

Minutes

Cabinet

16th July 2012



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.

Present:

Cabinet Members	Portfolio	Present
Councillor G Butland	Leader of the Council	Yes
Councillor C Siddall	Deputy Leader, Performance	Yes
Councillor J C Beavis	People	Yes
Councillor Lady P Newton	Prosperity	Yes
Councillor W Schmitt	Place	Yes

Deputy Cabinet Members	Portfolio	Present
Councillor D Bebb	Leader's Portfolio	Yes
Councillor J McKee	Prosperity	Yes
Councillor R Mitchell	Place	Apologies
Councillor J O'Reilly-Cicconi	Performance	Yes
Councillor P Tattersley	People	Yes

Councillor Abbott, Leader of the Green Group and Councillor Barlow, Leader of the Labour Group was also present as invitees of the Leader.

Apologies were also received from Councillor Dr Evans, Chairman of the Overview and Scrutiny Committee.

The following Councillors were also in attendance: Councillors Canning, Lager, Lynch, Scattergood and Shelton.

17. DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:

- Councillor Lager declared a non-pecuniary interest in Agenda item 7b, Response to the Localism Act and Localism Framework, as a member of Witham Town Council.

In accordance with the Code of Conduct all Members remained in the meeting for all items, unless stated otherwise, and took part in the debate and decision thereon.

18. **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

19. **MINUTES**

DECISION: That the minutes of the meeting of the Cabinet held on 9th May 2012 be approved as a correct record and signed by the Leader.

20. **LEADER'S UPDATE**

The following updates were provided:

East of England Local Government Association (EELGA) AGM

Councillor Beavis reported on the EELGA AGM which she had attended on behalf of the Leader. Sir Merrick Cockell, Chairman of the Local Government Association had attended the meeting and spoken positively in support of Local Government particularly at an interesting time around local government finance, welfare reform, and greater devolution under the Localism Act.

The Secretary of State for Communities and Sir Merrick Cockell are likely to return to address EELGA further in October.

Business Rates

The Leader reported Leaders of Councils across Essex had taken a decision in principle to pool business rates to secure more income for the County as a whole. The decision has been forwarded to Government.

Future Targets for Recycling

The Leader announced that in the light of the Overview and Scrutiny Committee's decision not to establish a Task and Finish Group to consider future targets for recycling he intended to establish a member group to consider the issue. He would be asking all members for volunteers to join the group and inviting Cllr Abbott to Chair it.

21. **FOURTH QUARTER AND ANNUAL PERFORMANCE MANAGEMENT REPORT 2011/12**

DECISION: That the report be noted and endorsed.

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

22. **WELFARE REFORM – LOCALISED COUNCIL TAX SUPPORT SCHEME**

INFORMATION: The Leader advised that all members would be offered a session on the welfare reforms covering matters such as what the Council had done, the process, and examples of how the reforms might be taken forward.

DECISION:

1. That it be agreed that the reduction in government funding for council tax support scheme will be met from a reduction in the support awarded under the Braintree District Council LCTS scheme, i.e. the new scheme will be cost neutral to all precepting authorities.
2. That the elements of the draft Braintree Local Council Tax Support Scheme, as set out in the report be approved for consultation purposes.
3. That the communication & consultation plan and timetable as set out in the report be approved.
4. That the other information in the report, including the estimated effect on Braintree households and other benefits reforms in the pipeline be noted.

REASON FOR DECISION: To determine a proposed Local Council Tax Support scheme for the Braintree district for implementation on 1st April 2013. This will be subject of consultation with the major precepting authorities, the public and stakeholders.

23. **STATEMENT OF ACCOUNTS 2011/12**

DECISION:

1. That the requests for budget carry forwards, totalling £530,960 and detailed in Appendix A to the report, to 2012/13 be agreed.
2. That the establishing of four new earmarked reserves, as detailed in section 3.7 of the report, and to the movements on the existing earmarked reserves during 2011/12 be agreed.
3. That the Council's financial position as detailed in the Statement of Accounts for 2011/12 be received and noted.

REASON FOR DECISION: To receive the Council's Statement of Accounts for 2011/12 which are to be subject to external audit scrutiny and available for public inspection.

24. **CAPITAL INVESTMENT IN NEW FITNESS FACILITIES AT BRAINTREE SWIM CENTRE AND BRAINTREE LEISURE CENTRE**

DECISION:

Minutes Published: 26 th July 2012 Call-in Expires: 3 rd August 2012

1. That the investment of £945,000 in new fitness facilities at Braintree Leisure Centre and Braintree Swim Centre which generates a revenue return from Fusion to the Council be supported.
2. That it be **recommended to Council** that £945,000 be allocated from the Council's capital funds for this purpose.

REASON FOR DECISION: To allow the Council to make the capital investment in new fitness facilities in the Braintree area for an annual revenue return from Fusion, the new leisure management contractor.

25. **REVIEW OF CORPORATE COMPLAINTS PROCEDURE**

DECISION: That the revised complaints policy be approved and the following changes to p procedures be agreed:

- a) Three stage process is retained with the appropriate member awareness:
 - Stage 1 – Service Unit Manager/Head of Service (or equivalent)
 - Stage 2 – Director (or equivalent)
 - Stage 3 – Chief Executive with member awareness where necessary.
- b) That the performance standard response time for complaints is confirmed as:
 - Stage 1 – 7 working days (no change)
 - Stage 2 – 13 working days
 - Stage 3 – 20 working days

The length of time for a complaint to be considered through all stages of the Council's complaints procedure will be 8 weeks and will still exceed Local Government Ombudsman's requirements.

REASON FOR DECISION: To ensure complaints are handled more effectively and that there is a policy in place for handling vexatious complainants.

26. **AWARD OF WITHAM LEISURE CENTRE DESIGN AND BUILD CONTRACT**

Minutes Published: 26 th July 2012 Call-in Expires: 3 rd August 2012

INFORMATION: Member noted that the completion of the lease with Essex County Council requires the County Council to seek approval from the Secretary of State for Education following new legislation on the use of educational land. Councillor Beavis, Cabinet Member, People, agreed to notify Cabinet members when the County Council had sought approval.

DECISION:

1. That the design and build contract for Witham Leisure Centre be awarded to Barr Holdings Ltd; this award is subject to:
 - a) Council agreeing the revised project funding (see 2) below);
 - b) Completion of the lease with Essex County Council which now requires Secretary of State approval following new legislation on the use of educational land;
 - c) The first phase of the contract award with Barr Holdings Ltd will be an Early Works Agreement, which will only proceed to a full Design and Build Contract once the lease is completed.

2. That it be **recommended to Council** that an additional £473k of capital funding be allocated to the Witham Leisure Centre project.

REASON FOR DECISION: To award the design and build contract subject to Council approving additional capital funding so that the project to design and build the new leisure centre for Witham can proceed.

27. **RESPONSE TO LOCALISM ACT AND LOCALISM FRAMEWORK**

DECISION:

Minutes Published: 26 th July 2012 Call-in Expires: 3 rd August 2012

1. That the approach to the localism framework as outlined in the report be approved and approval given to proceed with the following projects:
 - Joint Agreement with Witham Town Council to explore the transfer of services and assets to local management;
 - Witham Neighbourhood Level Community Budget;
 - Input into the Whole Essex Community Budget project where it impacts on the district's residents and area;
 - Establish processes to deal with new Community Rights in the Localism Act.
2. That the virement of funds from earmarked reserves of £50,000 per annum over two years to support the work programme outlined above be approved.

REASON FOR DECISION: To ensure the Council is prepared for the new legislative provisions contained in the Localism Act 2011 and to seek Cabinet support for a broader localism framework and specific projects.

28. **CABINET MEMBERS' UPDATES**

INFORMATION: Councillor Siddall, Cabinet Member, Performance, reported that an initial review of the Council's Strategic Risk Register has been undertaken by Management Board and Cabinet Members. He has asked that a copy of the draft Register be placed on the Members' Portal together with details on how members can make their comments. Following on from this, he will bring the proposed final Register to the next meeting of Cabinet.

29. **CABINET RESPONSE TO THE RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE'S REPORT ON TRANSPORT AND ACCESS TO HEALTH SERVICES ACROSS THE DISTRICT**

INFORMATION: It was agreed that a progress report on taking forward the recommendations in the report would be taken to a Cabinet meeting around March 2013. An earlier report could also be present if there were development that might be reported.

DECISION: That the response to the scrutiny review be approved and that powers be delegated to the Corporate Director to take forward the actions outlined to the Corporate Director to take forward.

REASON FOR DECISION: To consider and respond to the recommendations made by Overview and Scrutiny Committee.

30. **OVERVIEW AND SCRUTINY COMMITTEE – TASK AND FINISH GROUP, SCRUTINY OF LOCAL HIGHWAY LIAISON**

DECISION: That the Overview & Scrutiny Task and Finish Group's report and recommendations on Local Highways Liaison be received and that a response be brought to Cabinet in September 2012.

REASON FOR DECISION: To receive the report and recommendations of Task and Finish Group for a response at the cabinet meeting in September.

31. **REFERENCE FROM THE GOVERNANCE COMMITTEE, 28TH JUNE 2012 - MINUTE 10, ANNUAL GOVERNANCE STATEMENT 2011/12**

DECISION:

1. That the Annual Governance Statement for 2011/12, as detailed in Appendix A of the report be agreed for signing by the Leader of the Council and the Chief Executive.
2. That the updated Local Code of Corporate Governance as detailed in Appendix B of the report be agreed.

REASON FOR DECISION: To evidence that the Council has conducted a review of the effectiveness of its system of internal control for 2011/12, ensure that the Annual Governance Statement for 2011/12 is correct and in order for Cabinet to approve and the Leader of the Council and the Chief Executive to sign.

32. **REFERENCE FROM THE LOCAL DEVELOPMENT FRAMEWORK SUB-COMMITTEE, 23RD MAY 2012 – MINUTE 31, .NATIONAL PLANNING FRAMEWORK**

DECISION: That it be **recommended to Council** that:-

1. The publication of the National Planning Policy Framework be noted.
2. An assessment of the Local Development Framework Core Strategy and the Local Plan Review be carried out to establish which policies, if any, are in conflict with the National Planning Policy Framework and to consider proposals for the amendment of such policies, as appropriate, within the transitional period.
3. The provisions of the National Planning Policy Framework be taken into account in future work, including in development management and in drawing up development management policies for the Local Development Framework.

REASON FOR DECISION: To agree action to be taken to ensure that the LDF is consistent with the National Planning Policy Framework.

33. **REPORTS/DELEGATED DECISIONS/ MINUTES TO BE NOTED**

DECISION: That the minutes of the Local Development Framework Sub-committee held on 2nd May 2012 be noted.

EXCLUSION OF PUBLIC AND PRESS

DECISION: That under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

The following is a public summary of the exempt information under S.100C (2) of the Local Government Act 1972. Exempt minutes exist as a separate document.

34. **MAYLAND HOUSE**

INFORMATION: Members agreed to the letting of the whole of Mayland House.

35. **INVESTMENT IN THE REGENERATION OF BRAINTREE TOWN CENTRE**

INFORMATION: Members agreed to the purchase of a property.

The meeting commenced at 7.15pm and closed at 9.33pm.

G BUTLAND
(Leader)