

CABINET MEETING

The CABINET will meet at COUNCIL CHAMBER, CAUSEWAY HOUSE,
BOCKING END, BRAINTREE, CM7 9HB, on MONDAY 4TH FEBRUARY 2013 at
7.15PM

Membership

Portfolio

Leader of the Council	Councillor G Butland (Chairman)
People and Participation	Councillor Mrs J Beavis
	Councillor P Tattersley
Performance and Efficiency	Councillor D L Bebb
	Councillor J T McKee
Place	Councillor Mrs W Schmitt
	Councillor R G S Mitchell
Planning and Property	Councillor Lady Newton
	Councillor J O'Reilly-Cicconi
Prosperity and Growth	Councillor C Siddall (Deputy Leader of the Council)

Invitees

Other invitees:- Group Leaders, the Chairmen of the Overview and Scrutiny and the Governance Committees, Mr David Eagles of PKF and Mr Phil Adams, Chief Executive of Greenfields Community Housing Association.

For enquiries on this agenda please contact:

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This agenda is available on
www.braintree.gov.uk/Braintree/councildemocracy

PUBLIC INFORMATION

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak about Council business or other matters of local concern. Whilst members of the public can remain to observe the whole of the public part of the meeting, Councillors with a Disclosable Pecuniary Interest or other Pecuniary Interest must withdraw whilst the item of business in question is being considered.

Members of the public wishing to speak should contact the Member Services Officer on (01376) 552525 or email alastair.peace@braintree.gov.uk prior to the meeting. The Council's "Question Time" leaflet explains the procedure and copies of this may be obtained at the Council's office.

Health and Safety

Any persons attending meetings are requested to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding, you must evacuate the building immediately and follow all instructions provided by the fire evacuation officer who will identify him/herself. You will be assisted to the nearest designated assembly point until it is safe to return to the building

Mobile Phones

Please ensure that your mobile phone is switched to silent or is switched off during the meeting.

Webcast

Please note that this meeting will be webcast.

INFORMATION FOR MEMBERS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest:-

- To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to paragraphs 6 to 10 [inclusive] of the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- Any member with a Disclosable Pecuniary Interest or other Pecuniary Interest to indicate in accordance with paragraphs 10.1(a)(i)&(ii) and 10.2(a)&(b) of the Code of Conduct. Such Member must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

AGENDA

1. APOLOGIES FOR ABSENCE			
2. DECLARATIONS OF INTEREST			
3. PUBLIC QUESTION TIME			
4. MINUTES OF LAST MEETING			
(i) To approve as a correct record the minutes of the meeting held on 3 rd December 2012. (copy previously circulated).			
No	Title & Purpose of Report	Executive Summary	Additional Papers
5. OVERALL CORPORATE STRATEGY AND DIRECTION			
5a	Leader's Update - The Leader of the Council to give a brief update on key issues and activities.	-----	-----
6. PERFORMANCE AND EFFICIENCY			
6a	Council Budget and Council Tax 2013/14 and Medium Term Financial Strategy 2013/14 to 2016/17 Presented by: Cllr David Bebb Officer Contact: Trevor Wilson, Head of Finance	See separate bundle	-----
6b	Annual Audit Letter 2011/12 Presented by: Cllr David Bebb and David Eagles of PKF Officer Contact: Trevor Wilson, Head of Finance	Page 1	Pages 1 to 8
7. PLANNING AND PROPERTY			
7a	Disposal of Land to Housing Associations for Affordable Housing Development Presented by: Cllr Lady Newton Officer Contact: Tim Lucas, Housing Research & Development Manager	Page 3	Pages 9 to 10
7b	Update on delivering the Stock Transfer Promises Presented by: Cllr Lady Newton and Phil Adams, Chief Executive of Greenfields Officer Contact: Tim Lucas, Housing Research & Development Manager	Page 7	Pages 11 to 23

8. CABINET MEMBERS' UPDATES - to receive Cabinet Members' verbal reports on key issues within their portfolio			
9. REFERENCES FROM COUNCIL/COMMITTEES/GROUPS			
9a	Governance Committee – 16 th January 2013 – Treasury Management Strategy Statement - <i>Minutes to follow</i> Presented by: Cllr Michael Lager, Chairman of the Governance Committee Officer Contact: Phil Myers, Financial Services Manager	-----	-----
10. REPORTS/ DELEGATED DECISIONS/MINUTES TO BE NOTED			
10a	<u>Minutes from Cabinet Sub Groups</u> To receive the minutes of the following: <ul style="list-style-type: none"> Local Development Framework Sub-Committee - 5th December 2012 Local Development Framework Sub-Committee - 13th December 2012 Developing Democracy Group - 8th January 2013 	-----	Pages 24 to 39
10b	<u>Delegated Decisions</u> – to note recently made delegated decisions -	Page 14	-----
11. URGENT BUSINESS AUTHORISED BY THE CHAIRMAN			
12. EXCLUSION OF PUBLIC AND PRESS TO CONSIDER REPORTS IN PRIVATE SESSION – for reasons set out in Paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972			

The last page of the public agenda is numbered 15.

At time of publication there are no items for Private Session.

Nicola Beach
Chief Executive

Annual Audit Letter 2011/12		Agenda No: 6b
Corporate Priority: Provide Value for Money Portfolio Area: Performance and Efficiency Report presented by: Cllr David Bebb/ David Eagles of PKF Report prepared by: Trevor Wilson, Head of Finance		
Background Papers: Annual Audit Letter 2011/12 received 24 th October 2012. Minutes of Governance Committee 16 th January 2013		Public Report
Options: To receive the Annual Audit Letter for 2011/12 from the External Auditors, PKF.		Key Decision: No
Executive Summary: The purpose of the Annual Audit Letter is to summarise the key issues arising from the work carried out by PKF, the Council's external auditors, during the financial year 2011/12. A copy of the Letter is attached as an Appendix. The Governance Committee received and considered the Letter on 16 th January 2013 and has recommended to the Cabinet that it be accepted. The key areas covered within the Letter are: <ul style="list-style-type: none"> • Financial Statements – an unqualified opinion was issued on the 2011/12 financial statements. The report states that 'the Council's arrangements for preparing a set of financial statements free from material error were again effective, and preparation for, and support during, the audit were again both of notably high quality'; • Value for Money conclusion – an unqualified value for money conclusion was issued as the auditor was satisfied that adequate arrangements are in place to secure value for money; • Financial Resilience – 'The Council has maintained its good track record of member and officer involvement in reviewing financial matters and consulting on expenditure priorities'; and • Medium Term Financial Strategy – 'Overall the Council appears to be well-placed to manage the delivery of required savings over the next few years, and has flexibility in its reserves to support financial resilience'. The Letter is positive with no significant issues to be raised with members, key stakeholders or members of the public.		

Decision:
To receive the Annual Audit Letter for 2011/12.
Purpose of Decision:
To receive and agree a response, if required, to the External Auditor's Annual Audit Letter as required under Section 4 of Part 3 of the Council's Constitution.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	A positive report from the external auditor regarding the work carried out for 2011/12: confirming an unqualified opinion on the Council's Accounts for 2011/12 and determining that arrangements are in place to achieve value for money. Regarding the future, the auditor comments that the Council appears to be well-placed to manage the delivery of required savings over the next few years.
Legal:	Not applicable
Equalities/Diversity	Not applicable
Customer Impact:	Not applicable
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Not applicable
Risks:	Not applicable
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Disposal of Land for Affordable Housing Development:- Land Rear of Lancaster Way, Braintree. Land at Forest Road, Witham. Land at New Street, Halstead.		Agenda No: 7a
Corporate Priority: Securing appropriate infrastructure and housing growth Portfolio Area: Planning and Property Report presented by: Cllr Lady Newton Report prepared by: Tim Lucas, Housing Research & Development Manager		
Background Papers: None		Public Report
Options: To agree, amend or reject the proposal to dispose of land at:- 1. Land rear of Lancaster Way, Braintree 2. Land off Forest Road, Witham 3. Land off New Street, Halstead.		Key Decision: No
Executive Summary: This report considers the disposal of three council owned sites to housing associations for the development of affordable housing. Land rear of Lancaster Way, Braintree (<i>map: Appendix A</i>) At the time of the stock transfer to Greenfields, a parcel of land of 0.18 hectares rear of Lancaster Way, Braintree was retained by the Council. The land is triangular in shape and adjacent to the John Bunyan junior school with Greenfields housing on two sides. Access is by a narrow road which is also in Greenfields ownership. Its use for mainstream housing development is not realistic and it is considered that an affordable housing scheme would be more appropriate. This would be subject to normal scrutiny through the planning process. It is proposed to transfer the land to Greenfields for development of new rented homes. Following guidance from planners, an indicative study by Greenfields has indicated that the site is large enough for 5 x two bedroom bungalows. It is proposed that 2 of the bungalows be fully adapted to wheelchair standards. The land value to Greenfields will depend on the specification of the homes and the level of rent to be charged. Greenfields will plan to develop the scheme without grant from either the CHIP Fund or Braintree DC and it is proposed that officers negotiate with Greenfields to secure the best balance between affordability and house specification.		

Land off New Street, Halstead (*map: Appendix A*)

This land which has an area of 0.26 hectare is the site of the closed Halstead Senior Citizens Centre. The existing buildings are due to be demolished and the site cleared. The land has been identified as being appropriate for an affordable housing scheme and following guidance from planners should be able to provide in the region of 11 new homes, with a mixture of houses and bungalows. It has been identified from the housing register that there is a need for two bedroom accommodation, especially bungalows as there is a shortage of this type of home in Halstead, particularly compared to Witham and Braintree.

One advantage of building bungalows is that they do not pose any overlooking issues for neighbours. In addition, the current building is single-storey. Local people are also likely to see the benefit of the site meeting the needs of older people, given its former use. Additionally two bedroom houses and bungalows have the potential to provide accommodation that will enable people to downsize and free up the larger family homes. These moves are given a priority in our allocations policy, so this would likely be a further positive outcome.

We are currently discussing the scheme with the development team from Family Mosaic, with whom we are working on the disposal of Craig House.

A land value will depend on the specification of the homes and the level of rent to be charged but it is not anticipated that there will be any requirement on Braintree DC to provide any financial subsidy. It is intended that officers negotiate to provide an overall outcome for the disposal of Craig House and New Street that secures best overall value.

The rear part of the site is currently allocated in the Local Plan Review as 'informal open space'. It is proposed to change the allocation through the LDF process, which if successful would mean a planning application for the site could be made in the latter part of 2013.

Land off Forest Road, Witham (*map: appendix A*)

The site comprises an area of 0.57 hectare and was formerly the site of the Forest Road Community Centre. The old building has now been demolished and the site is considered to be appropriate for new housing development.

Like the New Street site in Halstead, Forest Road has been included in the Site Allocations and Development Management Plan as a potential housing site but is currently allocated as informal open space. This also means that a planning application could be made in the latter part of 2013. The value of the site is considered to be in the region of £500,000.

We would like to work in partnership with Greenfields to develop a scheme of approximately 18 affordable homes. As with the previous cases, a land value is dependant on specification and the level of rent. There is ongoing negotiation with Greenfields to determine that best value is achieved.

Since the site has a potentially significant financial value to BDC, we are exploring the site being purchased with resources from the CHIP Fund.

Lettings

Lettings to all three sites will be made through our register in accordance with our normal lettings policies. These state that all new affordable homes are restricted on first letting to people with a strong connection to the District.

Decision: Members are asked to recommend to Full Council:

- The disposal of land at:
 - the rear of Lancaster Way, Braintree to Greenfields Community Housing for provision of new rented affordable housing;
 - Forest Road, Witham to Greenfields Community Housing for provision of new rented affordable housing;
 - New Street, Halstead to a partner housing association yet to be confirmed for the provision of new rented affordable housing.
- That authority is delegated to the Corporate Director and Cabinet Member to agree final terms of these land disposals.

Purpose of Decision:

To enable the development of affordable housing in the district.

Any Corporate implications in relation to the following should be explained in detail

Financial:	<p>The land transfers are all likely to be undertaken at less than market value but the Council will retain nomination rights to the properties.</p> <p>Transferring the land for affordable housing is good value compared to the grant funding required to enable land purchase on the open market.</p> <p>The final negotiated settlement for each site will be scrutinised by the Cabinet Member and Corporate Director and reported back to members.</p>
Legal:	<p>The legal agreements will restrict use of the land to affordable housing and give BDC nomination rights to the homes. The transfers will have regard to s123 of the Local Government Act 1972 and subsequent legislation on valuing assets for disposal.</p>
Equalities/Diversity	No specific issues
Customer Impact:	None at this stage
Environment and Climate Change:	None at this stage
Consultation/Community Engagement:	<p>Elements of the land at New Street, Halstead and Forest Road, Witham are included in the Site Allocations and Development Management Plan, which is currently out to public consultation. There will be further consultation opportunities on all three sites at the stage of planning application.</p>
Risks:	<p>The land transfer will not take place until planning permission has been granted. It will be a condition of the land transfers that a scheme is developed in reasonable time. Normally this would within 2 years of the granting of planning permission.</p> <p>The main risk is therefore likely to be opposition to the planning process – particularly as both the larger sites involve a change of land use – rather than in the transfer process.</p>
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E-mail:	timlu@braintree.gov.uk

Update on delivering the Stock Transfer Promises		Agenda No: 7b
<p>Corporate Priority: Securing appropriate infrastructure and housing growth</p> <p>Portfolio Area: Planning and Property</p> <p>Report presented by: Cllr Lady Newton and Phil Adams, Chief Executive of Greenfields</p> <p>Report prepared by: Tim Lucas</p>		
<p>Background Papers:</p> <p>None</p>		Public Report
Options: N/A		Key Decision: No
<p>Executive Summary:</p> <p>This annual report provides an update on the arrangements that were made as part of the Housing Stock Transfer in November 2007.</p> <p>Talking Transfer, Braintree District Council's consultation document (or 'offer document') produced in support of the transfer ballot held in December 2006, contained 96 promises that Greenfields Community Housing would deliver, if tenants and leaseholders supported the transfer.</p> <p>Following the successful transfer on 12 November 2007, Greenfields promised the Council (by way of a covenant) that it would deliver the promises made to tenants and leaseholders in the formal offer document.</p> <p>The period of delivery of the promises was 5 years, so this is the last update required under the terms of the transfer.</p> <p>Greenfields Board report from 29th November 2012 is included as part of this report and to avoid confusion as the appendices are already labelled, the appendices attached are as set out in Greenfields Board Report:</p> <ul style="list-style-type: none"> • Appendix A – Completion Report v22 Strategic (Oct 12) • Appendix B – Final Internal Audit Report (Audit Matters October 2012) (<i>please note this is marked 'Private and Confidential' but has been approved for publication by Greenfields</i>). <p>The attached reports focus on those promises that were still outstanding at November 2011 and were completed during the following year. Phil Adams, Chief Executive of Greenfields will present this report to Members at the Cabinet meeting.</p>		

Decision:
Members are requested to note that Greenfields have met the housing transfer promises.
Purpose of Decision:
To make sure members are aware of the progress made by Greenfields towards the promises made at stock transfer.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	None in this report
Legal:	None in this report
Equalities/Diversity	None in this report
Customer Impact:	None in this report
Environment and Climate Change:	None in this report
Consultation/Community Engagement:	None in this report
Risks:	None in this report
Officer Contact:	Tim Lucas
Designation:	Housing Research & Development Manager
Ext. No.	2124
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**REPORT TO: GREENFIELDS' COMMUNITY HOUSING
BOARD**

DATE: 29TH November 2012

TIME: 7.00pm

VENUE: Hedingham Room, Greenfields House

ITEM FOR DECISION

AGENDA ITEM: 8

SUBJECT: TRANSFER PROMISES MONITORING REPORT

REPORT BY: Phil Adams
Chief Executive

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Email: phil.adams@GreenfieldsCH.org.uk

STRATEGIC OBJECTIVES:

- 1. Home**
- 2. Community**
- 3. Service**
- 4. People**

1.0 Purpose of Report

- 1.1 To inform the Board of our success with delivering all of the promises made to tenants and leaseholders in the respective offer documents, and with the recommendations made by the then Housing Corporation, now the Homes and Communities Agency (HCA) following our registration assessment visit in August 2007.

2.0 Background

- 2.1 The Promises Tracking Document (version 22) was most recently updated by members of the Joint Leadership Team week ending 5th October in preparation for the final audit by Audit Matters on 9th October 2012.
- 2.2 The monitoring and reporting of all actions, including the transfer promises, is provided via 'Covalent' the performance management system. The Promises Tracking completion report at Appendix A includes the final update of the remaining/outstanding individual actions completed since the last update in May.

- 2.3 The completed summary table is included on page 28 and the detailed promises tracking and sign off report is attached at Appendix A.
- 2.4 It is very pleasing to note that all the remaining seven strategic and six operational promises ongoing since the last update in May have now been fully implemented and delivered.
- 2.5 This now means that all 96 transfer promises (29 strategic and 84 operational) and 17 RAV (registration assessment visit) recommendations have now been fully delivered since transfer on 12th Nov 2007.
- 2.6 The seven strategic promises together with their closing actions have been added to the Completion report at Appendix A.
- 2.7 The Audit Committee have already considered a detailed report from Audit Matters prepared in July 2012 at its meeting on 11 October 2012, in relation to progress with the implementation of the transfer promises.
- 2.8 The Auditors found that six promises could only be termed partially completed due to a lack of evidence and seven promises were still ongoing and would be examined further during a follow up review during October.
- 2.9 Audit Matters completed a follow up review of progress on 9 October 2012 and the Audit Director confirmed that evidence was in place to demonstrate that all the promises had been delivered. A copy of the full Audit report is available from the Chief Executive should any Board or CGG member wish to see the detail.
- 2.10 The Audit Committee was pleased to note the independent confirmation by Audit Matters of the completion of the transfer promises.

3.0 Notable achievements

- 3.1 Listed below are some of the most notable operational and strategic achievements since the last monitoring report was considered by the Board in May 2012:
 - *TRP-HMT-OD.21 Setting up customer feedback arrangements across all services* - the Customer Service Centre (CSC) carries out monthly 'tracker' telephone surveys which produce regular and reliable information about the views of customers. Furthermore, two resident groups - The Customer Experience Group coupled with Greenfields Resident Inspector Team (GRIT) regularly review service quality and policies.
 - *TRP-HMT-OD.05a Encouraging individual residents to become more involved* - We now have approximately 73 Community Voices throughout the district representing all the 'Team 500' areas/patches.
 - *TRP-F&R-OD.24 Greenfields Community Housing would be expected to demonstrate that its services are good quality* – results from our 2012 STAR (Survey of Tenants and Residents) showed overall satisfaction had

- Overall satisfaction with services - up to 92% from 83%
- Satisfaction with the neighbourhood- up to 93% from 89%
- Satisfaction with the repairs and maintenance service - up to 86% from 79%
- Leaseholder satisfaction - up to 77% from 50%

4.0 Finance and Resource Implications

- 4.1 There were significant finance and resource implications in delivering the promises which have been accounted for in the approved Business Plan.

5.0 Risk Implications

- 5.1 If Greenfields had failed to keep the promises or monitor progress then the risks were identified as follows:

- Dissatisfied customers
- Reputation and credibility of Greenfields damaged
- Breach of covenant with the Council leaving the company open to a claim for damages from the Council
- Breach of covenant with funders
- Regulatory intervention and/or enforcement due to failure to meet one or more of the new standards or breaches of other regulatory requirements

- 5.2 These risks have not materialised due to successful completion of the promises

6.0 Implications for Leaseholders

- 6.1 Delivery of the promises contained within the leaseholder offer document made a positive difference to all leaseholders.

7.0 Equalities Impact

- 7.1 Delivery of the promises contained within the offer documents made a positive difference to all our tenants, leaseholders and other customers.

8.0 Consultation

- 8.1 The final promises monitoring report and tracking document will be considered by CGG on Monday 26th November 2012.
- 8.2 Operations Committee approved the completion of the remaining promises attached on 7th November. This effectively completes the delivery of all the promises and improvements made prior to transfer in the offer document.
- 8.3 Subject to the CGG and the Board being satisfied that all of the transfer promises have been delivered:
- A specific newsletter will be provided to all residents informing them of the successful completion of the promises
 - The Chief Executive will attend the Cabinet meeting of Braintree District Council on Monday 4th February 2013 to inform them of the outcomes.

9.0 Recommendation

- 9.1 That the Board approves that the promises made prior to transfer have now been fully delivered.

Appendix A – Completion Report v22 Strategic (Oct 12)

Appendix B – Final Internal Audit Report (Audit Matters October 2012)

Greenfields Promises Tracking & RAV Improvements

Greenfields Community Housing	Updated by	M Gosling
L4499	Date	Oct 12 v22

Summary – Strategic v Operational

	completed promises	currently active & on track	Overdue action based on the deadline date	Not started or as a warning to check progress	Total	Total No. of Promises completed	% progress of active promises
Strategic	29 (100%)	0	0	0	29	29	100%
Operational	84 (100%)	0	0	0	84	84	100%
Total	113 (100%)	0	0	0	113	113	100%

Cabinet Member Decisions made under Delegated Powers	Agenda No: 10b
Portfolio Area:	
Report presented by: Not applicable – for noting only	
Report prepared by: Emma Wisbey, Local Governance Manager	
Background Papers:	Public Report
Cabinet Decisions made by individual Cabinet Members under delegated powers (signed copies retained by Member Services)	
Options:	Key Decision: No
For noting only	
Executive Summary:	
All delegated decision taken by individual Cabinet Members are required to be published and listed for information on next Cabinet Agenda following the decision.	
Since the last Cabinet meeting the following Cabinet Members have taken delegated decisions:-	
Councillor Lady Newton – Cabinet Member (Planning and Property) - Decision taken on 18th December 2012.	
To provide a response on behalf of the District Council to a consultation on “Extending permitted development rights for homeowners and businesses” from the Department for Communities and Local Government.	
Councillor John McKee – Deputy Cabinet Member (Performance and Efficiency) – Decision taken on 28th December 2012.	
To create a permanent post of programme/projects officer to replace the current post which is funded through the Capital programme. To delete the post of ICT Admin Officer. To vire the funding between budgets, as per the business case for this, to enable the post to be funded.	
Cabinet Decisions made by individual Cabinet Members under delegated decisions can be viewed on the Access to Information page on the Council’s website. www.braintree.gov.uk	

Decision:	
For Members to note the delegated decisions	
Purpose of Decision:	
The reasons for each decision can be found in the individual Delegated Decisions	
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