

Minutes

Cabinet

13th July 2020



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A recording of the meeting is available at <https://www.youtube.com/watch?v=xgqGilqi3Kc>.

Present:

Portfolio	Cabinet Member	Present
Leader of the Council	Councillor G Butland	Yes
Deputy Leader of the Council 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	Yes
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 Abbott, Leader of the Green and Independent Group and Councillor Mann, Leader of the Labour Group.

8 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

- Councillor J Abbott declared a Non-Pecuniary Interest as a Member of Essex County Council, and in respect of Item 8a 'Open Spaces Supplementary Planning Document Open Spaces Action Plan' as he corresponded with officers regarding some additions to the Plan.
- Councillor G Butland declared Non-Pecuniary Interests as a Member of Essex County Council, as a Director of the South East Local Enterprise Partnership (SELEP Ltd) and as a Non Remunerated Director of NEGC.

- Councillor Mrs W Schmitt declared a Non-Pecuniary Interest as a Member of Essex County Council.
- Councillor Mrs G Spray declared a Non-Pecuniary Interest in respect of any reference made to the NECG as she attends meetings as a non-voting Board Member.

9 **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 28th May 2020 be approved as a correct record and will be signed by the Chairman as soon as possible.

10 **QUESTION TIME**

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

11 **ANNUAL PLAN 2020-21**

INFORMATION: The Annual Plan set out the Council's actions and performance targets for 2020/21. These actions and targets would support the new Corporate Strategy for 2020 – 2024 and were agreed in April 2020.

The Annual Plan 2020/21 was developed before the coronavirus pandemic and was amended during the period where the restrictions on the lives and workings of the District were most strict. A number of the actions reflected how the Council would be supporting residents, communities and businesses through recovery.

Progress made against these actions and targets would be reported to Cabinet quarterly although the first quarter report would focus on how the Council had adapted and responded to the pandemic with full reporting against the Annual Plan commencing in the second quarter.

DECISION: To approve the Annual Plan 2020/21.

REASON FOR DECISION: To agree the Council's key priorities and actions for 2020/21.

12 **NORTH ESSEX GARDEN COMMUNITIES LTD**

INFORMATION: Following the partnership working between Essex County Council (ECC), Colchester Borough Council (CBC), Tendring District Council (TDC) and Braintree District Council, the incorporation of the North Essex Garden Communities Ltd was approved and endorsed the formation of three Local Delivery vehicles (LDV) namely Colchester Braintree Borders Ltd, Tendring Colchester Borders Ltd and West of Braintree Ltd in November 2016.

It was reported that on 15th May 2020 CBC, TDC and the Council received the Planning Inspector's Letter. The Inspector concluded that two of the three proposed Garden Communities were not viable or deliverable and therefore the Section 1 Local Plan, in its current form, was not sound. The Inspector did however agree that the Tendring Colchester Borders Garden Community was viable and deliverable and the housing and revised employment targets in the Local Plan were also sound.

As a result of the Inspectors letter, it was agreed that the District Council needed to consider their continued involvement with the NEGC. A meeting of the NEGC Board was held on the 6th July, at which the Leader gave Notice that following the Inspectors comments, Braintree District Council would wish to withdraw from the NEGC. It was reported that the Directors from the other authorities had also considered their options and the general feeling was that would be appropriate for all Directors to recommend to the shareholders to withdraw from the NEGC and close the company.

The Leader proposed that 31st August 2020 would be the date that the NEGC would cease to trade. Should the decision to wind up the Company be approved by each Council, the Company would be required to stop trading from this date.

DECISION: That Cabinet agreed:

1. To note the recommendation of the North Essex Garden Communities Ltd Board on 6th July 2020 to take all necessary steps to wind up the three Local Delivery vehicles, namely Colchester Braintree Borders Ltd, Tendring Colchester Borders Ltd and West of Braintree Ltd, as set out in paragraph 7 of the report.
2. To approve, as Shareholder, that the Council take all necessary steps to wind up North Essex Garden Communities Ltd.

REASON FOR DECISION: To enable the Council to consider and agree the preferred option relating to the future of the Company and note the decision of the Company Board in relation to the three LDVs.

13 **I-CONSTRUCT –AWARD OF THE CONSTRUCTION CONTRACT**

INFORMATION: It was reported that on 14th May 2018 and 9th July 2018, Cabinet approved the delivery of the I-Construct project, approved the project budget and gave delegated authority for the planning application, the commencement of the tender process and the signing of relevant agreements relating to land, access and management of third party interests.

Accordingly the Council commenced an open tender process and on 20th August 2018 two tenders were submitted through Delta eSourcing. Both Tenders were evaluated by the Councils appointed Construction Consultant on a 50/50 cost/quality split. Following the conclusion of their evaluation it was recommended that the Council award the contract to the tender achieving the highest rating, which was Beardwell Construction Ltd.

DECISION: To award the construction contract for the I-Construct project to Beardwell Construction Ltd.

REASON FOR DECISION: To enable the delivery of the I-Construct Innovation Centre and the alterations to the existing Braintree Enterprise Centre, which will allow for the project to continue in accordance with the programme of works as determined by ERDF funding timescales.

14 **FUSION MONETARY RELIEF FOR MAY, JUNE, JULY AND AUGUST 2020**

INFORMATION: It was reported that Government had recently announced that from the 25th July 2020 indoor gyms, swimming pools and sports centres would reopen. Once the Council had reviewed the official guidance on what safeguards the Government were imposing, and subject to the financial implications, the Council would work with Fusion to ensure all Government guidelines were met before the reopening of the leisure centres.

Following the decision taken by the Chief Executive under the urgency powers on 4th May 2020, Braintree District Council provided monetary relief to Fusion in the sum of £55.8k to support the leisure centre for costs incurred during April 2020. On 14th June 2020, the Council received a further request from Fusion, that the Council provide additional monetary relief for costs incurred during May and June 2020. In line with the April agreed relief, Fusion had requested monetary relief in the sum of £111.6k (£55.8k per month) for continued support of the leisure centres during May and June 2020.

DECISION: That Cabinet agreed to:

1. Note the position relating to the leisure industry during the covid-19 pandemic;
2. Approve the payment of £111.6k (£55.8 per month) by way of additional monetary relief to Fusion for support of the leisure centres during May and June 2020; and
3. Delegate authority to the Cabinet Member for Finance and Performance Management in consultation with the Section 151 Officer and the Cabinet Member for Health and Wellbeing to determine whether to provide monetary relief up to the sum of £111.6k (£55.8k per month) for support of the leisure centres for July and August 2020, upon receipt of a request from Fusion, if:
 - a) There is confidence following the analysis undertaken by Local Partnerships that the funding is required, all other relief options have been explored by Fusion and the organisation is viable; and
 - b) This relief and the offer of Local Partnership involvement is offered in full mitigation of the impact on Fusion of Covid-19 for the months of May - August 2020.

REASON FOR DECISION:

1. To enable leisure provision to continue within the Braintree District with a minimal level of disruption; and
2. Support our leisure provider in line with guidance provided by the LGA

15 **FOURTH QUARTER AND ANNUAL PERFORMANCE MANAGEMENT REPORT 2019-20**

INFORMATION: Members considered a report on the performance of the Council at the end of the fourth quarter.

As at the end of March 2020, a total of 42 projects had been completed and a further ten were on track and progressing well. One project had an amber status and one project was cancelled throughout the year.

In respect of performance indicators, ten performance indicators had met or exceeded target and six performance indicators had missed their target. Of the six performance indicators that had missed their target, two had an amber status and were marginally missed and four had a red status missing target by more than 5%. The areas of underperformance were in relation to the recycling rates, average waiting times for disabled facilities grants, participation levels at sport centres, average call answer time in the Customer Service Centre, collection rates for Council Tax and percentage of invoices paid within 30 days of receipt. Full reasons for missing targets and action being taken can be found in the main report.

In terms of financial performance, the Council had ended the year with an overall positive variance for the year of £565,000 against budget. It was also reported that across all services staffing budgets were underspent by £228,000; and after allowing for the corporate efficiency target of £200,000, this had resulted in a net underspend of £28,000. Other expenditure was over budget by £40,000 and income was overachieved by £577,000.

The overall variance changed slightly from that reported at Q3, which had projected a positive variance of £530,000. However, within this overall change there were some individually significant changes, the details of which can be found in the main report.

Additional expenditure amounting to £101,710 was incurred in March, this related to COVID-19, mainly on the provision of ICT equipment for staff to facilitate the rapid introduction of homeworking due to restrictions introduced by the UK Government. Most of this expenditure was capitalised and was partially funded by the first tranche of government funding (£61,411). A general fund of unallocated balances were £6.883 million and earmarked reserves were £21.931 million at the end of the year.

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.

16 **PROGRESS REPORT ON THE WORK UNDERTAKEN SO FAR BY THE CLIMATE CHANGE WORKING GROUP AND A REVISED SCHEDULE FOR PRODUCTION OF THE STRATEGY**

INFORMATION: Members considered a report detailing the progress of the Climate Change Working Group.

At the Council meeting on 22nd July 2019, Braintree District Council declared a Climate Emergency and agreed to establish a Climate Change Working Group to develop an action plan to ensure that all Council activities were, as far as practical, carbon neutral by 2030.

At the Cabinet meeting held on 9th September 2019, Cabinet Members approved the creation of the Group and set a deadline of September 2020 for the production of a new Strategy and Action Plan, with a progress report being provided mid-year.

Members were advised that since March and the onset of the Coronavirus epidemic the remaining planned meeting schedule of the Climate Action Group had been postponed and a revised schedule of meetings for the Group and a timeline for the production of the new Climate Strategy to Council had been produced.

The Cabinet Member for Environment and Place informed Members that she had recently attended and made a presentation at the Essex Climate Action Commission.

DECISION: That Cabinet agreed:

1. To note the progress of the Climate Change Working Group; and
2. To approve the revised schedule of meetings and the new date for delivery of the new Strategy and Action Plan.

REASON FOR DECISION: To support the development of a new Climate Strategy and Action Plan for the Council to enable it to become carbon neutral, where practicable, by 2030.

17 **OPEN SPACES SUPPLEMENTARY PLANNING DOCUMENT OPEN SPACES ACTION PLAN**

INFORMATION: The Open Spaces Action Plan listed those open spaces that required enhancement and new open spaces that would meet a recognised need. The table was primarily a tool to enable planning officers to direct funding to open spaces serving the Section 106 development monies.

In order to undertake the yearly review of the Action Plan, consultation had taken place with Parish Councils, ward members and various internal consultees who were responsible for the provision of enhancements of open space within the District. The consultation took place between the 8th November 2019 and the 20th January 2020

Responses were received from 50 Parish Councils, 4 Ward members, 2 sports clubs and internal consultees. These responses were considered by officers and if appropriate and suitable, amendments and updates were added to the 2020 Action Plan.

Members were advised that any enhancements to existing open spaces or any newly identified spaces must be deliverable and acceptable in planning terms.

It was concluded that the Open Spaces Action Plan was updated yearly to support the Open Spaces Supplementary Planning Document to ensure that the Council as Local Planning Authority could secure appropriate contributions for open spaces from developments in the vicinity.

DECISION: That Cabinet approved the Open Spaces Action Plan 2020

REASON FOR DECISION: The plan forms part of the Council's evidence base for securing planning obligations from developers to enhance existing open spaces, or provide new ones. Adopting the Open Spaces Action Plan 2020 supplants the 2019 edition, updating the currently adopted information.

The meeting commenced at 7.15pm and closed at 8.18pm.

COUNCILLOR G BUTLAND
(Leader of the Council)