

Minutes

Cabinet

27th November 2017



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:

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	Yes

Also present as invitees of the Leader:

Councillor Mrs Pell, Leader of Halstead Residents Association

Councillor Abbott, Green Party

Councillor Mann, Representative of the Labour Group

Councillor Siddall, Chairman of the Overview and Scrutiny Committee

Councillor Mrs Wilson, Chairman of the Task and Finish Group Scrutiny Review in to Obesity in the Braintree District

Councillor Schwier was also in attendance.

33 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

- Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Items 6b – 'Medium-Term Financial Strategy 2018-19 to 2021-22' and 8a – 'The Braintree District Plan for Growth 2017-22' as a Non-Financial Director of Ignite Business Enterprise.

- Councillor McKee declared a Non-Pecuniary Interest in Agenda Items 6a – ‘Recommendations from the Governance Committee, 6th September 2017 – Treasury Management Mid- Year Report 2017-18’ and 6b – ‘Medium-Term Financial Strategy 2018-19 to 2021-22’ as Director and Chairman of Trustees of the Braintree District Museum Trust. Councillor McKee also declared a disclosable pecuniary interest in Agenda Item 7a – ‘Braintree District Museum Trust Funding and Management Arrangements’ as Director and Chairman of Trustees of the Braintree District Museum Trust. In accordance with the Code of Conduct, Councillor McKee left the meeting when the application was considered and determined.
- Councillor Siddall declared a Non-Pecuniary Interest in Agenda Items 6b – ‘Medium-Term Financial Strategy 2018-19 to 2021-22’ and 8a – ‘The Braintree District Plan for Growth 2017-22’ as a Non-Financial Director of Ignite Business Enterprise.

34 **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 9th October 2017 be approved as a correct record and signed by the Chairman.

35 **QUESTION TIME**

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

36 **LEADER’S UPDATE**

The Leader had no updates to make.

37 **RECOMMENDATIONS FROM THE GOVERNANCE COMMITTEE, 6TH SEPTEMBER 2017 – TREASURY MANAGEMENT MID- YEAR REPORT 2017-18**

INFORMATION: The Council’s treasury management activities were regulated by statutory requirements and by a Code of Practice (“the Code”) issued by the Chartered Institute of Public Finance (CIPFA). One of the key requirements of the Code was that the Council should receive at least one mid-year report on its treasury management activities.

The mid-year report included details on capital programme, updated capital expenditure, capital financing and investment balances and returns.

DECISION: That Cabinet agreed:

1. To consider the Treasury Management Mid-Year Report 2017/18.
2. Refer the Treasury Management Mid-Year Report 2017/18 to Full Council

38 **MEDIUM-TERM FINANCIAL STRATEGY 2018-19 TO 2021-22**

INFORMATION: Councillor Bebb, Cabinet Member for Finance and Performance highlighted the following points;

On 14th September 2017, the Department for Communities and Local Government (DCLG) published a technical consultation paper on the 2018/19 Local Government Finance Settlement. A response was submitted on behalf of the Council as agreed by the Cabinet Members for Finance and Performance and Planning and Housing.

The Settlement Funding Assessment figures were still to be confirmed however it was estimated that this would reduce from £4.0million for the current year down to £3.6million for 2018/19. It was anticipated that this would be confirmed in the coming weeks.

The other significant funding stream received from Central Government was an administrative subsidy for Local Council Tax Support and Housing Benefit schemes (total of £646,610 in 2017/18). It was expected that the allocations for 2018/19 would also be received in the weeks following the Autumn Budget. The MTFs anticipated a reduction of approximately £44,000 per annum to these subsidies.

The Financial Profile, agreed in February 2017, included cost reductions and additional income planned for 2018/19 to 2019/20. These had been reviewed to ensure that they were still deliverable.

A review of the current year budget, as at 30th September, had predicted a positive variance for the year of £406,000 this is due principally to additional income of £666,000 reduced partially by an overspend on expenditure budgets of £260,000.

Senior Managers have reviewed their service budgets to identify possible cost reductions and/or income generation, in particular with reference to the projected outturn for the current year. The review of service budgets has identified budget adjustments with a total of £695,740 for 2018/19. These have been agreed by Management Board as they do not have a direct impact on customers or service delivery.

Since the review at the half-year, a tender exercise had been undertaken for the renewal of an insurance policy covering the Council's Environmental Impairment liabilities, which were a consequence of the Housing Stock transfer agreement with Greenfields Community Housing in November 2007. The outcome of the tender exercise was that the lowest insurance premium is £98,560. It was recommended that an Environmental Insurance Policy be undertaken with Zurich Insurance for a period of 10 years. With the original premium being an upfront payment for the 10-year term no provision was made for the renewal and as a consequence it was also recommended that the cost of the premium be met from the unallocated balance.

Bids for revenue funding to meet unavoidable budget demands and new investments total £657,720, in 2018/19 and £36,000 in 2019/20. The majority of this was an ongoing requirement and it therefore needed to be added to the base budget. Two requests, totalling £38,170, were for a one-off budget in 2018/19. In addition, a request was made to add further funding to the Planning Appeal Costs reserve which would be fully expended during the current year. It was proposed that this be funded from the additional Planning Application fee income in the current year. The unavoidable budget demands include a proposal to allocate a proportion of the estimated surplus on the Council Tax Collection Fund from 2017/18 of £181,609 between the Town/Parish Councils and this Council. The proportion payable to the Town/Parish Councils is £33,170 and would be paid in 2018/19.

A number of cost reductions and additional income which will either have an impact on residents, customers or local organisations or involve policy issues are proposed and have a total value of £232,050 in 2018/19.

Car park fees and charges are reviewed on a minimum of a three-year basis. The last review was undertaken for 2014/15 and a review had recently been undertaken. It was proposed that charges were increased: short term charges for up to 1 hour and between 1 hour and 3 hours by 10p and 20p respectively. Longer stay charges, which had not been increased since April 2011, were proposed to be increased by 50p and a 10% increase in season ticket prices was also proposed. No change was proposed to the 10p after 3:00pm initiative.

It was also proposed that Land Charges search fees were increased to enable the recovery of additional costs of data management required in advance of the transfer of the major part of the service to the Land Registry.

Whilst it was proposed to cease issuing refuse/recycling collection calendars with effect from 2018/19, the Cabinet Member for Environment and Place commented that she would be reconsidering the proposal and its impact on residents without access to the internet.

In respect of investment returns a net increase of £45,000 was estimated for the dividends receivable per £1million invested in pooled funds. The limit on the amount which can be invested in pooled funds was increased by £5million to £20million by Council in October.

The Council had agreed that internal funds used to purchase two properties during the year would be repaid from revenue over a 25 year period to provide funding for future capital projects. As this was a voluntary arrangement it was proposed to reverse this decision which would provide a revenue saving.

In early September 2017 the DCLG issued an Invitation to Local Authorities in England to pilot 100% Business Rates Retention in 2018/19 and to pioneer new pooling and tier-split models. With the request for two-tier areas to apply, 14 of the Essex local authorities together with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority agreed to work on an application for Pilot status for 2018/19. The potential additional Business Rates that could be retained within the County were circa £25million. The Essex authorities had agreed that the fallback position should the bid for Pilot status be unsuccessful was for an expanded Essex Business Rate Pool for 2018/19, incorporating the 15 authorities.

Members were advised that it was not proposed to make any changes to the current Local Council Tax Support Scheme for 2018/19.

In anticipation of the referendum limit being confirmed by the Government at the current level it was proposed that the Council Tax increase for 2018/19 be £4.95 (at Band D): this was considered necessary to help address the anticipated budget shortfalls over the medium-term and due to the uncertainty over future changes to Local Government funding.

It was reported that the updated financial profile 2018/19 to 2021/22 showed for;

2018/19 – addition to Balances of £173,929; 2019/20 – shortfall of £513,616; 2020/21 – a shortfall of £209,620; and 2021/22 – addition to balances of £8,038.

Details of the Capital Programme with the proposed capital projects were presented. The value of the proposed projects in 2018/19 is £1,636,800 and anticipated requirements for 2019/20 to 2021/22 total £745,000, £720,000 and £720,000 respectively.

DECISION: That Cabinet recommends to Full Council to agree:

- a) The Braintree District Council's Local Council Tax Support scheme for 2018/19 as detailed on the Council's website:
https://www.braintree.gov.uk/info/200302/benefits/1078/what_is_the_local_council_tax_support_scheme
- b) That the surplus on the Council Tax Collection Fund be allocated between the District and Parish/Town Councils as detailed in Appendix A attached to the report;
- c) That £300,000 of the anticipated over achievement against budget of planning application fees in the current year be vired to the reserve for Planning Appeal Costs; and

Cabinet agreed that:

- d) The Environmental Insurance policy, relating to warranties given by the Council as part of the Housing Stock Transfer, be renewed and that this be with Zurich Insurance in the sum of £98,560, covering the 10-year period to November 2027, and that this be funded from the unallocated balance; and
- e) The Revenue Budget and Capital Programme for 2018/19, as presented in this report, constitute the initial Budget proposals and that views are sought as appropriate.

REASON FOR DECISION: Good governance arrangements through the proactive management of the Council's finances over the short and medium term.

To recommend to Council to agree the Local Council Tax Support scheme for 2018/19 for the Braintree District.

39 **STATEMENT OF ACCOUNTS 2016-17**

INFORMATION: A draft set of Statement of Accounts were signed on 30th May 2017 by Chris Fleetham, Corporate Director as representing a "true and fair view" of the Council's financial position at the reporting date. Whilst there were no changes to accounting policies for 2016/17, the Council applied the new requirement to present the financial statements on the basis of how resources were managed and reported internally, rather than using the previously prescribed set of service headings.

The Council's External Auditor, Ernst & Young LLP (EY), commenced the audit of the accounts in July 2017. The accounts were available for public inspection between 5th June and 14th July 2017. During this time no requests to inspect the accounts or any questions for the external auditor were received.

The Statement of Accounts for 2016/17 together with the External Auditor's Audit Results Report were received and approved by the Governance Committee on 6th September 2017.

DECISION: That Cabinet Members received and noted the Council's Statement of Accounts for 2016/17.

REASON FOR DECISION: To formally receive the Council's Statement of Accounts for 2016/17 following the external audit and approval by the Governance Committee.

40

SECOND QUARTER PERFORMANCE MANAGEMENT REPORT 2017/18

INFORMATION: As at the end of the second quarter, ten projects had been completed and a further 49 projects were on track and progressing well.

In terms of performance indicators, ten performance indicators had achieved or exceeded target, four had missed target by less than 5% and four had missed target by more than 5%. The performance indicators that had missed target by less than 5% related to the tonnage of waste not recycled, the time taken to process Housing Benefit claim changes, time taken to process Housing Benefit/Council Tax new claims and the collection rate for Business Rates.

It was reported that since the publication of the report, the status for recycling was at 52% and the Council had now achieved 53%, and the tonnage of waste not recycled had a target of 108kg and the Council was now achieving 111kg. The time taken to process Housing Benefit and Council Tax claims had also caught up.

The performance indicators that had missed target by more than 5% were in relation to the number of visits to leisure facilities which included participation levels for the under 16's, the number of passenger journeys on the Community Transport Scheme and the average call answer time in the Customer Service Centre.

Members were advised that the Council had contacted Fusion Lifestyle to share its concern regarding the reduction in the number of users. It was recognised that there had been a national trend in the reduction of swimming; the numbers of people using gyms had also decreased with the uptake of walking, running and cycling. It was noted that the second quarter incorporated the school holiday period and this would account for the reduction in the uses of passenger journeys under the Community Transport Scheme.

It was reported that an overall positive variance for the year of £406,000 was projected against the budget and income was projected to be overachieved by £666,000; with an overall overspend of £260,000 forecast on Staffing and Other Expenditure.

DECISION: That Cabinet noted and endorsed the report.

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

***BRAINTREE DISTRICT MUSEUM TRUST FUNDING AND MANAGEMENT ARRANGEMENTS**

Minutes Published: 4th December 2017
Call-in Expires: 12th December 2017

INFORMATION: Members were advised that at present the Council's Museum Services, which include the operation of the Braintree Museum, Warner Archive and the management and preservation of the Council's artefacts and collections, was provided by Braintree Museum Trust. This service had been successfully developed over a number of years and as a result there were a number of areas of the current arrangements which required reviewing. These areas included the funding and management agreements, staffing arrangements historical debt and future management and direction of the Trust.

The proposed funding arrangements were designed to provide an ongoing reduction in cost to the taxpayer for the Museum Service at a rate that allowed the Trust to continue to identify and develop its own funding streams.

In terms of staffing the proposed revised arrangements would involve transferring two members of Council staff over to the Trust to give greater clarity and focus under one governing body. The Council would also act as a financial guarantor for the Trust's admission to the Local Government Pension Scheme in relation to the two members of staff transferring into the Trust.

During the process of the negotiation, a significant issue had been identified with the heating system and boiler in the main Museum building. This would require immediate replacement to ensure the continued operation of the Museum and the management of the Museum Collection. The Trust had requested funding to replace the boiler and related heating systems. There was a reserve for Leisure and Culture which had sufficient funds to make a contribution of up to £100,000 to the Trust for this purpose.

There was also a historic debt of £116,550 which related to the early operating costs of the Warner Textile Archive. This was intended to be repaid through the achievement of surplus income, but this had not been financially viable to date for the Trust and it was unlikely that this position would change in the near future. The outstanding debt was having a detrimental impact on the Trust being able to obtain funding from other sources and therefore the review had recommended that this debt be written off.

DECISION: That Cabinet agreed:

1. To enter into the new Funding and Management Agreement with Braintree District Museum Trust from 1st April 2018 for the management and operation of the following sites:
 - a. Braintree District Museum
 - b. Warner Visitor Centre
2. To enter into a Business Transfer Agreement with Braintree District Museum Trust that will enable the transfer of two members of staff in to the Trust as well as the transfer of IT equipment and the agreement of pension arrangements.

3. The Council to act as a financial guarantor for the Trust's admission to the Local Government Pension Scheme in relation to the two members of staff transferring into the Trust.
4. The proposed funding levels for the next four years are agreed as follows:

Year	Period	Amount
1	1 April 2018 to 31 March 2019	£207,190
2	1 April 2019 to 31 March 2020	£198,690
3	1 April 2020 to 31 March 2021	£185,190
4	1 April 2021 to 31 March 2022	£171,690

5. To contribute up to £100,000 towards a replacement heating system for the Museum subject to the provision of a business case by the Trust.
6. To delegate authority to the Portfolio Holder for Health and Communities for any final negotiation of the Funding and Management Agreement and Business Transfer Agreement that does not impact the financial obligations of the Council.

To recommend to Council:

1. To reduce the number of Braintree District Council Members on the Trust's Board from three to two from the date of the Braintree District Council Annual General Meeting in 2018.
2. To write off an historic outstanding debt that the Trust owes the Council totalling £116,550.

REASON FOR DECISION: To facilitate a successful, long term arrangement with Braintree District Museum Trust to operate the Council's Museum Services.

42 **CABINET RESPONSE TO THE RECOMMENDATIONS FROM THE OVERVIEW & SCRUTINY COMMITTEES TASK AND FINISH GROUP - SCRUTINY REVIEW INTO OBESITY IN THE BRAINTREE DISTRICT.**

INFORMATION: The Scrutiny Review into Obesity in the Braintree District by Task and Finish Group of the Overview & Scrutiny Committee was presented to Full Council in July 2017. In line with the corporate process, the Council referred the report to Cabinet to respond to the recommendations. The Cabinet Member for Health and Communities had considered these and had provided a considered response to each of the recommendations.

DECISION: That Cabinet approved appropriate responses put forward by the Cabinet Member for Health and Communities and delegates any actions to the Corporate Director and/or Head of Environment and Leisure to take forward.

REASON FOR DECISION: To consider and respond to the recommendations made by the Overview & Scrutiny Committee to Full Council on improvements that can be made to reduce the increasing levels of obesity in the Braintree District.

43 **THE BRAINTREE DISTRICT PLAN FOR GROWTH 2017-22**

INFORMATION: The Plan for Growth outlined the Braintree District economy and incorporated economic development interventions required for growth. The priorities were focused around infrastructure, business support and skills and the realization that additional jobs in the District would come from the sectors of construction, IT, digital creative, advance manufacturing and engineering, health and social care and logistics.

The Draft Plan for Growth was approved by Cabinet in May 2017 and was subject to a public consultation in August and September 2017. Four comments were received during the consultation period. These comments and further internal discussions had led to a number of changes to the document. The most significant of these were the addition of a new section which sets the scene on the forecast housing growth in the District as set out in the Local Plan and a realigned Annual Action Plan for 2018 – 2019.

DECISION: That Cabinet agreed;

1. To approve the adoption of the Braintree District Plan for Growth 2017 -2022
2. To delegate the approval of Annual Plans to support the Plan for Growth to the Cabinet Member for Economic Development

REASON FOR DECISION: To adopt the Plan for Growth to guide economic development in the District over the next five years.

44 **DIGITAL STRATEGY 2018-2021 AND DIGITAL PLAN 2018-2019**

INFORMATION: It was recognised that customers in the Braintree District had changing needs in terms of the way they accessed services and how they communicated. The Council needed to use technology innovatively to reduce costs and improve productivity and efficiency.

It was reported that each month the Council receives 66,000 website visits and 250,000 page views. 80,000 transactions had now been completed online. Of all those accessing the Council's website online 47% were via mobile device. There were also 74 online services available, 60 with online forms and 31% of all transactions were now completed online with these figures increasing.

The Digital Strategy set out the vision for digital services over the next four years. The Strategy set out how the Council would meet challenges and make the best use of technology to deliver better outcomes for customers. The three key elements to the Strategy were Digital Council, Digital Customer and Digital District.

To deliver the four year Digital Strategy, there would be an annual Digital Plan, which set out the key actions and measures required in that year to achieve the objectives of the overall Strategy.

DECISION: That Cabinet agreed:

1. To agree the Digital Strategy 2018-2021 and the Digital Plan 2018-19.
2. To delegate the approval of the Digital Strategy and the Digital Plan to support the Plan for Growth to the Cabinet Member for Economic Development.

REASON FOR DECISION: To agree the priorities that will allow the Council to make maximum use of technology to support our customers across the District; and, to make the Council more flexible and responsive through its use of digital technology.

45 ***PROPOSED DISPOSAL OF LAND TO PROVIDE ACCESS TO RESIDENTIAL DEVELOPMENT SITE OFF MALDON ROAD, WITHAM**

Minutes Published: 4th December 2017 Call-in Expires: 12th December 2017

INFORMATION: Members were reminded that this Item was linked to Item 13a 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 13a of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 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: Members were asked to consider the disposal of a small piece of land in Maldon Road, Witham.

Braintree District Council had received a request from Bellway Homes to acquire the Council's land at Riverview off Maldon Road in Witham to provide access to the vacant land to the west. The disposal of the land would enable Bellway Homes to bring forward a 78 unit residential development scheme comprising a mix of flats and houses and including 30% affordable housing.

Bellway Homes had agreed a total purchase price for all of the land included with the residential development site and the Council would be receiving a proportion of this price for its access land.

Part of the land which was owned by the Council and required for the access was contained in a lease to the Trustees of the Witham and District Sports Association. The Council had agreed terms for the surrender of this small piece of land from the Trustees in exchange for Bellway Homes making an agreed payment to the Trustees

and erecting a 1.8m weldmesh fence along the western boundary of the Sports Ground.

DECISION (PUBLIC REPORT): That Cabinet agreed:

1. That Members approve the disposal of the site subject to the consultation decision at 4 below on terms agreed with Bellway Homes, as set out in this report, to enable Bellway Homes to secure access over the Council's land and bring forward their proposed residential development scheme on the land situated off Maldon Road in Witham.
2. That powers be delegated to the Corporate Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management to agree any amendments or variations to the disposal terms set out in this report.
3. That Members approve the completion of an Agreement for Surrender and an Agreement for Lease with the Trustees of the Witham and District Sports Association for the surrender of their lease of The Sauls Bridge Sports Ground, to release the small area of land required by Bellway for access, and the re-grant of a lease to the Trustees for remainder of The Sauls Bridge Sports Ground.
4. That powers be delegated to the Cabinet Member for Corporate Services and Asset Management to consider any representations received by the Council following the legal requirement to advertise the disposal of the area of open space which is included within the land being sold to Bellway and to approve or stop the transaction based on these.

DECISION (PRIVATE REPORT): That Cabinet agreed:

1. That Members approve the disposal of the site subject to the consultation decision at 4 below on terms agreed with Bellway Homes, as set out in this report, to enable Bellway Homes to secure access over the Council's land and bring forward their proposed residential development scheme on the land situated off Maldon Road in Witham.
2. That powers be delegated to the Corporate Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management to agree any amendments or variations to the disposal terms set out in this report
3. That Members approve the completion of an Agreement for Surrender and an Agreement for Lease with the Trustees of the Witham and District Sports Association for the surrender of their lease of The Sauls Bridge Sports Ground, to release the small area of land required by Bellway for access, and the re-grant of a lease to the Trustees for remainder of The Sauls Bridge Sports Ground.
4. That powers be delegated to the Cabinet Member for Corporate Services and Asset Management to consider any representations received by the Council following the legal requirement to advertise the disposal of the area of open space which is included within the land being sold to Bellway and to approve or stop the transaction based on these.

REASON FOR DECISION: To approve the disposal of the Council's land for access purposes to enable a residential development scheme to come forward on the adjoining site.

The meeting commenced at 7.15pm and closed at 8.47pm.

COUNCILLOR G BUTLAND
(Leader of the Council)