

# Minutes

## Cabinet



1<sup>st</sup> December 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	Yes
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	Yes

<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	Yes
Councillor R G S Mitchell	Environment and Sustainability	Apologies

The following Councillors were also present as invitees of the Leader

Councillor Dr R L Evans, Leader of the Labour Group  
 Councillor M G Gage, Chairman of the Overview and Scrutiny Committee/Leader of Halstead Residents' Association  
 Councillor S M Walsh, Chairman of Braintree Local Committee.

Councillors S J Lambourne, E R Lynch, D Mann, R Ramage, Mrs C Sandbrook, A F Shelton, Mrs J A Smith and Mrs G A Spray were also in attendance. Councillor Ms L B Flint was also present for the latter part of the meeting and the initial part of Private Session.

Apologies for absence were received from Councillors R J Bolton, Chairman of Halstead Local Committee and T J W Foster, Chairman of Witham Local Committee.

### 91 **DECLARATIONS OF INTEREST**

The following Declarations of Interest were made

- Councillor S M Walsh and R G Walters both declared personal interests as

Essex County Councillors for any issues on the agenda connected with Essex County Council.

- Councillors G Butland, M C M Lager and Mrs J W Schmitt all declared personal interests in Agenda Item 8a – Medium Term Financial Strategy, as Members of the CHIP Board.

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.

92 **QUESTION TIME**

There was no questions asked or statements made.

93 **MINUTES**

**DECISION:** That the minutes of the meeting of the Cabinet held on 9<sup>th</sup> October 2008 be approved as a correct record and signed by the Leader.

94 **'ONE DISTRICT – ONE VISION': STRATEGY FOR PEOPLE AND PLACES IN THE BRAINTREE DISTRICT TO 2025**

Councillor Butland, the Leader of the Council, introduced the draft Strategy that links the priorities of Braintree District Council with its' partners and stakeholders, and is out for consultation until 19<sup>th</sup> December 2008. The Council is a consultee in the process and the draft Strategy will be considered at the Council meeting on 15<sup>th</sup> December 2008. The Leader proposed two amendments to the document, as follows

- Page 58 – 'Creating a clean and green environment in the Braintree District – the proposed Community Priorities', for an additional bullet point
  - To respond to the risks facing the District by climate change
- Page 64 – 'Achieving a prosperous local economy in the Braintree District – The Proposed Community Priorities', for an additional bullet point
  - To promote and sustain the viability of our Town Centres and our rural areas.

In response to a query whether there is intentions to engage with Parish and Town Council's and link in with their priorities, it was clarified that the draft Strategy includes Town/Parish appraisals and Village Design Statements.

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

That consideration be given to the draft Strategy 'One District – One Vision', including additional bullet points as defined above.

95 **BRAMSTON LEISURE CENTRE AND MALTINGS ACADEMY**

Councillor Harley, Cabinet Member for Enterprise, Culture & Leisure, reminded Members that the Council had accepted the freehold of Bramston Sports Centre and a Joint Use Agreement had been established with the Academy. The Council has been

invited to join the Essex County Council/Maltings Academy Initial Design User Group (BDC representative is Russell Everard) and the Council commits itself to work with the Academy for swimming pool provision in Witham. Commitment has also been made by the Council on free swimming initiatives for the over 60's and the under 16 age groups, that attracts additional funding that will be used towards a feasibility study for the pool. It was explained that the 'significant implications' referred to in the Executive Summary are on wetside facilities, with dryside facilities anticipated as well; and that the diving provision at Witham pool (the only diving facility in the District) will be taken into consideration.

**DECISION:** That the Council commits itself to work with the Academy/Essex County Council with a view to securing a replacement swimming pool for Witham.

96     **SUPPORTING OUR COMMUNITIES**  
**MEDIUM TERM FINANCIAL STRATEGY**  
**BUDGET 2009-10 – SERVICE OPTIONS**

The Leader of the Council announced that the above items under Items 6b, 8a and 16a (from Private Session) of the agenda are to be drawn together as one item - **'Service to our Community'**.

Councillor Mrs C Sandbrook, Chairman of the **Fees and Charges** Task and Finish Group, provided an update position of the Group's work since the initial report to Council on 15<sup>th</sup> September 2008. The discretionary charging policy is being explored, with current levels of charges and benchmarking with similar authorities taking place. The revised Policy will be subject to a year-on-year audit with appropriate processes. The Group had categorised over 700 discretionary charges and implementation proposals need to ensure consistency and fairness. Fees and charges cover a wide spectrum, including trade waste, car parking, cemeteries, planning issues, Braintree Town Hall, community halls and an area of miscellaneous charges to cover administrative costs including advice, research and officer time. Through the area of charges, concessions are causing the most concern. With regard to community halls Age Concern Head Office had made a favourable response for full payment instead of current concessions being made. Car parking is also receiving close, detailed examination with car parks currently not charged at Stoneham Street, Coggeshall; Earls Colne; Sible Hedingham; and Rayne Road, Braintree. The numbers/income from Blue Badge holders, and proposals to increase the short stay charge (up to one hour) to 70p or 75p is being considered. Further detail, including revenue generated and the net benefits to the District in the future, is being collated enabling the Cabinet to make an informed decision on current information. The proposals will feed into the budget process.

The Leader referred to ways proposed by the Council to **assist the community** through the next financial year and current economic climate. Awareness to redundancies and issues related to debt are recognised and the need for Council Tax payers, particularly the elderly and those reliant on interest from savings, to be considered when the Council looks to its' budget proposals for 2009-10. The Medium Term Financial Strategy (MTFS) had previously proposed Council Tax for 2009/10 as a 3.7% increase. Through discussion and allowing for economic circumstances it is now proposed to look at a 2.5% increase in Council Tax for 2009/10 and 2010/11 and into a third year.

The reduction in VAT at the recent budget, and ways to work more closely with Essex County Council (ECC) will all be taken into consideration leading to the Council Tax being set at the Council meeting on 16<sup>th</sup> February 2009. Possibilities will also be sought next year for those vulnerable individuals and small businesses that are facing hardship. Measures will be proposed

- for Direct Debit payers that currently pay over a 10 month period for their Council Tax, to have opportunity to pay over 12 months
- encourage more residents to use benefit take up and work with ECC to reach those in rural areas, i.e. mobile libraries
- establish an Economic Support Fund, with £50,000 funding for any support measures
- with more people approaching the Citizens' Advice Bureau (CAB) for help - it is proposed to provide an additional grant to the CAB for more assistance, and to review as necessary as the year progresses
- for no increase to Councillors allowances for 2009/10 and 2010/11
- that any increase in charges (including the work of the Fees and Charges Group) including up-rating, that are within the Council's control, will be deferred until 1<sup>st</sup> April 2010
- for no increase in current charges on any services levied by Braintree District Council, i.e. parking charges.

To support the local economy, local retailers and residents, it is proposed for free use in all Council car parks in the lead up to Christmas, and the following car parks will be free for casual users from 20<sup>th</sup> to 24<sup>th</sup> December 2008 inclusive at

- George Yard, the Bus Park, Manor Street, Station Approach in Braintree, and
- Newlands Drive, White Horse Lane, and Mill Lane in Witham.

Braintree District Council do not own/operate any car parks in Halstead.

The Leader stated that the aim is towards local residents and to support local business, with further significant work to be done immediately, in the short term and in 2009/10. Consultation will commence on the options proposed under the 'Possible Areas for Review and Future Savings' (Item 16c) to switch priorities of services within the Council with all final aspects being considered at the Council meeting in February 2009.

Councillor Lager, Cabinet Member for Efficiency & Resources, introduced the **Medium Term Financial Strategy**, and referred to the impact from the recent budget including

- the VAT cut affecting the VAT Shelter provision the Council had undertaken following the transfer of the housing stock to Greenfields Community Housing (GCH)
- the calculation on the 17.5% VAT rate will immediately reduce capital finance, i.e. by £238,000.

Measures are being made to work towards a 2.5% Council Tax increase, on initiatives with Essex County Council, the benefits service, and supporting the CAB as defined above, and to mitigate the impact of the economic crisis on the Council's residents.

Councillor Lager referred to Appendix H of the report, and the expectation that Local Committees are to look carefully at spending plans – to deliver the Council's corporate approach – and not just as a grant-making function. For 2009/10 allowance has been made for inflation, interest rates, loss of interest from the Icelandic banks, and proposal for a 2.5% Council Tax increase – and all these have resulted with a revenue gap of £1.1m during 2009/10 – and the government grant still has to be advised.

The Housing Revenue Account (with 20 properties) remains open, and interest from this; the position of the General Fund; the Housing Rents (being set according to Government formula – same as GCH ); Capital Programme; and contribution from the CHIP Fund will all be assessed and together with public views and consultation with the business community will be presented for consideration at an **additional meeting of Cabinet on Monday 19<sup>th</sup> January 2009**, in preparation for Cabinet on 2<sup>nd</sup> February 2009.

At this time Parish and Town Council precepts will be available, and the Overview and Scrutiny Committee on 28<sup>th</sup> January 2009 will consider all budget setting material. Members noted other aspects in the financial reports on the drop in income on land charges; higher energy costs; the Treasury Policy at Appendix B, and the fees and charges proposals to be advised, and the risks regarding Service Level Agreements and the potential drop in income if they are not renewed.

The Leader highlighted that the inflationary increase applied to the Parish Support Grant is limited to 2.5%, but this increase will be reduced down to nil where increases in Parish or Town Council precepts are increased by more than 2.5%. (Item 7.4/Page 18 refers). Advice will be provided to Town and Parish Councils.

*ACTION POINT:- Officers to advise Town and Parish Councils of the above proposals.*

It was reiterated that charges determined by this authority will be frozen, although some central government charges may increase and need to be implemented.

Councillor Harley stated that proposed initiatives will be important to small businesses and the commitment by the Council to pay invoices within 15 days, and spreading Business Tax payments will be useful.

The following schedule for financial proposals was noted

- 10<sup>th</sup> December 2008, Overview and Scrutiny Committee – The Leader and Cabinet Member (Efficiency & Resources) to attend
- 19<sup>th</sup> January 2009, Special Cabinet meeting at 5.00pm – to finalise proposals from this Cabinet meeting
- 28<sup>th</sup> January 2009, Overview and Scrutiny Committee – final proposals
- 2<sup>nd</sup> February 2009, Cabinet at 7.15pm – formally propose of Budget to Council on 16<sup>th</sup> February 2009 for consideration.

## **DECISION:**

### Supporting our Communities through Economic Difficulties

1. That the present level of support currently available to the community is noted
2. That additional funding of £15,000 per annum to the Citizens' Advice Bureau be approved
3. That the Leader and Cabinet would review the options and opportunities to support the community during a period of economic hardship.
4. That an Economic Support Fund of £50,000 be established to assist any

appropriate support schemes over the next 16 months. This to be funded from the projected underspend in the 2008/09 budget (e.g. additional special collection costs within the report).

### Medium Term Financial Strategy

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

5. That the Council amends the Medium Term Financial Strategy for consultation to reflect a proposed Council Tax increase of 2.5% over the next three years
6. That any increase in Parish Support Grant for 2009/10 is limited to the proposed 2.5% as set out in Item 7.4 of the report
7. That subject to final agreement with Essex County Council the operational responsibility of the concessionary fares scheme transfers to Essex County Council with effect from 1<sup>st</sup> April 2009
8. That the revised credit worthiness criteria, as detailed in Appendix B of the report, be agreed.

### **Cabinet agreed to:-**

9. That the following schedules and issues be adopted as the basis for consultation on the 2009/10 budget
  - Schedule of new demands
  - Proposals for changes to service provision
  - General Fund Financial Profile (Appendix H)
10. That the proposed Capital Programme position be noted and presented to the February Cabinet for final decision.
11. That the lease of car park at Howard Hall, Braintree be surrendered with effect from 30<sup>th</sup> September 2009
12. That all Discretionary Rate Relief for schools and colleges cease with effect from 31<sup>st</sup> March 2009
13. That the Chief Executive be authorised to commence the appropriate consultation processes with Trade Unions and staff on any proposal that has staffing implications
14. That free town centre car parking for Braintree and Witham from 20<sup>th</sup> to 24<sup>th</sup> December 2008 inclusive (as indicated above) be agreed
15. That the final report of the Fees and Charges Task and Finish Group is considered at Cabinet.



97 **TOWN CENTRE REGENERATION**

Cabinet received the report on Three Towns: One Vision, Developing Proposals for the Regeneration of parts of Witham, Braintree and Halstead (including the Financial Summary - Private Session item).

**DECISION:**

- (1) That the Terms of Reference and Membership of the Programme Steering Board for the Three Towns: One Vision project be approved
- (2) That Cabinet supports the proposed development briefs for both the Braintree and Witham sites, subject to consideration by the Programme Board for final approval
- (3) That the Programme Board appoints appropriate consultants for the next stage of the programme, subject to the Council's programme and procedures

98 **QUARTERLY PERFORMANCE REPORT**

Cabinet received the Half Yearly Performance Management report for 1<sup>st</sup> April to 30<sup>th</sup> September 2008. Attention was drawn to the Introduction and Summary, improvements on Key Performance Indicators, the Customer Service Centre telephone response time (Page 19) now being nine seconds, and the percentage of enquiries resolved at point of contact standing at 92% (Page 31).

Members referred to some Council's experiencing difficulty in disposing of their recyclable material. Councillor Walters, Cabinet Member for Environment and Sustainability, reassured Cabinet that this Council would not be affected.

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

99 **CABINET MEMBERS' UPDATES**

There were no reports from Cabinet Members.

100 **RURAL ISOLATION TASK AND FINISH GROUP**

Councillor Mrs Spray, Chairman of the Rural Isolation Task and Finish Group, referred to her presentation at the Council meeting on 15<sup>th</sup> September 2008, the Terms of Reference of the Group, and focused on how services are accessed in the rural community. The Group had undertaken consultation by going out into the community, and by inviting guests to meetings, with findings including the poor distribution of Post Offices in the north of the District. Some communities had no Post Office, a lack of bus service, and travelled over the border into Suffolk to seek appropriate services. As you move south through the District the frequency of Post Offices increase, and it was considered that working with other Councils could help people to the north of the District. To assist residents through the current economic climate it was considered that the Council should explore ways to advertise our services (plus the Council's partners) by use of mobile services, village shops, local transport, and contact with the Bus and

Rail Task and Finish Group – some of these proposals are included in the recommendations of the report. It was also noted that the findings of the report would be taken to the Essex Rural Commission.

Cabinet congratulated the Group on their report, and stated that Essex County Council are involved in reopening Post Offices through their Post Office Essentials scheme providing a limited post office service, and this service should be encouraged in villages. The use of village stores as a link information point for services should also be promoted, and aid the economic viability of local stores.

The second recommendation of the Group regarding the Council's website including a link to every Town/Parish Council website had already been implemented, and appropriate action is to be included in the 2009/10 Business Plans for the remaining recommendations.

**DECISION:** That the recommendations on Page 16 of the report be endorsed

101 **USE OF RESOURCES – KEY LINES OF ENQUIRY 2008 – Reference from the Audit Committee 25<sup>th</sup> September 2008**

Cabinet received the recommendation and covering report to the use of resources judgements in assessing how well the Council manage and use their financial resources.

**DECISION:** That the Use of Resources submission for 2008 be endorsed.

102 **FREEDOM OF INFORMATION PUBLICATION SCHEME – Reference from the Local Government Reform Cabinet Sub Group 26<sup>th</sup> November 2008**

The Leader presented the proposed Freedom of Information Publication Scheme for adoption with effect from 1<sup>st</sup> January 2009.

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

That the Freedom of Information Publication scheme be adopted with effect from 1<sup>st</sup> January 2009.

103 **\*\*PROPOSAL FOR JOINT PARKING SERVICE – Reference from the Performance and Efficiency Programme Board 27<sup>th</sup> November 2008**

Councillor Lager, Chairman of the Performance and Efficiency Programme Board, presented proposals for the joint parking initiative between Braintree District Council, Colchester Borough Council and Uttlesford District Council. The service will be hosted by Colchester Borough Council, and overseen by a Joint Committee and has a target implementation date of 1<sup>st</sup> April 2009. The proposal will bring financial benefits, consolidate management arrangements, and provide an opportunity to pool resources at times of staff sickness or holidays.



## **DECISION:**

1. That the creation of a joint parking service with Colchester Borough Council and Uttlesford District Council be approved in principle, subject to the issues quoted in the extract minute of the Performance and Efficiency Programme Board of 27<sup>th</sup> November 2008.
2. That authority be delegated to the Cabinet Member for Environment and Sustainability; subject to appropriate financial and legal advice, to develop arrangements with the partner authorities and to formally agree the Joint Committee Agreement specifying scope of the arrangements, responsibilities and financial implications for Braintree District Council.
3. That two Members are appointed (one of whom to be the Portfolio Holder or Deputy) to represent Braintree at Joint Committee meetings.

## 104 **CHIEF EXECUTIVE'S REPORT**

The Chief Executive, Allan Reid, presented his report and highlighted topics on Organisational Development, Working Together with other organisations, the Leisure Contract and Play Areas.

**DECISION:** That the report be noted

## 105 **DELEGATED DECISIONS**

That the following delegated decision be noted

- Councillor Butland agreed to implement the Employer's final pay offer for 2008/09
- Councillor Harley agreed for the Council to participate in the Over 60's free swimming offer, and to express an interest in potential funding for the under 16's free swimming offer.
- Councillor Harley agreed to price increases of leisure services for core and non-core fees submitted by DC Leisure, with effect from 20<sup>th</sup> October 2008.
- Councillor Walters resolved to apply the amendment to Schedule 4 of the Environmental Protection Act 1990 to allow charging for return of supermarket trolleys collected by the authority following abandonment.

With regard to the last Delegated Decision, Councillor Walters advised that he has arranged a meeting with the Chief Executive of Tesco, to discuss the issue of abandoned trolleys.

## 106 **MINUTES FROM CABINET SUB-GROUPS**

Consideration was given to the minutes of

- Cabinet Working Group – London 2012 – 18<sup>th</sup> September 2008
- Local Government Reform Cabinet Sub Group – 13<sup>th</sup> October 2008
- Cabinet Working Group – London 2012 – 6<sup>th</sup> November 2008

**DECISION:** That the minutes of the meetings, as listed above, 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 Paragraphs 3 & 4 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 it is therefore admissible in the public domain.*

### 107 **DECLARATION OF INTEREST**

Councillor R G Walters declared a personal and prejudicial interest in the following item, as being a Trustee of the Museum Trust. In accordance with the Code of Conduct, Councillor Walters, left the meeting prior to consideration of the item.

Councillor Ms L B Flint, Chairman of the Braintree District Museum Trust, also had a personal and prejudicial interest, and addressed Cabinet in support of the proposals of the report, and briefing paper tabled at the meeting.

In accordance with the Code of Conduct, Councillor Ms Flint, left the meeting at this point.

### 108 **MUSEUM TRUST**

Councillor Harley, Cabinet Member for Enterprise, Culture and Leisure, presented the report, and revised proposals contained in the briefing paper. Possible solutions were proposed in the reports with an immediate £25,000 of funding and provision of £40,000 in the Council's revenue budget for 2009/10.

Cabinet expressed their concerns to the current situation and the possible implication of payback of the grant. However, funding cannot be continually produced to rectify the problems, and ways should be sought to rejuvenate the Museum Trust. The urgent short-term issues in the report had to be addressed, and medium term options need further consideration.

The Leader requested Councillor Harley to convey the views discussed by Cabinet, and look for an active role with Braintree District Council to find a long term solution.

### **DECISION:**

1. That the provision of an additional £25,000 during this financial year to address current cash flow and funding difficulties for the Braintree District Museum Trust be approved.

2. That provision of £40,000 is made in the Council's revenue budget for 2009/10.
3. That the Council have considerable say with the existing Trustees, and additional funding is conditional to joint working with members and officers on the long term issue, and production of a Business Model.
4. That the Council has open book access to the budgets of the Museum Trust.

The meeting commenced at 7.15pm and closed at 9.26pm

G BUTLAND  
(Leader)

