNUAL REPORT**

**INFORMATION:** Members considered the report setting out the progress of the Emergency Planning work programme through the financial year 2017-18 and the work programme for the forthcoming year.

The Council's Emergency Planning function was split into three key areas. These included; preparing and maintaining plans and policies in accordance with the latest legislation, best practice and guidance; ensuring that the organisation has in place the resources and training to respond to an emergency and; supporting our communities and businesses in building their resilience to events such as floods, storms or power outages.

Members were advised that a comprehensive recovery plan would be developed over the next year with guidance from Emergency Planning colleagues across the County and input from services across the organisation. The specific plans that would be reviewed over the next year included the flu plan, flooding plan and severe weather plan.

**DECISION:** That Members noted the report.

**REASON FOR DECISION:** To inform Members of the work undertaken during 2017-18 and the forthcoming work programme for 2018-19 to ensure compliance with the roles and responsibilities of Local Authorities under the Civil Contingencies Act 2004 as a Category 1 responder, to plan for and to respond to major emergencies.

## **NORTH ESSEX PARKING PARTNERSHIP – NEW SERVICE LEVEL AGREEMENT FOR OFF-STREET PARKING MANAGEMENT AND ENFORCEMENT WITHIN THE BRAINTREE DISTRICT**

<p>Minutes Published: 19th March 2018 Call-in Expires: 27th March 2018</p>
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**INFORMATION:** The North Essex Parking Partnership (NEPP) was established by Essex County Council (ECC) in April 2011 to deliver On-Street parking operations across North Essex and this comprised of representatives from six Councils including; Braintree, Harlow, Uttlesford, Epping Forest, Tendring and Colchester.

The NEPP agreement also included the provision for partners to opt-in to receive an Off-Street parking and enforcement service for their car parks. This option was exercised by Braintree, Harlow and Uttlesford District Councils, Epping Forest District Council (who withdrew from 1 April 2017) and Colchester Borough Council, who jointly funded the service.

On 14 December 2017 the Off-Street Sub-Committee adopted a new operating model, effective from 1<sup>st</sup> April 2018, which was based on a service level agreement for each authority and priced to reflect the level of service required. At that meeting, Members agreed to disband the Sub-Committee and disburse the surplus reserves accrued to each partner authority, with Braintree District Council due to receive £23,000.

It was reported that NEPP had provided a very reliable and valuable service, and had delivered a high quality service that was good value for money over the past 10 years. The District Council had benefited from their wealth of knowledge and experience and both organisations had enjoyed a mutually beneficial partnership arrangement.

### **DECISION: That Cabinet agreed:**

- 1) To note the disbandment of the NEPP Off-Street Parking Sub-Committee and the new operating model based on an individual Service Level Agreement with Braintree District Council, commencing 1 April 2018, covering the operational management and enforcement of its car parks;
- 2) To affirm that the Council will continue to delegate the operational management and enforcement function in its car parks to the NEPP; and
- 3) To give delegated authority to the Deputy Leader of the Council and Cabinet Member Environment and Place and the Acting Corporate Director, to agree the content and term of the SLA, and the Council's annual financial contribution to the NEPP in the event that negotiations are not completed by the date of this Cabinet Meeting (12<sup>th</sup> March 2018).

**REASON FOR DECISION:** To maintain continuity of an effective operational management and parking enforcement service at the Council's public car parks that delivers value for money.

## **ADOPTION OF NEW POWERS TO CONTROL LITTERING**

**INFORMATION:** Members were advised that from 1<sup>st</sup> April 2018, new powers would come into force that would almost double the maximum fixed penalty for dropping litter from £80 to £150 and the default penalty would also increase from £75 to £100. From 1<sup>st</sup> April 2019, the minimum penalty would increase from £50 to £65. Local Authorities may set the penalties at any amount within these boundaries that they considered appropriate for their area.

There would also be new powers to discourage littering from vehicles and, for the first time, Local Authorities (outside of London) would be able to issue a Penalty Charge Notice to the Registered Keeper of a vehicle for littering if it can be proven that the litter was thrown from their car, even if it was discarded by someone else. These powers would be used where the perpetrator could not be identified.

It was recognised that if Members were to adopt the maximum amount of £150, there was a risk that more notices would be unpaid, forcing the Council to take legal action or civil proceedings to recover the debt. This could be a costly affair both in terms of time and budgets.

Offering an early payment discount encouraged the offender to pay the notice, but this needed to be affordable as setting it too high may negate the incentive. It was therefore proposed that Members adopt the default amount of £100, with a reduction to £75 if paid early for all penalties for littering issued in the Braintree District from 1<sup>st</sup> April 2018. As the reduced payment was above the minimum penalty that must be imposed from 1<sup>st</sup> April 2019, there would be no need for Members to make a separate decision in a year's time.

**DECISION:** That Cabinet agreed:

- 1) Adopt the new powers available to Local Authorities to deal with littering; and
- 2) Set the level of penalty to be applied for littering in the Braintree District from 1 April 2018 at £100 discounted to £75 if paid within 10 days of issue.

**REASON FOR DECISION:** To enable the Council to implement new powers to control littering within the District.

## **OPEN SPACES SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACES ACTION PLAN**

**INFORMATION:** The report introduced the 2018 Edition of the Open Spaces Action Plan. The original document was endorsed by the Local Area Committees in September 2010, before being proposed to Cabinet in 2011, who endorsed the document and agreed to regularly review and update it.

The Open Spaces Action Plan was subject to extensive revision in 2012, then annual revisions during 2013 – 2018 in order to keep the document current. Each revision had engaged Parish and Town Councils, Ward Members and Council Officers, producing a revised edition at the start of the year.

The Plan outlined a table of proposals for the provision and enhancement of open spaces in Braintree District. Its purpose was to demonstrate the need for these and enable Council Officers to identify where financial contributions, being sought from Developers under the Open Spaces Supplementary Planning Document, would be spent.

Members were advised that the proposals shown required a detailed programme of works to be drawn up and, in some cases, master planning and public consultation. As some proposals may be reliant on the availability of additional financial resources from grants and public sector resources, the timing of works would be dictated by the date at which sufficient financial resources were available.

**DECISION:** That Members received and adopted the Open Spaces Action Plan 2018.

**REASON FOR DECISION:** The plan forms part of the Council's evidence base for securing planning obligations from Developers to enhance existing open spaces, or provide new ones. Adopting the Open Spaces Action Plan 2018 supplants the 2017 edition, updating the currently adopted information.

## 66 **CABINET MEMBER DECISIONS MADE UNDER DELEGATED POWERS**

**DECISION:** That Members note the delegated decisions.

The meeting commenced at 7.15pm and closed at 8.24pm.

COUNCILLOR G BUTLAND  
(Leader of the Council)