

# Minutes

## Cabinet

9<sup>th</sup> October 2008



Present:

<b>Cabinet Members</b>	<b>Portfolio</b>	<b>Present</b>
Councillor G Butland	Leader	Yes
Councillor N R H O Harley	Deputy Leader and Cabinet Member for Enterprise, Culture & Leisure	Apologies
Councillor Mrs J C Beavis	Customers & Communication	Yes
Councillor M C M Lager	Efficiency & Resources	Yes
Councillor Mrs J W Schmitt	Communities & Housing	Yes
Councillor R G Walters	Environment and Sustainability	Apologies

<b>Deputy Cabinet Members</b>	<b>Portfolio</b>	<b>Present</b>
Councillor N G McCrea	Leader's Portfolio	Yes
Councillor T S Wilkinson	Enterprise, Culture & Leisure	Yes
Councillor D L Bebb	Customers & Communication	Yes
Councillor J McKee	Efficiency & Resources	Yes
Councillor Mrs E Edey	Communities & Housing	Apologies
Councillor R G S Mitchell	Environment and Sustainability	Yes

The following Councillors were also present as invitees of the Leader

Councillor J E Abbott, Leader of the Green Group

Councillor Dr R L Evans, Leader of the Labour Group

Councillor T J W Foster, Chairman of Witham Local Committee

Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association.

Councillors M J Banthorpe, A V E Everard, D L Hume, E R Lynch, D Mann, Lady Newton, Mrs C Sandbrook, A F Shelton and Mrs J A Smith were also in attendance.

Apologies for absence were received from Councillors R J Bolton, Chairman of Halstead Local Committee and S M Walsh, Chairman of Braintree Local Committee.

Councillor G Butland, the Leader of the Council, welcomed everyone to the Cabinet meeting being held in the Town Hall, Braintree to commemorate 80 years of democracy in the Town Hall, and to launch Local Democracy Week that commences 13<sup>th</sup> October 2008.

## 73 **DECLARATIONS OF INTEREST**

The following Declarations of Interest were made

- Councillor J E Abbott declared
  - (i) a personal interest as a Rivenhall Parish Councillor in
    - (a) Agenda Item 2(a) Local Development Framework Strategy Core Strategy & Sustainable Community Strategy, and
    - (b) Agenda Item 4(a) the Joint Municipal Waste Management Strategy for Essex, and
  - (ii) a personal and prejudicial interest as a Rivenhall Parish Councillor in Agenda Item 7(f) Local Committee Funding – Rivenhall Village Hall Acoustics as the Parish Council may be involved financially when the Village Hall is refurbished. Councillor Abbott left the meeting whilst this item was discussed and determined.
- Councillor M C M Lager declared a personal interest as a Member of Witham Town Council, in Agenda Item 7(g) Local Decisions – Allotment Provision in the Witham Area, as Witham Town Council are in negotiation with the allotment holders at Cut Throat Lane, Witham.

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

## 74 **QUESTION TIME**

There was one statement made, a summary of which is attached as an Appendix to these Minutes.

## 75 **COUNCIL INVESTMENTS**

The Leader gave a position statement on assets of Braintree District Council invested with three Icelandic banks, which are now in receivership or administration. The total investment of £5m was made 18 months ago in accordance with government and professional financial guidance, and the Local Government Association (LGA) are in discussion with the Treasury on behalf of 70 Local Authorities that have a total of £870m deposited in Iceland.

In respect of Braintree's investment of £5m this represents 9% of the Council's Investment Portfolio of £56m, that has been accrued over a period of time and includes owed debts at low interest rates, the collection of Council Tax contribution held for Essex County Council, the Police Authority and the Fire & Rescue Service that is paid to them on a monthly basis. The situation will impact on the Council's Revenue Account that will lose approximately £236,000 interest from this investment. It was noted that the remaining £50m is invested with sound, reputable organisations.

In response to a statement that the LGA needs to accentuate that constituents are also at risk, as they may be affected on a personal basis by the current financial crisis and also by funds the Council had invested for them, the Leader advised this point had already been made. Economic pressure is affecting most taxpayers, and will also impact on Councillors when 'bridging the gap' whilst setting Council Services and Council Tax budgets.

76 **MINUTES**

**DECISION:** That the minutes of the meeting of the Cabinet held on 1<sup>st</sup> September 2008 be approved as a correct record and signed by the Leader.

77 **LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY AND SUSTAINABLE COMMUNITY STRATEGY**

Councillor McCrea, Deputy to Leaders Portfolio and Chairman of the Local Development Framework Panel, presented the combined draft Community Strategy and Core Strategy for public consultation. The document entitled 'One District – One Vision' covers social and economic priorities for the District, strategic policies (mostly sustainable), and the requirement of 4,600 new dwellings. New growth locations are identified in northwest Braintree, southwest Witham and northeast Witham (with Rivenhall), and mixed-use sites at Silver End and Sible Hedingham. The consultation period on the combined Strategies runs between 31<sup>st</sup> October and 12<sup>th</sup> December 2008, followed by submission to government for examination and approval. The Council is to approve the Local Development Framework (LDF) element of the strategy, with the Local Strategic Partnership (LSP) to approve the Sustainable Community Strategy elements.

During the discussion the following was noted

- The glossary and definitions appendix was welcomed
- A 'user-friendly' shorter version of the combined strategies will be available for the public
- 300 proposed dwellings within Rivenhall were not justified, and local residents requested a green wedge to be left. Priorities should be given to brownfield sites in Witham
- The Council is constrained by the present Regional Spatial Strategy when making these proposals
- That new developments have appropriate infrastructure to support them
- For officers to create one combined 'Vision' for the Braintree District (Page 22 of document)
- Item 12 on Page 24 of document to read 'To enable accessible and varied opportunities...' (not 'to provide')

The Leader advised that the document remains open to public consultation, with opportunities for Parish Council's and residents to comment.

**DECISION:** That it be **RECOMMENDED TO COUNCIL:-**

That the draft Braintree District Sustainable Community and LDF Core Strategy (in relation to the Core Strategy and planning elements only) be approved for consultation.

78 **MEDIUM TERM FINANCIAL STRATEGY UPDATE**

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the Strategy update and the main areas to impact on the Council reviews and the Medium Term Financial Strategy (MTFS) including rising inflation, decline in income received from

Council services, i.e. planning applications and local land charges searches, and the non performing economy. Efficiency Reviews will continue and ways to reduce costs, with significant decisions anticipated on leisure provision and community halls, whilst continuing a high standard of customer service.

Councillor Lager agreed to provide written answers to questions raised regarding

- number of redundancies in Customer Services (Item 1.5 of report), and any redundancy payments reclaimable and amounts involved
- amount of additional income for receiving and disposing of recyclable waste from Uttlesford District Council (Item 1.7)
- the commencement date of the existing contract on energy costs (Item 2.2)

The Leader requested that the Chief Executive and Officers address ways the Council may assist people in difficult circumstances, i.e. repossession of homes, pensioners, and to work with other organisations, e.g. Citizens' Advice Bureau and other voluntary organisations, to increase support available to people

### **DECISION:**

- (1) That the issues identified in the report that are expected to impact on the review of the Council's Medium Term Financial Strategy for 2009/10 to 2012/13 be received and noted.
- (2) That a detailed analysis of past, current and future income trends is undertaken and a report is prepared on the predictions for the 2008/09 budget and the following three years.
- (3) A comparison of the Council's spend be undertaken, service-by-service, in comparison with other District Councils of a similar size and demographics.
- (4) A schedule of current and proposed efficiency savings is prepared.
- (5) That a schedule of the Service Level Agreements (SLA) with Greenfield's and an assessment of the risk regarding the retention or not of the SLA's and the implications for the next three years budgets, be drawn up.
- (6) That each Cabinet Member reviews their priorities and non-priorities against the Corporate Strategy and brings forward options for savings to a budget value of £100,000 minimum.
- (7) That the Chief Executive reviews the options for organisational efficiencies above the budget value of £100,000 (minimum).
- (8) That a review of the Council's capital spend and capital investment be undertaken, which sets out all the funding available to the Council and all the current and potential capital commitments. This to include the revenue consequences of the financial investments of the revenue/budgets.
- (9) That the Chief Executive takes every opportunity to minimise ongoing revenue commitments without impacting significantly on the Council's core services between

now and the next Cabinet meeting. The Chief Executive will report to the next Cabinet meeting any interim action that has been taken as a short-term opportunity to maximise greater flexibility for the 2009/10 budget.

- (10) That the Leader of the Council makes representation to the appropriate Secretary of State regarding the economic situation and the impact upon the Council's funding to maintain much needed services for the residents of this District. Emphasising that the CSR07 Settlement is totally inadequate due to the economic changes and calls upon the government to reassess immediately the inadequate level of grant.

That all the above reports are presented to the December Cabinet with an overall assessment of the implications for the 2009/10 budgets and the following two years.

**ACTION POINTS:**

- (1) *That Councillor Lager & officers provide written responses to the questions stated above*  
(2) *That the Chief Executive and officers instigate initiatives to help people in difficulties due to the current financial climate (as stated above)*

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**ADOPTION OF A JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY FOR ESSEX**

Councillor Mitchell, Deputy Cabinet Member for the Environment and Sustainability, presented the Strategy setting out the objectives, options and context for the future management of waste in the District and County for the period 2007-2032.

Councillor Abbott welcomed the opportunity to open debate the Strategy at Full Council on 20<sup>th</sup> October 2008 although, it was considered, that some parts of the 'brief' report was already out of date and some final decisions had been taken. Reference was made to incineration plants and low efficiency levels and serious health implications; and that the Rivenhall planning application was already lodged with Essex County Council. The view of neighbouring Colchester Borough Council and Chelmsford Borough Council to the Strategy was also noted. As Braintree District Council are aiming to achieve 50% recycling in 2009 it was considered that large, centralised sites are not required, or the financial risks involved to the Strategy and its' inflexibility. Therefore, Councillor Abbott urged the Council not to sign the Strategy. Councillor Mitchell advised that the written questions from Councillor Abbott (published on the Council's website) referred to these topics, and stated that incineration is not necessarily the final process and companies could be asked to consider alternative options.

Further discussion will take place on the Strategy at Council on 20<sup>th</sup> October 2008.

**DECISION: That it be RECOMMENDED TO COUNCIL:-**

That the Joint Municipal Waste Management Strategy for Essex be adopted by Braintree District Council.

80 **DELEGATED DECISIONS**

That the following delegated decision be noted

- Councillors Harley and Lager agreed the transfer of land and buildings at John Bramston Sports Centre from John Bramston School to Braintree District Council, and to renegotiate a joint use agreement.

81 **CABINET MEMBERS' UPDATES**

There were no reports from Cabinet Members.

82 **REFERENCE FROM COUNCIL MEETING 15<sup>TH</sup> SEPTEMBER 2008 – REVIEW OF FEES AND CHARGES POLICY**

Councillor Mrs Sandbrook, Chairman of the Fees and Charges Task and Finish Group, referred to her statement to Council on proposals in the report, and considered this a way forward for the Council to revise its' fees and charges and how they are applied.

The Leader stated that as the recommendations of the report will impact on budget considerations the normal three-month response period will be waived. The principles of the report are accepted and it was proposed that officers and Members, together with the Fees and Charges Task and Finish Group, take issues forward and identify the implications of the 700 charges of the Council, including simplification of the concessions process, and provide a report later in the municipal year.

**DECISION:**

- (1) That the report of the Fees and Charges Task and Finish Group be accepted in principle
- (2) That further work be undertaken by Members, officers, with involvement from the Task and Finish Group Members, on the implications and implementation of the options in the report, including potential costs, and recommendations made within the current municipal year.

83 **REFERENCE FROM COUNCIL MEETING 15<sup>TH</sup> SEPTEMBER 2008 – RURAL ISOLATION TASK AND FINISH GROUP**

The Leader advised that the Chairman of the Rural Isolation Task and Finish Group, Councillor Mrs Spray, had been unable to attend and present the report. Therefore, it was requested that the item be deferred to the next Cabinet meeting on 1<sup>st</sup> December 2008.

**DECISION:** That the report from the Rural Isolation Task and Finish Group be received at the Cabinet meeting on 1<sup>st</sup> December 2008.

84 **REFERENCE FROM CABINET 1<sup>ST</sup> SEPTEMBER 2008 – RESOURCES IN THE COUNCIL'S ENFORCEMENT SECTIONS**

Councillor Wilkinson, Deputy Cabinet Member for Enterprise, Culture and Leisure,

presented the report on proposed additional resources in the Council's enforcement sections (funded by the Housing and Planning Delivery Grant), as requested at the last Cabinet meeting (Minute 56 refers). A two-year temporary contract for a Planning and Environmental Health Enforcement Officer is already funded, and a further post is now proposed, enabling an increased proactive approach in the areas stated in the report.

The Leader considered that the paper did not address specific issues and requested officers to circulate to Cabinet attendees further written information on improved performance; measurable results and targets the funding of £25,000 will display; and the realistic and stretching outcomes expected from the post holder.

**DECISION:**

- (1) That a written response be provided to Cabinet attendees on the issues raised by the Leader, as indicated above.
- (2) Subject to the above response, authority be delegated to the Cabinet Member for Enterprise, Culture and Leisure, to agree the allocation of an element of the Housing and Planning Delivery Grant for the funding of a two-year Planning and Environmental Health Enforcement Officer post, shared between the Council's District Development and Environment Directorates.

*ACTION POINT:- That the Head of District Development provides further detail as requested in (1), and progress this issue as indicated in (2)*

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**REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE 17<sup>TH</sup> SEPTEMBER 2008 – NEW SCRUTINY LEGISLATION**  
**(i) Local Petitions and Calls for Action – the Government Response**  
**(ii) Communities in Control: Real People, Real Power – Improving Local Accountability – Consultation report**

Cabinet received an extract of the minutes from the Overview and Scrutiny Committee on papers published by the Department for Communities and Local Government, as indicated above, and noted the deadline for responses was 10<sup>th</sup> October 2008.

Councillor M Gage, Chairman of the Overview and Scrutiny Committee, drew attention to the proposed accountability arrangements for each new Crime and Disorder Partnership (CDRP), as set out in the Policing Green Paper and for a new politician to be elected to the local CDRP to sit on the Police Authority in place of the current system, where the local Council appoint their own District Councillor representative. It was highlighted that the Overview and Scrutiny Committee had proposed a motion against this proposal, but on being put to the vote the motion was declared lost.

Councillor Mrs Schmitt, Cabinet Member for Communities and Housing, advised that she is the Council's current representative on the CDRP, and provides local accountability, takes views to and from the CDRP, and is available on a local basis to Councillors and constituents.

The Leader stated that these issues will be taken to the meeting of the Local Government Reform Cabinet Sub Group on 13<sup>th</sup> October 2008, and the Home Office

advised of a delay in the consultation response.

**DECISION:** That the issues from the Overview and Scrutiny Committee of 17<sup>th</sup> September 2008 be taken to the Local Government Reform Cabinet Sub Group on 13<sup>th</sup> October 2008, and a joint response made to the Home Office.

86 **REFERENCE FROM WITHAM LOCAL COMMITTEE 23<sup>RD</sup> SEPTEMBER 2008 – LOCAL COMMITTEE FUNDING**

**Rivenhall Village Hall Acoustics.**

Cabinet received the extract from the minutes of Witham Local Committee for funding to solve the acoustics problems in Rivenhall Village Hall, following refurbishment of the Hall by the Council.

**DECISION:** That urgent funding up to £10,000 from this years budget be approved, to rectify the acoustics problems at Rivenhall Village Hall.

87 **REFERENCE FROM WITHAM LOCAL COMMITTEE 23<sup>RD</sup> SEPTEMBER 2008 – LOCAL DECISIONS**

**Allotment Provision in the Witham Area.**

Councillor Foster, Chairman of Witham Local Committee, presented the extract from the minutes, and advised of the Cut Throat Lane, Witham bid for allotment improvements, from the 2009/10 central budgets. Other Witham Members supported the recommendation and stated there is a waiting list for allotments, and requested an early indication for priority in next year's budgets to ensure the security fencing is installed at the earliest opportunity, to safeguard the site and crops on the allotments.

**DECISION:** That this issue will be considered when preparing the 2009/10 central budgets, but as with any other budget bid there can be no guarantee that it will be included.

88 **CHIEF EXECUTIVE'S REPORT**

The Chief Executive, Allan Reid, reported on three issues:-

- The Council had been successful in achieving Equalities Standards Level 3
- The Comprehensive Performance Assessment should be available mid October to go in draft form to the Audit Commission
- A Health Improvement Manager for junior health is to be appointed and based at Causeway House. The joint funded post between the Primary Care Trust and Braintree District Council will provide a health co-ordinator for the District .

**DECISION:** That the verbal report be noted.

89 **PERFORMANCE & EFFICIENCY PROGRAMME BOARD**

Consideration was given to the minutes of the Performance & Efficiency Programme Board held on 24<sup>th</sup> September 2008.

**DECISION:** That the minutes of the meeting of the Performance & Efficiency



Programme Board of 24<sup>th</sup> September 2008 be noted.

## **EXCLUSION OF PUBLIC AND PRESS**

**DECISION:** That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business 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.

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*Whilst the following item of business was discussed in private session, the minutes do not contain any confidential information and is therefore admissible in the public domain.*

### 90    **\*\*RIVERSIDE DEVELOPMENT SITE, BRAINTREE**

Cabinet received an urgent report regarding the Riverside Development site, Braintree under Rule 16 - Special Urgency, of Part 4 of the Constitution and following agreement with the Leader of the Council, the Chairman of the Council, and the Chairman of the Overview and Scrutiny Committee. The reasons for urgency were given as:-

- The seven-week period to the next Cabinet meeting on 1<sup>st</sup> December 2008
- The exchange of contracts and submission of a planning application by the recommended purchaser, and an application to the Housing Corporation for affordable housing funding by a Housing Association
- The current market conditions also suggest that it would be prudent to delay in case market conditions deteriorate further
- The financial 'bigger picture' at the Council at the moment is also an important consideration.

Councillor Lager, Cabinet Member for Efficiency and Resources, presented the report and advised on the tight timetable and the enhanced proportion of affordable housing at the site. The Head of Asset Management advised of two conditions with the recommended purchaser requiring planning permission to be obtained within six months from the exchange of contracts, and on provisions for the deal to progress in an orderly, efficient manner.

Members welcomed the increase in affordable housing, and requested that the Right of Access between Notley Road and the Railway Station is maintained throughout the process and in the future, and is part of the completion of sale. It was also requested that due diligence is taken to ensure completion of the build.

**DECISION:** That disposal of the redevelopment site at Riverside/St Johns Avenue, Braintree to the company quoted and the sum stated in the report, subject to the two conditions quoted above; or on such other terms and conditions as agreed by the Head of Asset Management and approved by the Cabinet Member for Efficiency and Resources, be approved.

The meeting commenced at 7.15pm and closed at 9.15pm

G BUTLAND  
(Leader)

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Those minutes identified by the prefix \*\* may be the subject of the "call-in" provisions of the Constitution within 6 working days of the publication of these minutes. Any decisions made and not "called in" by this date and time will become effective. For further information regarding these minutes please contact Eileen Self, Law & Governance, on 01376 551414 or email [eileen.self@braintree.gov.uk](mailto:eileen.self@braintree.gov.uk)

APPENDIX

CABINET MEETING

9<sup>TH</sup> OCTOBER 2008

QUESTION TIME

Summary of Questions Asked / Statements Made During Question Time

1. David Webb, 54 Peel Crescent, Braintree  
Public Scrutiny of Council Decisions

Mr Webb referred to a ruling by the Deputy Information Commissioner earlier in 2008 stating that not only is it vital that Council's act openly and people should be able to view how decisions are made but there 'is also a public interest in public authorities being accountable, particularly where its' actions are in relation to the accumulation or use of public funds and assets.'

'Given how Braintree District Council is interested in 'Local Democracy Week' is the Cabinet willing to make a public statement in support of the ruling from the Deputy Information Commissioner?'

*In response, the Leader of the Council advised that the Council had demonstrated that all decisions with regard to assets and funds are dealt with in Public Session. It is only when a transaction involves a member of staff or is of a commercial confidence that it is under Private Session. All financial material is published and is available for public scrutiny.*