

Minutes

Cabinet

11th July 2022



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
Innovative Environment		
Finance and Corporate Transformation	Councillor J McKee	Yes
Climate Change and the Environment	Councillor Mrs W Schmitt	Yes
Operations and Commercialisation	Councillor R van Dulken	Yes
Connecting People, Places and Prosperity		
Economic Growth	Councillor T Cunningham (Deputy Leader)	Yes
Housing, Assets and Skills	Councillor K Bowers	Yes
Planning and Infrastructure	Councillor Mrs G Spray	Yes
Supporting Our Communities		
Communities	Councillor F Ricci	Yes
Health and Wellbeing	Councillor P Tattersley	Yes

Present as Invitees of the Leader: Councillor D Mann (Leader of the Labour Group) and Councillor Mrs J Pell (Leader of Halstead Residents Association). Councillor J Abbott (Leader of the Green and Independent Group) had given his apologies for the meeting.

12. DECLARATIONS OF INTEREST

INFORMATION: The following interests was declared:-

Councillor G Butland, Leader of the Council, declared a Non-Pecuniary Interest as the Cabinet Member at Essex County Council for the portfolio of Devolution, the Arts, Heritage and Culture.

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Councillor J McKee declared a Non-Pecuniary Interest as a director of the Warner Textile Archive Trading Ltd, although he was not a trustee.

Councillor F Ricci declared a Non-Pecuniary Interest as a trustee of the Braintree District Museum Trust.

13. **MINUTES**

DECISION: The Minutes of the meeting of the Cabinet held on 16th May 2022 were approved as a correct record and signed by the Chairman.

14. **QUESTION TIME**

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

15. **BRAINTREE DISTRICT MUSEUM TRUST**

INFORMATION: Cabinet received a presentation from Mr R Rose (Museum Manager) and Ms S Carrington (Chairman of Trustees) on the work of the Braintree District Museum Trust (BDMT/the Trust).

The full presentation slides may be viewed on the Council's YouTube Channel via the following link: https://www.youtube.com/watch?v=6_HiGqURWYc

Mr R Rose was invited to present the main body of the presentation, during which he touched upon the various activities that the museum had undertaken over the last few years and how it had worked, with the support of its various partners, to overcome the challenges that had been experienced as a result of the ongoing Covid-19 pandemic. For example, although the museum had been required to close at the start of the pandemic, many of its services, including the Warner Textile Archive, were able to switch to online platforms. Improvements were subsequently made to the main museum website, making it a more accessible service to the wider public. Furthermore, the museum was able to foster new partnerships in order to enhance the services it already provided; this included a joint research project with the University of Essex around engagement and innovation in respect of the Warner Textile Archive's online database. Eventually, the project led to funding being obtained from the National Lottery Heritage Fund for the purchase of a new, fully serviceable database.

Once the museum had reopened, previous services were able to recommence, which included the use of the exhibition centre (e.g. for the 'Space Fact and Fiction' and 'Art of Friendship' exhibitions). Work on education had continued throughout the pandemic, with virtual sessions being delivered to schools and art packs delivered to those students who were vulnerable or had special educational needs and disabilities as part of a scheme funded by Health Council England. Mr Rose then remarked upon the importance of the Trust's volunteer workers throughout this period, with volunteers attending to collections, education and family activities, events, exhibitions, front of house, gardens, etc.

During the pandemic, the self-generated income of the Trust declined, and gratitude was expressed towards those organisations who had provided support. The income

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generation of the Trust was now improving substantially; in light of this, a number of new programmes were now being provided by the museum, which were then listed. “Programmes” included ‘Museum Takeover Days’ and the ‘Together in Sound’ dementia support group, schools visits and exhibitions such as the ‘Dinosaurs...’ and ‘Ladybird Book Artists’ and the continuation of student-based programmes funded by travel bursaries. Alongside the various projects and activities that the museum provided, the Trust also continued to manage archaeology on behalf of the District Council, with over 800 historical archives located across the District.

In concluding the presentation, Ms Carrington commented on the importance of sustaining the District’s cultural heritage and the exemplary work of the volunteers and staff associated with the Trust, the work of which had continued in spite of the difficulties caused by the pandemic. Ms Carrington also commented on the collaborative work of the District Council and the Trust and the hard work of the team involved, which helped to ensure that museum services were maintained throughout Covid and could begin to recover once premises were reopened again. Gratitude was also extended to the District Council for its work with the Trust and the financial support it had provided. Lastly, Ms Carrington wished to thank Mr Rose, his team and the Trust’s volunteers for their hard work and diligence in the provision of the museum’s services.

Further to the presentation, various Members commented on the positive stature with which the museum was held across the District, from members of the public to the District Council and Parish sector, which was a testament to the hard work of its staff and volunteers. On behalf of the Cabinet, the Leader thanked Mr Rose and Ms Carrington for their presentation and was pleased to note the plans that were in place to ensure the continuation of the museum’s services in the years to come.

16. **FOURTH QUARTER AND ANNUAL PERFORMANCE MANAGEMENT REPORT 2021/22**

INFORMATION: Members gave consideration to a report which was presented by Councillor J McKee, Cabinet Member for Finance and Corporate Transformation.

In his introduction, Councillor McKee highlighted that the report covered one of the more difficult years that the Council had experienced in terms of the impacts of the Covid-19 pandemic and added that despite the challenges presented to the Authority, the report demonstrated that performance had remained robust and positive. The report also highlighted that in the last quarter, the Council had worked tirelessly with its partners and local communities in order to offer support streams to the people of Ukraine.

As at the end of March 2022, eight projects had been completed and 50 projects were on track and progressing well. Five projects had an amber status which was due to supply chain issues and the associated delays, or to the need to redirect resources to deal with organisational demands. Under the “Communities” portfolio, one project in respect of improvements to the sports hall and studio floor at the Braintree Sports and Health Club had been closed and was due to be reconsidered as part of future budgetary preparations.

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With regard to performance indicators, eight performance indicators had met or exceeded target, and five performance indicators had missed their target. Two had missed their target by less than 5% and three had missed their target by more than 5%. The areas of under-performance were in relation to the cumulative number of homes granted planning permission, recycling rates, average waiting time for disabled facility grants, the collection rate for Council Tax and the percentage of invoices paid within 30 days.

A number of the Council's key achievements were then highlighted, which included: a hugely successful high street improvement scheme; the return of street markets and special markets; the launch of the new Digital Demand Responsive Transport Service (DigiGo); the installation of 57 new brightly coloured litter bins at various lay-bys located along the A12, A120 and A131; six new units of accommodation became available to support rough sleepers; the delivery of a further 116 affordable homes in the fourth quarter, taking the total for the year to 417; a decline in the percentage of people in the District who claimed out of work benefits to its lowest at 2.9%, and; 1,011 new business start-ups across the District.

In respect of financial performance, it was reported that there had been a positive variance of £480,000 after allowing for service carry forwards. The impact of the pandemic on the Council's financial position was estimated to be approximately £1.0million, which had been contained within Government funding streams, as well as others. Savings and additional income which totalled £401,000 as reflected in the outturn had already been included in the budget approved for 2022/23. The change in the General Fund unallocated balance was an increase of £58,000. Expenditure on capital projects for the year totalled £30.6million with the majority of the spend incurred on the Manor Street development, the Horizon 120 Enterprise Centre ('The Plaza'), Horizon 120 business park infrastructure, the I-Construct Innovation Centre and Braintree town centre improvement works.

Finally, it was noted that the number of residents assisting in installing energy saving measures for 2021/22 was 284, the data of which had been provided by the Council's providers. In closing, Councillor McKee wished to express his thanks, on behalf of Members, to the Council's officers who had executed the plans and programmes for the Authority.

During the discussion that followed the report, Councillor D Mann, Leader of the Labour Group, requested an update on the lease negotiations around the Livewell Hub initiative. In response, Councillor K Bowers, Cabinet Member for Housing, Assets and Skills stated that it was anticipated that the lease would be in place by the end of the week.

DECISION: That Cabinet noted the performance of the Council for the fourth quarter (January 2022 to March 2022) and the end of the financial year.

REASON FOR DECISION: To summarise the performance of the Council at the end of the fourth quarter (January 2022 to March 2022) and the end of the financial year.

17. **STRATEGIC RISK REGISTER**

INFORMATION: Members gave consideration to a report presented by Councillor J McKee, Cabinet Member for Finance and Corporate Transformation.

Members were reminded that the Strategic Risk Register (the Register) detailed the risks which had the potential to impact on the delivery of the Corporate Strategy over the medium-term. The Register was subject to ongoing review by Management Board, as well as Members as part of the Member Development Evening programme.

The Register had previously been agreed by the Cabinet at the meeting on 12th July 2021. Most recently, having been reviewed by Management Board, the Register was reviewed at the Member Development Evening held on 26th May 2022. Following extensive debate and comment on each risk at the Member Development Evening, Members agreed that the updated register was appropriate; however, some individual risk ratings had been amended and were as follows:-

- Risk 5 – Service and Project Delivery changed from low likelihood (D2) to significant likelihood (C2);
- Risk 7 – Return on Investments changed from C2 to D2, and;
- Risk 8 – Emergency Planning changed from significant likelihood (C1) to low likelihood (D1).

DECISION: Cabinet approved the Strategic Risk Register and the Management Actions Plans, for managing the high rated risks.

REASON FOR DECISION: To approve the Strategic Risk Register.

18. ****HORIZON 120 INFRASTRUCTURE**

Minutes Published: 18 th July 2022 Call-in Expires: 25 th July 2022
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INFORMATION: Members were reminded that this Item included a Confidential Appendix which contained exempt information that fell within Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. If any Members wished to refer to the private information within the Appendix 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 was necessary to discuss the Confidential Appendix on the grounds that it involved 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 Confidential Appendix. However, Members agreed that the information contained in the Confidential Appendix would remain exempt from public disclosure in accordance with paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

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INFORMATION: Consideration was given to a report on the future management of the Horizon 120 Business Park infrastructure. Councillor K Bowers, Cabinet Member for Housing, Assets and Skills, presented the report.

Members were advised that as the site at Horizon 120 was nearing its completion, with the first owners and tenants moving onto the site in June 2022 and the Plaza opening in July 2022, it was now an appropriate time for the Council to consider whether it wished to retain responsibility for the management and repairs of the infrastructure across the Horizon 120 site.

If the Council was to consider adoption of the infrastructure, it would be required to engage with Essex County Council (ECC) Highways. In doing so, the Council would then be required to pay ECC Highways their design fee of 7.5% to 8.5% of their estimate of the capital cost. In addition to this, there would be a nominal technical fee, a non-quantifiable sum in respect of investigations and any required remedial works, and a commuted sum.

In view of the Council's investment into the Horizon 120 site and the wish that the infrastructure installed on the site remained at a high standard, the preferred option was that the infrastructure remained within the stewardship of the Council rather than an alternative party.

DECISION: That Cabinet approved that the Horizon 120 business park infrastructure remained under the ownership and stewardship of Braintree District Council.

REASON FOR DECISION: To consider the future management of the Horizon 120 business park. (01:07:09)

19. ****DISPOSAL OF ACCESS RIGHTS TO LAND ADJOINING HORIZON 120**

Minutes Published: 18 th July 2022 Call-in Expires: 25 th July 2022
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INFORMATION: Members were reminded that this Item included a Confidential Appendix which contained exempt information that fell within Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. If any Members wished to refer to the private information within the Appendix 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 was necessary to discuss the Confidential Appendix on the grounds that it involved 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 Confidential Appendix. However, Members agreed that the information contained in the Confidential Appendix would remain exempt from public disclosure in accordance with paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

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INFORMATION: Members gave consideration to a report which regarded improved access rights to and from a nine-acre plot adjoining the Horizon 120 Business and Innovation Park. Councillor K Bowers, Cabinet Member for Housing, Assets and Skills, presented the report.

Members were advised that the nine-acre plot remained in the ownership of the landowner following the sale of the Horizon 120 site in December 2018. It was confirmed that the Council did not have any interest in the nine acres and specifically had no option or pre-emption agreement. Marshgate Developments had agreed terms with the landowner for the purchase of the nine acres, subject to receipt of planning permission for one or more logistics buildings.

Although the Council was not obliged to amend the access rights, this would result in a missed opportunity for a capital receipt as the landowner could argue that the required rights were implicit, and that development could proceed. The recommended option, therefore, was to agree the amended access rights as this might generate a capital receipt at minimal expense to the Council, subject to valuation advice and confirmation that the Council had no liability, financial or otherwise, other than for meeting its own legal costs.

DECISION: That Cabinet:-

- 1) Approved and authorised the grant of improved access rights to and from the nine-acre plot adjoining Horizon 120 on condition that the Council incurs no liability, financial or otherwise, except for meetings its own legal costs.
- 2) Authorised the Corporate Director (Growth) to appoint a solicitor, and such other professional advisors as he considers necessary and appropriate to protect the Council's interests.
- 3) Authorised the Corporate Director (Growth) to enter into contract, for the grant of improved access rights, subject to the developer using all reasonable endeavours to obtain a satisfactory planning permission, free of onerous conditions, with completion of, and payment for, the improved access rights, within a reasonable period of the grant of the planning permission.

REASON FOR DECISION: To seek delegated authority to negotiate and to agree terms, with Marshgate Developments, for the grant of improved access rights to and from a nine-acre plot adjoining the Horizon 120 Business and Innovation Park.

To seek delegated authority for the Corporate Director (Growth) to enter into contract for the grant, by the Council, of improved rights of access to and from the nine-acre plot adjoining Horizon 120, following confirmation by the NPS, and independent, qualified valuer, that the terms agreed represent the best value reasonably obtainable in the market.

20. ****CONTRACT AWARD FOR 3G ARTIFICIAL GRASS PITCH AT BRAINTREE SPORT AND HEALTH CLUB**

Minutes Published: 18 th July 2022
Call-in Expires: 25 th July 2022

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INFORMATION: Members gave consideration to a report which regarded the award of a contract to SIS Pitches. Prior to the report, Members were made aware of an addendum report which was circulated to Members of the Cabinet on 7th July 2022 in order to correct an error regarding the budget for the project in the original report. Councillor P Tattersley, Cabinet Member for Health and Wellbeing, was then invited to present the report.

Members were advised that a budget of £260,000 was approved by Council as part of the 2021/22 capital programme for the replacement of the Artificial Grass Pitch (AGP) at the leisure facility located at Tabor Academy. In March 2022, £60,000 of this capital budget was offset to fund the emergency replacement of the boilers at Braintree Sport and Health Club by way of a delegated decision taken by the Corporate Director, which left £200,000 in the Council's capital budget for this project.

The Council had originally hoped to carry out the procurement and award a contract in 2020; however, the impacts of the Covid-19 pandemic placed significant pressure on Fusion and Tabor Academy and, as such, it was agreed that the works would be postponed until a more suitable time.

In April 2022, the Council went out to tender for a project management company to start the project. MUGA UK were successful and completed a feasibility and options appraisal and the full tender for the re-carpet was issued in May 2022. The tender was sent out to the Football Foundations national framework for approved suppliers and installers of 3G AGP pitches and the pitch specification and layout met all Football Foundation and FIFA requirements.

DECISION: That Cabinet:

- 1) Approved the award of a contract to SIS Pitches in the sum of £241,544.45, and;
- 2) Noted the revised budget amount and the associated change in funding position.

REASON FOR DECISION: To award the contract so as to enable the necessary works to commence and to amend the statement in the Cabinet report that there is an allocated budget of £200,000 in capital budget not £260,000 as detailed in the published report. This is because £60,000 was transferred as a virement under delegated decision to partly fund the Emergency Boiler replacement works at Braintree Sport and Health on 11th March 2022.

The meeting commenced at 7.15pm and closed at 8.25pm.

COUNCILLOR G BUTLAND
(Leader of the Council)

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