

Minutes

Cabinet

7th September 2020



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
Leader of the Council	Councillor G Butland	Yes
Deputy Leader of the Council and Economic Development and Infrastructure	Councillor T Cunningham	Yes
Communities Culture and Tourism	Councillor F Ricci	Yes
Corporate Transformation	Councillor J McKee	Yes
Environment and Place	Councillor Mrs W Schmitt	Yes
Finance and Performance Management	Councillor D Bebb	Apologies
Health and Wellbeing	Councillor P Tattersley	Yes
Homes	Councillor K Bowers	Yes
Planning	Councillor Mrs G Spray	Yes

Also present as invitees of the Leader: Councillor Abbot Leader of the Green and Independent Group, Councillor Mrs J Pell, Leader of the Halstead Residents Group, and Councillor D Mann, Leader of the Labour Group

22 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

23 **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 13th July 2020 be approved as a correct record and signed by the Chairman as soon as possible.

24 **QUESTION TIME**

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

25 **RECOMMENDATION FROM THE CORPORATE GOVERNANCE GROUP - 23RD JULY 2020 - TREASURY MANAGEMENT ANNUAL REPORT 2019/20**

INFORMATION: Members were informed that the Council's capital expenditure for 2019/20 was £6.999m, which was a lower amount than had been projected at the time of the TMSS approval and mid-year review. The main area where expenditure in 2019/20 was less than had been expected was in relation to the District Investment Programme, particularly on the Manor Street regeneration scheme and the Horizon 120 project; however, it was highlighted that both projects would start to incur higher expenditure throughout 2020/21 as they had now both progressed to construction phase. The reduced expenditure for the period 2019/20 was reflected in the Council's Capital Financing Requirement (CFR), which was £12.803m at 31st March 2020.

In terms of the Council's investment activity, it was reported that investment balances averaged £63.640m over the year, and ranged between £50.187m and £73.265m. This was higher than had been expected due to the reduced expenditure on capital investment. As at 31st March 2020, the Council's total cash balances for investment was £52.309m. During the financial year, the amount invested in the Council's pooled funds was increased by £1m, which was added to the Kames Diversified Income Fund. The total amount invested in long-term pooled funds was therefore £19m as at 31st March 2020.

The Covid-19 pandemic had resulted in sharp falls in financial markets towards the end of the financial year leading to a reduction in the value of the Council's pooled fund investments, which totalled £16.744m as at 31st March 2020, representing an unrealised loss of £2.256m at that point. Members were advised, however, that there had been some notable recovery in values and that, at the current time, the funds were approximately £940k lower than the total sum invested.

As a client of Arlingclose, it was explained that the Council received quarterly benchmarking information; the current data indicated that the Council compared favourably on a number of indicators, and that this was especially so in relation to the credit quality of internally managed investments, and overall returns from income.

Investment income for the year was £1,280,973, which represented an overachievement against the budget of £250,014. It was reported that the overachievement would be returned to balances and the balance on the reserve was therefore £1,217,413 as at 31st March 2020.

DECISION: That Cabinet accepted the Treasury Management Annual Report 2019/20 prior to its submission to Full Council.

REASON FOR DECISION: The Council has adopted the CIPFA Code of Practice for Treasury Management in Public Services, which requires that the Council receives an annual report on the treasury management function. This report is to be considered first by the Corporate Governance Group in order to exercise its responsibility for scrutiny over treasury management activities. The report will then be considered by Cabinet before submission to Full Council with the benefit of any proposed changes and/or comments of the Corporate Governance Group.

INFORMATION: Members were informed that the Council normally provided a report to demonstrate the performance of the Council at the end of the first quarter (April to

June 2020) in relation to the Annual Plan which set out key activities and measures to check performance against the priorities of the Corporate Strategy 2020-24. Due to the Covid-19 pandemic, the Annual Plan for 2020/21 was amended to ensure it was able to reflect the support required to help our residents, communities and businesses recover and this was agreed at Cabinet in July. Therefore, progress against activities in the Annual Plan for 2020/21 would commence from the second quarter and the first quarter report will focus on how the Council had dealt with the unprecedented challenge brought by Covid-19 with updates included for any projects that had continued in the first quarter of the year.

The Cabinet Member highlighted the following points to demonstrate the kind of works that had been carried out since the start of the pandemic; in the first few weeks of lockdown, Braintree District Council set up the Community Hub dealing with referrals from the Essex Welfare Service for people who were vulnerable and shielding and required assistance with shopping and prescriptions; the Council had processed 1394 business support grants paying out almost £1.6m to local businesses; Council Tax had been reduced by up to £150 for residents in receipt of Local Council Tax Support; and in June Braintree District held a virtual public inquiry - the first Council in the Country to do this.

DECISION: That Cabinet noted and endorsed the Council's performance as at the end of the year.

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

27 **MEDIUM-TERM FINANCIAL STRATEGY 2020-21 TO 2023-24**

INFORMATION: It was reported that The Medium-Term Financial Strategy (MTFS) 2020/21 to 2023/24 was agreed by Council on 17th February 2020. The level of council tax (Band D) for 2020/21 was set at £184.68, an increase of £4.95 or 2.75%. A proportion of the revenue raised was planned to be added to balances in 2020/21. At the time the MTFS was agreed the anticipated funding shortfalls to be identified for the three-years; 2021/22 to 2023/24 were £395k, £174k and £334k respectively.

Members were advised that the report provided an update on the current year's Budget and the estimated impact of the Covid-19 pandemic; an update on the progress of the Government's proposed 75% Business Rate Retention scheme and the Fair Funding and 2020 Spending Reviews; the approach on developing the Budget for 2021/22 and rolling the MTFS period forward to cover the period 2021/22 to 2024/25; an option, if the Government offered an opportunity, to participate in a bid by Essex authorities to operate an Essex Business Rates pooling arrangement for 2021/22; events and issues which may impact over the period of the Council's proposed MTFS; and the timetable to achieve the setting of the council tax and budget for 2021/22.

Members were informed that the Government had announced that there would be a Comprehensive Spending Review this year and that it was due to be published in Autumn 2020. This would set out the Government's spending plans for the next three years. The Secretary of State for Housing, Communities and Local Government confirmed that the review of Relative Needs and Resource (Fair Funding) and 75% business rates retention would no longer be implemented in 2021/22.

It was also reported that with the Fair Funding Review and the 75% Business Rate Retention scheme no longer being implemented in 2021/22, it was assumed that the Financial Settlement for 2021/22 would be based on rolling forward the current year settlement but within the funding limit determined for Local Government set as an outcome of the Comprehensive Spending Review.

The Cabinet Member raised some potential issues that may impact on the Council's MTFS, these included; The nature of the UK's exit from the European Union after the current transition period was due to end on 31st December 2020, this remained a critical issue. Consequently, there still remained a high level of uncertainty about the economic implications which might manifest in activities undertaken by the Council in the run up to exit and beyond leading to a differing outcome from position currently projected. The Government had also recently announced its intention to publish a Recovery and Devolution White Paper in the autumn 2020, setting out its plans for the devolution of powers, freedoms and flexibilities alongside intentions to increase the number of unitary and combined authorities and elected Mayors.

DECISION: That Cabinet agreed:

- a) To note the 2021/22 budget process timetable as detailed in the report;
- b) That authority is delegated to the Cabinet Member for Finance and Performance Management and the Corporate Director (Finance) to give agreement of the Council's participation in an Essex pooling arrangement for 2021/22, should the opportunity arise and is deemed to be beneficial to the Council; and
- c) That authority is delegated to the Corporate Director (Finance) in consultation with the Cabinet Member for Finance and Performance Management to award the contract(s) for the Council's insurance cover arrangements due to commence on 1st October 2020.

REASON FOR DECISION: Good governance arrangements through the proactive management of the Council's finances over the short and medium term.

28 **STRATEGIC RISK MANAGEMENT**

INFORMATION: The report provided Members with an updated Strategic Risk register for the Council. The Strategic Risk Register was agreed by the Cabinet on 10th February 2020 and had been reviewed by the Corporate Management Team during July and August; the outcome was an updated draft register for approval by Cabinet. This was the first formal update of the Strategic Risk Register since the impact of the Covid-19 pandemic on the District's residents, communities and businesses and on the Council.

The register detailed the risks which had potential to impact on the delivery of the Corporate Strategy over the medium-term. In addition to undertaking this review of the register Management Board ensured that the register continued to be current by regularly reviewing and updating the strategic risks, as necessary.#

Members were advised that the existing eleven Strategic Risks were reviewed with amendments to the narrative recommended and following consideration of the risk

rating for each it was also recommended that the rating of the three following risks should be increased, these were; Risk 2 – Economic Development from C2 to B2; Risk 7 – Return on Investments from D2 to C2; and Risk 8 – Emergency Planning from D1 to C1

DECISION: Members were asked to agree the updated Strategic Risk Register and the Action Plans, for managing the high rated risks, as detailed in Appendix B to 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.

29 **CHANGES TO THE OFF-STREET PARKING PLACES ORDER 2019**

INFORMATION: Members were reminded that The North Essex Parking Partnership (NEPP) undertakes on-street parking enforcement across the whole of the North Essex on behalf of Essex County Council, and off-street parking enforcement is an optional extra available to partner authorities. The Council opted to enter into an SLA with the NEPP for off-street parking enforcement and this covers those car parks identified within the Council's Off Street Parking Places Order (OSPPO).

A number of changes had occurred since the OSPPO was last published and there was now a need for the OSPPO to be revised to allow the Council and associated third parties to continue to manage their car parks effectively, this included the increase in tariffs at some identified car parks, and also the inclusion of additional car parking sites. Accordingly, due to the inclusion of additional sites within the Order, the Council were required to make a new order which would seek to amend the original OSPPO and would need to advertise the new amendment Order which would incorporate all the proposed changes as set out in the report.

It was reported that the car park at Enterprise Drive, Braintree, was operated by the Council's Asset Management Team and was available for permit holders only. However, it had been brought to the Council's attention that members of the public were using this car park whilst not holding the appropriate permit. This was causing difficulties and resulting in a shortage of spaces for those who held a permit. Accordingly, Asset Management had asked that the Council include the car park within the OSPPO so that parking enforcement could be introduced and undertaken by NEPP. In addition, the Council also owned and operated the car park off Rayne Road, Braintree, on the site of the former St. Michael's Hospital. This car park had a dual role: from 9am to 5pm, Monday to Friday, it was available to members of the public for a maximum of 2 hrs free of charge, outside of these hours, parking was restricted to permit holders only. Permits were available to the residents of 167-201 Rayne Road to compensate them for the loss of on-street parking when the redevelopment of this site took place. There was now a need to introduce enforcement at this car park to control unauthorised parking, but this could not be done unless the car park was included within the OSPPO.

It was also reported that Coggeshall Parish Council (CPC) had asked that their car park at Stoneham Street be reinstated within the OSPPO to enable enforcement by the NEPP, and Hatfield Peverel Parish Council (HPPC) was proposing an increase in

the season ticket charges for their Hadfelda Square car park from £150/pa to £160/pa. This was another car park that was transferred to the local Parish Council, although it remained within the Council's OSPPO to enable the NEPP to enforce on behalf of HPPC.

If approved the Order would be drafted in accordance with the decisions Cabinet make on the proposals in the report. It would then be advertised and consulted upon in accordance with the requirements of the 1984 Act and The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The Regulations required a minimum 21-day period for the submission of any objections. Once the objections had been considered they would be the subject to consideration by the Cabinet Member for Environment & Place in consultation with the Cabinet Member for Corporate Transformation, for determination before the said Order was confirmed. Once the objections had been determined and any applicable changes made to the draft Order, a final version would be made and, in accordance with the Regulations, a 'notice of making' would be published within 14 days and objectors notified of the Council's decision.

DECISION: That Cabinet agreed:

- 1) To incorporate the Councils car parks at Enterprise Drive and Rayne Road as referred to in this report within the Braintree District Council (Off-Street Parking Places) Order 2019 on the basis that these are available for permit holders only.
- 2) To incorporate the car parks and tariff at Stoneham Street, Coggleshall, as referred to in this report within the Braintree District Council (Off-Street Parking Places) Order 2019.
- 3) To increase the tariff at Hadfelda Square car park, Hatfield Peverel, as referred to in this report, within the Braintree District Council (Off-Street Parking Places) Order 2019.
- 4) To increase the season ticket charges at Silks Way car park, Braintree as referred to in this report, within the Braintree District Council (Off-Street Parking Places) Order 2019.
- 5) Subject to paragraph 6, to authorise the Operations Strategy & Policy Manager in consultation with the Legal Services Operations Manager to take all such steps as are expedient and necessary to amend the Braintree District Council (Off-Street Parking Places) Order 2019 in accordance with recommendations 1 to 4 of the report, subject to such minor modifications as the Operations Strategy & Policy Manager considers necessary.
- 6) To report any objections to the amended Order to Cabinet Member Environment & Place in consultation with the Cabinet Member, Corporate, and where the objection relate to the parish Council car parks, in consultation with the respective Parish Council, for determination before the said Order is confirmed.

REASON FOR DECISION: To facilitate the introduction of parking enforcement at three more car parks and to update the parking charges for those car parks included within the OSPPO as required by law.

30 **DEVELOPMENT OF NEW TEMPORARY ACCOMMODATION**

INFORMATION: Members were advised that the Council currently owned four flats in Bradford Street, Braintree which were used as temporary accommodation for people who were homeless. The accommodation was very useful but had some limitations which were set out in the report. The Housing Research & Development Team had identified a Council-owned site near Progress Court, Braintree and had been looking at whether this would be a suitable site for a replacement scheme.

There were four steps to the process for which Member approval was being sought, these were set out in the main report.

DECISION: That Cabinet agreed;

- 1) That the identified parcel of land adjacent to Progress Court is made available for the development of housing.
- 2) That the Cabinet agrees to transfer the area of land for development to Eastlight Community Housing, together with the land required to remedy the boundary issues with the neighbouring property. The transfer is subject to the provision of a suitable scheme of housing to which the Council will retain nomination rights.
- 3) That Council officers work with Eastlight Community Homes to identify any shortfall in funding for a suitable scheme and if that is the case, the Council supports a bid for funding to Homes England with a fallback position of support from the Council's Housing Capital budget, up to a maximum of £200,000.
- 4) Approval of the final level of investment within the Housing Capital budget is delegated to the Cabinet Member for Homes.

31 **CABINET MEMBER DECISIONS MADE UNDER DELEGATED POWERS**

DECISION: That Cabinet noted the delegated decisions.

REASON FOR DECISION: The reasons for the decision can be found in the individual delegated decision.

The meeting commenced at 7.15pm and closed at 7.57pm.

COUNCILLOR G BUTLAND
(Leader of the Council)