

# Minutes

## Cabinet

### 9th July 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          | Yes       |
| Deputy Leader of the Council            | Councillor Mrs W Schmitt      | Yes       |
| Environment and Place                   | 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            | Apologies |

Also present as invitees of the Leader:

Councillor Barlow, Chairman of the Overview and Scrutiny Committee  
 Councillor Mann, Representative of the Labour Group  
 Councillor Mrs Pell, Leader of Halstead Residents Association

Councillor Schwier was also in attendance.

#### 15 **DECLARATIONS OF INTEREST**

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

Councillor K Bowers declared a non-pecuniary interest in Agenda Item 10 – Cabinet Member Decisions Made Under Delegated Powers (lease of Rivenhall Village Hall) as one of Braintree District Council's appointed representatives to Rivenhall Playing Fields Association.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Agenda Item 4 – Public Question Time, as a non-voting member of North Essex Garden Communities Ltd.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 4 – Public Question Time, as a Director of North Essex Garden Communities Ltd.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Items were considered.

16 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Cabinet held on 14th May 2018 be approved as a correct record and signed by the Chairman.

17 **QUESTION TIME**

**INFORMATION:** There was one statement made regarding Garden Communities and Braintree District Publication Draft Local Plan 2017.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

18 **LEADER'S UPDATE**

The Leader of the Council reported that he would be making a statement at the Council meeting to be held on 23rd July 2018 regarding proposals in the Braintree District Publication Draft Local Plan 2017 for Garden Communities. This would be in response to a letter which had been received recently from the Inspector appointed to consider the Draft Local Plan. The statement would be published on the Council's website.

19 **DISABLED FACILITIES GRANT POLICY UPDATE**

**INFORMATION:** Consideration was given to a report on an update to the Council's Policy for Disabled Facilities Grants. The Policy for Disabled Facilities Grants had last been updated in 2014. Whilst there had not been any legislative changes since 2014, funding arrangements had subsequently changed and there was a greater demand for the service. The revised Policy was attached as an Appendix to the report.

The updated policy included a number of key features, including an adjustment to the provision of Relocation Grants to enable an applicant to move to a new, more suitable property; provision for some adjustments to a second home for children who may live between two homes; and simplification of the award of up to £10,000 top-up funding above the mandatory level of £30,000. In addition, the policy had been amended to clarify what could and could not be applied for and the specification levels, in order to provide better guidance to potential applicants. The Policy provided for discretionary funding to be made available for other projects which sought to achieve similar objectives to the disabled facilities grant scheme, such as the Handyman Service.

**DECISION:**

- (1) That the revised Policy for Disabled Facilities Grant Funding be approved.
- (2) That the revised Policy for Disabled Facilities Grant Funding takes effect from 10th July 2018.

- (3) That authority be delegated to the Cabinet Member for Environment and Place to make minor policy amendments which do not affect the broad thrust of the Policy direction.

**REASON FOR DECISION:** To ensure the Council has a robust policy to support the provision of grant funding for disabled people.

20 **FOURTH QUARTER AND ANNUAL PERFORMANCE MANAGEMENT REPORT 2017-18**

**INFORMATION:** The Cabinet considered a report on the performance of the Council at the end of the fourth quarter (January 2018 to March 2018) and for the end of the financial year.

It was reported that at the end of March 2018 a total of 44 projects had been completed and that a further 15 projects were on track. Thirteen performance indicators had achieved or exceeded their target, two had missed their target by less than 5% and five had missed their target by more than 5%. The two performance indicators missing their target by less than 5% related to the tonnage of household waste not recycled; and the number of affordable homes delivered. The five performance indicators which had missed their target by more than 5% related to the percentage of household waste sent for reuse, recycling and composting; the number of visits to Council leisure facilities; participation by under 16's in sport and health activities across the District; the number of passenger journeys on the community transport scheme; and the time taken to process new housing benefit/council tax benefit claims.

The financial section of the report provided information on the outturn position for the year; details of spending on day-to-day service provision compared to the budget for the year; a summary of treasury management activities; details of movements on the General Fund balance; and a summary of spending on capital investment projects. It was noted that there was an overall positive variance for the year of £782,000 (5.4%) against budget; with income being overachieved by £492,000 and an overall underspend of £290,000 on staffing and other expenditure. This represented an increase in the overall positive variance to that reported at Quarter Three of £552,000. A number of variances had been highlighted during the year which had been included in the base budget approved for 2018/19.

**DECISION:** That the report be noted and endorsed.

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

21 **\*\*HOUSING DEVELOPMENT COMPANY AND FEASIBILITY FUND**

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| Minutes Published: 13th July 2018<br>Call-in Expires: 23rd July 2018 |
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**INFORMATION:** It was proposed that a budget of £495,980 should be approved for preparatory work to enable design and planning applications for residential development on approximately five Council-owned sites. The proposal represented a twin-track approach, with the potential for the sites to be transferred to a future

Council-owned Housing Development Company, subject to Cabinet approval of a full business case. Alternatively, the Council could realise a financial return by selling the sites with the benefit of residential planning permissions.

As part of this Item, Members were reminded that land at the former Premdor site in Sible Hedingham would be transferred to the Council in accordance with a Section 106 Agreement. The land was to be used for the provision of a health facility and it was proposed that £80,000 should be allocated towards its design.

It was proposed that £495,980 should be allocated from the Affordable Housing Budget and that £80,000 should be allocated from the New Homes Bonus fund to enable the respective housing and health facility schemes to proceed, making a total budget allocation of £575,980.

**DECISION:**

- (1) That housing schemes on approximately five of the Council-owned sites, as listed in the Agenda report, be designed and applications for planning permission made for each site.
- (2) That work be undertaken on the design and development of a health facility on the former Premdor site, Sible Hedingham.

That it be **Recommended to Council:**

- (1) That the estimated cost of developing housing schemes on approximately five Council-owned sites, of £495,980, be met from the Affordable Housing Budget in the 2018/19 Capital Programme.
- (2) That funding of £80,000 be allocated from the New Homes Bonus balance for design and development work on a health facility at the former Premdor site, Sible Hedingham.

**REASON FOR DECISION:** To approve a twin track approach to fund planning applications and to develop a Business Case for Council-owned sites and a Housing Development Company, and to design and cost a health facility on the former Premdor site, Sible Hedingham.

22 **\*\*I-CONSTRUCT DEVELOPMENT AND FINANCIAL UPDATE AND PROPOSALS**

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| Minutes Published: 13th July 2018<br>Call-in Expires: 23rd July 2018 |
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(Note:- The references in both the public and private Agenda reports to a Cabinet meeting on 23rd May 2018 are incorrect and should state 14th May 2018).

**INFORMATION:** Members were reminded that this Item was linked to Item 12a 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 12a 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.

Both Agenda Items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

**INFORMATION:** Consideration was given to a further report on the proposed I-Construct (Innovation in Construction) project. This matter had previously been considered by the Cabinet on 14th May 2018.

The I-Construct project represented an opportunity for Braintree District Council to work in partnership to deliver a flagship Innovation Centre with European Regional Development Fund (ERDF) capital. The proposed Centre would provide a focal point for business support, job creation and product development in the construction sector and it would reach across the South Essex Local Enterprise Partnership (SELEP) region. The project would contribute to the delivery of the Council's Plan for Growth, help to meet the objectives of the current Corporate Plan and assist in enabling the delivery of over 14,000 homes required by the Local Plan and 43,000 homes via North Essex Garden Communities. The proposal would include the design and development of a BREEAM Excellent Innovation Centre on the District Council-owned site at Braintree Enterprise Centre which would be rebranded as an Innovation Park.

The I-Construct project would be led by the Haven Gateway Partnership (HGP) with Essex County Council (ECC) acting as the Accountable Body and Braintree District Council, the Building Research Establishment (BRE), Colchester Institute and Daedalus Environmental as delivery partners. HGP would set up a dedicated I-Construct project team led by a project manager who would ensure effective programme management and co-ordination throughout the project.

It had been proposed that the District Council would contribute £750,000 towards this £7.5 million project on the basis that ECC would also contribute the same amount. However, ECC had declined to fund the project on a grant basis and had offered two alternative loan options instead. These had been reviewed by Officers along with two other options which were for the District Council to borrow £750,000 from elsewhere, or to utilise an additional £750,000 from the Business Rates Pool. Following an analysis, it was proposed to proceed with the project by increasing the District Council's contribution from the Business Rates Pool to a total of £1,500,000 and providing in-kind support of £160,000. If the bid was successful, a further £800,000 would be provided from the ERDF.

#### **DECISION (PUBLIC REPORT):**

That Cabinet reaffirms the decisions taken on 14th May 2018 to affirm:

- (1) The principle of the proposed development as set out in the report, and approval for the implementation of the proposed development.

- (2) The following delegations to the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Economic Development and Regeneration to:
- 2.1 Approve the project key decision gateways outlined in the report;
  - 2.2 Approve the submission of a full planning application, provided that the terms set out in the report are met;
  - 2.3 Approve final terms for the “in-kind” land, assets and office space in line with the terms set out in the report, subject to the financial constraints set out in these recommendations;
  - 2.4 Approve supplementary legal agreements relating to land, access and the management of third party interests in the site within the budget for the project;
  - 2.5 Approve entering into necessary service contracts for ongoing maintenance and management of the site within the budget for the project.

That Cabinet agrees to the following recommendations:

- (3) That Cabinet approves the proposal for Braintree District Council to fund and deliver the Innovation Centre as part of the I-Construct programme, together with a recommendation to Council to approve a capital budget of £1,500,000 towards the project scheme for all professional, construction and associated scheme development costs.
- (4) Delegation to the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Economic Development and Regeneration, to approve revised scheme costs with the ability to vary costs based on a 5.00% variation to the total scheme costs.
- (5) That recommendation 2.3 in the report of 14th May 2018 be amended to read: “Approve the commencement of a tender process for construction contracts;” removing the requirement for a planning application to be submitted in advance.

That Cabinet **Recommends to Council:**

- (6) That Council notes the principles of the decisions of Cabinet and approves a capital budget of £1,500,000 towards the project scheme for all professional, construction and associated scheme development costs.
- (7) The approval to commit £1,500,000 from the Council’s Business Rates Pool Reserve.

**REASON FOR DECISION:** To agree the development delivery proposals and financial arrangements for the I-Construct scheme to enable this project to move forward following the change in funding arrangements.

## **DECISION (PRIVATE REPORT):**

That Cabinet reaffirms the decisions taken on 14th May 2018 to affirm:

- (1) The principle of the proposed development as set out in the report, and approval for the implementation of the proposed development.
- (2) The following delegations to the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Economic Development and Regeneration to:
  - 2.1 Approve the project key decision gateways outlined in the report;
  - 2.2 Approve the submission of a full planning application, provided that the terms set out in the report are met;
  - 2.3 Approve final terms for the “in-kind” land, assets and office space in line with the terms set out in the report, subject to the financial constraints set out in these recommendations;
  - 2.4 Approve supplementary legal agreements relating to land, access and the management of third party interests in the site within the budget for the project;
  - 2.5 Approve entering into necessary service contracts for ongoing maintenance and management of the site within the budget for the project.

That Cabinet agrees to the following recommendations:

- (3) That Cabinet approves the proposal for Braintree District Council to fund and deliver the Innovation Centre as part of the I-Construct programme, together with a recommendation to Council to approve a capital budget of £1,500,000 towards the project scheme for all professional, construction and associated scheme development costs.
- (4) Delegation to the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Economic Development and Regeneration, to approve revised scheme costs with the ability to vary costs based on a 5.00% variation to the total scheme costs.
- (5) That recommendation 2.3 in the report of 14th May 2018 be amended to read: “Approve the commencement of a tender process for construction contracts;” removing the requirement for a planning application to be submitted in advance.

That Cabinet **Recommends to Council:**

- (6) That Council notes the principles of the decisions of Cabinet and approves a capital budget of £1,500,000 towards the project scheme for all professional, construction and associated scheme development costs.

- (7) The approval to commit £1,500,000 from the Council's Business Rates Pool Reserve.

**REASON FOR DECISION:** To agree the development delivery proposals and financial arrangements for the I-Construct scheme to enable this project to move forward following the change in funding arrangements.

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

**DECISION:** That the delegated decision set out in the report be noted.

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

The meeting commenced at 7.15pm and closed at 7.47pm.

COUNCILLOR G BUTLAND  
(Leader of the Council)