

Minutes

Cabinet

5th October 2022



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A recording of the meeting is available at <http://www.braintree.gov.uk/youtube>

Present:

Portfolio	Cabinet Member	Present
Overall Strategy	Councillor G Butland (Leader of the Council)	Yes
Innovative Environment		
Finance and Corporate Transformation	Councillor J McKee	Yes
Climate Change and the Environment	Councillor Mrs W Schmitt	Yes
Operations and Commercialisation	Councillor R van Dulken	Yes
Connecting People, Places and Prosperity		
Economic Growth	Councillor T Cunningham (Deputy Leader)	Yes
Housing, Assets and Skills	Councillor K Bowers	Yes
Planning and Infrastructure	Councillor Mrs G Spray	Yes
Supporting Our Communities		
Communities	Councillor F Ricci	Yes
Health and Wellbeing	Councillor P Tattersley	Yes

Present as Invitees of the Leader:

Councillor J Abbott (Leader of the Green and Independent Group).

Also present as invitees of the Leader was Councillor Mrs M Cunningham, Chairman of the Partnership Development Scrutiny Committee, and Councillor Mrs D Garrod, Chairman of the Community Development Scrutiny Committee.

Prior to the commencement of the main business for the evening, the Leader wished to welcome Mr Dan Gascoyne, newly appointed Chief Executive at the Council, to the meeting.

Those minutes identified by the prefix ** may be the subject of the "call-in" provisions of the Constitution within 5 working days of the publication of these minutes. Any decisions made and not "called in" by this date and time will become effective. For further information regarding these minutes please contact the Governance and Members Team, on 01376 552525 or email governance@braintree.gov.uk

37. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor G Butland declared a Non-Pecuniary Interest in Agenda Item 5a – ‘Shared Prosperity Fund – Investment Plan’ as an Elected Member of Essex County Council.

Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 5a – ‘Shared Prosperity Fund – Investment Plan’ as an Elected Member of Essex County Council.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Item was considered.

38. **MINUTES**

DECISION: The Minutes of the meeting of the Cabinet held on 25th July 2022 were approved as a correct record and signed by the Chairman.

39. **QUESTION TIME**

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

40. **CABINET'S RESPONSE TO THE PARTNERSHIP DEVELOPMENT SCRUTINY COMMITTEE'S SCRUTINY REVIEW INTO ENFORCEMENT PROCEDURES AT BRAINTREE DISTRICT COUNCIL 2021-22**

INFORMATION: The Leader invited Councillor Mrs M Cunningham, Chairman of the Partnership Development Scrutiny Committee, to introduce the report of the Committee. In her address, Councillor Mrs Cunningham extended her thanks to the various officers who had attended meetings of the Committee throughout the duration of the Scrutiny Review in support of the evidence gathering of Members. It was noted from the information received that an occasional barrier to enforcement action was the need to assess resource implications, both financial and human, against the value that was to be recouped from such action.

In respect of the Cabinet's response to Recommendation 3, it was requested that the Members' Development Evening that was to be incorporated within the programme for 2023/24 be brought forward, in light of the current financial climate. In respect of the Cabinet's response to Recommendation 4, it was noted that there were several smaller Housing Associations and social services who did not always attend meetings of the Community Safety Partnership (CSP) on a regular basis. It was therefore requested that these groups be encouraged to attend future meetings as much as possible, as it was recognised that they could provide valuable insight in support of the work of the CSP.

Lastly, the Councillor Mrs Cunningham also wished to thank Governance Officers for their support throughout the Scrutiny Review.

Councillor Mrs W Schmitt, Cabinet Member for Climate Change and the Environment, was then invited to present the Cabinet's formal response to the recommendations within the scrutiny report.

The Cabinet Member wished to thank Councillor Mrs Cunningham and the Committee for the report, and the officers for their contributions towards the Scrutiny Review. The issues regarding resource implications around enforcement, and the costs attached with this, were acknowledged, as this could sometimes present a barrier to enforcement activity.

The recommendations and Cabinet responses were then briefly summarised, and comments were invited from Members.

In respect of Recommendation 3, Councillor J McKee, Cabinet Member for Finance and Corporate Transformation, agreed to speak with officers about the possibility of bringing the Members' Development Evening forward to an earlier date.

In respect of Recommendation 4, Councillor F Ricci, Cabinet Member for Communities, stated that it was not the norm for Housing Associations to attend meetings of the CSP, and that the Council had a good working relationship with these groups outside of in terms of enforcement action. However, it was agreed that consideration would be given towards inviting representatives from social services to attend future meetings of the CSP.

Following extensive discussion in respect of Recommendation 7 and a suggestion from Councillor J Abbott, the Leader requested that there be reference within the Council's revised Tree Strategy to the need for trees and hedges to be retained on development sites, whilst still acknowledging that the Authority was limited in terms of its enforcement powers in this area.

DECISION: That Cabinet agreed and approved the clarification and responses to the recommendations contained in the Enforcement Procedure at Braintree District Council 2021/22 review.

REASON FOR DECISION: To approve the recommendations contained in the Enforcement Procedure at Braintree District Council 2021/22 review

41. **CABINET'S RESPONSE TO THE COMMUNITY DEVELOPMENT SCRUTINY COMMITTEE'S REVIEW INTO CYCLING AND WALKING IN THE BRAINTREE DISTRICT 2021/2022**

INFORMATION: The Leader invited Councillor Mrs D Garrod, as Chairman of the Community Development Scrutiny Committee, to introduce the Committee's report. Councillor Mrs Garrod explained that she had first suggested the topic of Cycling and Walking in response to the launch of the Government's new cycling initiative in 2021, although it later transpired that officers were already considering a revised Cycling Strategy (the Strategy) by way of a working group. Regardless, the Committee elected to pursue the topic of Cycling and Walking as it was recognised that a Scrutiny Review could also add value to the group's work.

Councillor Mrs Garrod commented that she was pleased with the progress of the Strategy and satisfied with the Cabinet responses to the recommendations with the report; however, there were three areas of concern that she wished to draw attention to.

In respect of Recommendation 4, Councillor Mrs Garrod felt that it was important for residents to be aware of where Open Access Land (OAL) was located in the District that they could use to walk freely on. It was therefore requested that the District Council encouraged Essex County Council (ECC) to make sure information relating to OAL was available in a central, publicly accessible hub.

In respect of Recommendation 5, it was felt that cycle storage within the District was not always adequate in terms of safety. As such, it was requested that information regarding safe cycle storage be included within the Cycling Strategy. In regard to the Cycling storage grant scheme, Councillor Mrs Garrod indicated that she would have liked the consultation process to have been extended to other businesses, especially those in rural areas.

In respect of Recommendation 9, it was reported that the Essex Rights of Way Improvement Plan (ROWIP) was “currently undergoing governance” by ECC, ready for approval in Autumn 2022. Councillor Mrs Garrod added that she hoped ECC would progress with work to improve Public Rights of Way, given the importance of their accessibility to residents.

In concluding her address, Councillor Mrs Garrod recognised the hard work of officers in bringing the new Cycling Strategy into fruition.

Councillor F Ricci, Cabinet Member for Communities, was then invited to present Cabinet’s formal response to the recommendations within the scrutiny report.

The Cabinet Member thanked Councillor Mrs Garrod for her comments and referred to his own participation in one of the Committee’s evidence gathering meetings. It was reported that the Cycling Strategy was currently in its first year and a report was due to be presented at an upcoming meeting of Full Council. The Climate Change Strategy and the Local Plan had also been adopted subsequent to the Cycling Strategy; collectively, these contributed towards supporting the mental health of the District’s residents and reducing impacts on the environment.

The Council’s draft implementation plan consisted of a five-year plan and a number of actions identified within the first year, and was currently on track to deliver as predicted. The actions of the second year targeted larger projects, and with the progression of the ECC Active Travel Fund in Braintree town; the Earls Colne to Kelvedon Project by Mr P Kohn; and the Council’s own campaign to improve the safety and connectivity of cycle routes, it was intended that cycling would become an easier option for residents. The Council continued to partner with ECC as the Highways Authority to encourage and prioritise cycling and maximise investment and help deliver the implementation plan.

In response to the comments made by Councillor Mrs Garrod, the Cabinet Member provided the information below.

In respect of Recommendation 4, Members were advised that the Council was working with ECC to ensure that OAL maps and plans were up to date. It was highlighted that a link to OAL was included on the Visit Braintree webpage, which residents were encouraged to use.

In respect of Recommendation 5, Members were advised that the Cycling storage grant used by the Council at the time was targeted specifically at businesses to increase travel by bicycle. It was hoped that the scheme would be extended more widely across the District in future.

In respect of Recommendation 9, Members were advised that the ROWIP was another initiative lead by ECC. The Council would continue to work with ECC to help ensure that improvements were made alongside the implementation of the Cycling Strategy.

Lastly, it was noted that the Braintree Local Highways Panel (LHP) had allocated an additional £20,000 towards the Coggeshall to Earls Colne cycle way route

DECISION: That Cabinet approved the response to the recommendations within the Scrutiny Report into Cycling and Walking in the Braintree District 2021/22.

REASON FOR DECISION: To approve the response to the recommendations within the Scrutiny Report into Cycling and Walking in the Braintree District 2021/22.

42. **CABINET'S RESPONSE TO THE PERFORMANCE MANAGEMENT SCRUTINY COMMITTEE'S SCRUTINY REVIEW INTO COMMERCIALISATION AT BRAINTREE DISTRICT COUNCIL**

INFORMATION: In the absence of Councillor M Radley, Chairman of the Performance Management Scrutiny Committee, the Leader invited Councillor R van Dulken, Cabinet Member for Operations and Commercialisation, to present Cabinet's formal response to the recommendations within the scrutiny report.

The Cabinet Member wished to thank the Members of the Scrutiny Committee for its diligence throughout the duration of the Scrutiny Review, and for the recommendations. Gratitude was also expressed towards the officers who were involved throughout the evidence gathering process. The recommendations within the report and subsequent responses from Cabinet were then briefly summarised.

In his concluding statement, the Cabinet Member stated that he was pleased with the work of the Scrutiny Committee in examining the topic of 'Commercialisation,' which was in conjunction with the review work of Commercial Gov.

DECISION: That Cabinet approved the response to the recommendations within the Scrutiny Report into Commercialisation at Braintree District Council 2021/22.

REASON FOR DECISION: To approve the response to the recommendations within the Scrutiny Report into Commercialisation at Braintree District Council 2021/22.

43. **MEDIUM TERM FINANCIAL STRATEGY 2022/23 TO 2025/26**

INFORMATION: Before commencing with the report, the Leader reminded Members that, following the publication of the agenda, a revised version of the report was issued on 4th October 2022. Councillor J McKee, Cabinet Member for Finance and Corporate Transformation, was then invited to present the report of the Medium-Term Financial Strategy (MTFS) for 2022/23 to 2025/26.

The Cabinet Member noted that Recommendation 2.2. within the report was no longer required as, due to the timeframe in which the Council had to respond to the Essex Business Rate Pooling arrangement for 2023/24, a decision was made in September 2022.

It was reported that the economic background had changed significantly since the budget for 2022/23 and MTFS was approved in February. Inflationary pressures in the UK had intensified, with CPI expected to peak at approximately 13%. This was largely in response to higher energy costs in addition to increasing interest rates. The UK economy was forecast to enter recession from the fourth quarter of 2022 to the end of 2023, which was likely to increase the demands across a range of the Council's services, as well as lead to an adverse impact on the collection of Council Tax and other sources of income.

The first detailed review of the Council's finances for the current year had been undertaken based on the income and expenditure in the first quarter. The assessment considered the latest information received on a proposed pay award from April 2022 and forecast a net adverse variance of £721,000 for the year; however, the variance was likely to be higher, as Local Authorities balanced their budgets over the next two-year period.

As a priority, managers had been asked to review their service areas in light of the projection, and to consider what actions could be taken in the short-term to address the financial position both for 2022/23 and the 2023/24 budget. This work was being combined with the current budget review process that managers were already undertaking as part of preparatory work ahead of the Cabinet Strategy Workshop on 10th October 2022.

In respect of the pay award, an initial high-level assessment of the proposals on the Council's pay bill suggested an increase of approximately 6%, which compared to 2% provided in the budget. The additional cost over and above what was already provided for was estimated at £763,000. The proposal also included an increase of one day's annual leave from April 2023, which would involve a further cost where this could not be accommodated through efficiencies (e.g. need to employ agency staff). As of yet, the proposals had not been formally accepted by the unions.

Regarding the business rate pool, Members were advised that on 18th August 2022, the DLUHC (Department for Levelling Up, Housing and Communities) wrote to all Local Authorities to invite them to submit their preferred pooling arrangements for the year 2023/24 and stated that it intended not to revoke the existing arrangements unless it was requested to do so. At a meeting of the Essex Finance Officers on 16th

September 2022, it was confirmed that current participating authorities, except Brentwood Borough Council, wished to continue with the scheme. Braintree District Council had considered its own participation, given the financial benefits, and had since confirmed its intention to join the pooling arrangement.

The assumptions made by Government at the time of the spending review in 2021 would now be superseded by the current economic position. Whether any additional funding would be received had yet to be confirmed. Recent announcements suggested that the Council would need to prioritise spending in order to address higher rates of inflation. Included within the Local Government Finance Settlement for 2022/23 was a commitment to review the spending needs and resources of the Council; more recently, the two-year settlement was being suggested. In the absence of any firm announcement, it now appeared more likely that another rollover, single-year finance settlement was to be expected. Furthermore, there were still no firm proposals around any changes to the New Homes Bonus scheme, nor firm commitment to allowing business rate pooling to continue.

The consultation in respect of the Homelessness Prevention Grant (HPG) had recently closed, whilst implementation of new statutory regulations for minimum revenue provision were deferred until April 2024. A consultation was being undertaken on the options on statutory regulations, which currently meant that changes in market value of pooled fund investments did not impact on the General Fund. The regulations were due to end on 31st March 2023.

Following the report, Councillor P Tattersley, Cabinet Member for Health and Wellbeing, added that the District's leisure provider, Fusion Lifestyle, had obtained a fixed price for the next few years. It was not anticipated that there would be any impact from this on the 2022/23 budget; however, any news that emerged in relation to this would be shared with Members.

DECISION: That Cabinet agreed;

1. To note the 2023/24 budget process timetable as detailed in the report.
2. To agree that authority is delegated to the Cabinet Member for Finance and Corporate Transformation and the Section 151 Officer to give agreement of the Council's participation in an Essex Business Rate Pooling arrangement for 2023/24, should the opportunity arise and is deemed to be beneficial to the Council.

REASON FOR DECISION: To receive details of the proposed budget process for 2023/24 and to provide an initial update on the issues impacting the Medium-Term Financial Strategy 2022/23 to 2025/26.

44. **CABINET APPOINTMENT TO OUTSIDE BODIES**

INFORMATION: Members considered a report which regarded the appointment of the Cabinet's representative on the Citizens Advice Braintree, Halstead and Witham Management Board, following the resignation of Councillor Mrs L Walters in May 2021.

It was reported that the Leader of the Council had consulted Councillor F Ricci, as the relevant Cabinet Member for Communities, about the appointment of a new representative. It was confirmed that Councillor J Wrench had been nominated for the appointment.

DECISION: That Cabinet agreed to appoint Councillor Justin Wrench to represent the Council on the Citizens Advice Braintree, Halstead and Witham Management Board for the remainder of the Council's term.

REASON FOR DECISION: Following the resignation of Councillor Mrs Lyn Walters as the Cabinet's appointment to the Citizens Advice Braintree, Halstead and Witham Management Board (formally known as District Citizens Advice Bureau Management Board) this report sought to appoint a new Member to represent the Council for the remainder of the Term of Council.

45. **BRAINTREE TOWN CENTRE PUBLIC REALM IMPROVEMENT SCHEME AND MAINTENANCE PROGRAMME**

Minutes Published: 13 th October 2022 Call-in Expires: 20 th October 2022
--

INFORMATION: Councillor T Cunningham, Cabinet Member for Economic Growth, was invited to present the report, which provided Members with an update on the Braintree Town Centre Public Realm and Pedestrianisation project (the Project).

Members were advised that due to additional costs combined with an allowance for any final unexpected expenditure, the completed project was expected to exceed the budget previously approved by £230,000. As such, it was proposed that the additional cost be met by a virement from the Horizon 120 Enterprise Project (Plaza). The Cabinet Member was nonetheless pleased to report that works in respect of the Project were now approaching completion, with the final installation of monolith signs having recently been installed in the town centre. Final works regarding snagging and power installations were also approaching completion, and the District Council was close to requesting final sign-off by Essex County Council for this.

It was confirmed that the overspend on the Project had not placed an additional funding burden on the Council's capital programme, nor would this impact on the work across other town centres in the District.

Regarding the stewardship of the programme, a maintenance programme had been developed in order to ensure that the town centre was cleaned and maintained, which would require the purchase of specific street cleaning equipment. The Cabinet Member wished to thank officers in the Council's Operations team for their thorough work in respect of this programme.

Following the report, the Leader expressed his grateful thanks to the Cabinet Member and the officers for their hard work throughout the process of the Project's conception and delivery.

DECISION: That Cabinet agreed;

1. To note the progress of the Braintree Town Centre Public Realm and Pedestrianisation project.
2. To approve a virement of £230,000 from the Horizon 120 Enterprise Centre Project (The Plaza) into the Braintree Town Centre Public Realm project.
3. To approve a virement of £125,000 from the Horizon 120 Enterprise Centre Project (The Plaza) into the Town Centre Improvement budget to fund the purchase of street cleaning equipment.

REASON FOR DECISION: To provide an update on the Braintree Town Centre Public Realm and Pedestrianisation project.

46. **FUSION LIFESTYLE GROUNDS MAINTENANCE OF LEISURE FACILITIES**

Minutes Published: 13th October 2022
Call-in Expires: 20th October 2022

INFORMATION: Members were reminded that this Item included a Confidential Appendix which contained exempt information that fell within Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. If any Members wished to refer to the private information within the Appendix, 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 was necessary to discuss the Confidential Appendix on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

This Item was considered entirely in the Public Session of the meeting. There was no discussion in Private Session, nor disclosure of information contained in the Confidential Appendix.

INFORMATION: The Leader invited Councillor R van Dulken, Cabinet Member for Operations and Commercialisation, to provide the report, which sought approval for the Council to enter into a new Service Contract (the Contract) with Fusion Lifestyle (FL) for the grounds maintenance of leisure centres in the District's three towns.

The Contract was for an initial period of three years from 2013 to 2016, before it was extended under the terms of the Contract by one year. In June 2022, FL confirmed that they wished to continue a Service Contract and requested a price for a new five-year period from 1st September 2022 to 31st August 2027. Once again, this was on the basis that they were very satisfied with the overall reliability and quality of the service being delivered by the Council's Grounds Maintenance Service and was also subject to the acceptability of the new service price.

Following the report, Councillor P Tattersley, Cabinet Member for Health and Wellbeing, added that FL's satisfaction with the service being delivered by the Council was a huge credit to the work of officers in the Operations Team.

DECISION: That Cabinet agreed that the Council would enter into a 5-yr Service Contract with Fusion Lifestyle for the Council to undertake their grounds maintenance service, in accordance with the Confidential Appendix.

REASON FOR DECISION: To enable Braintree District Council to enter into a new Service Contract with Fusion Lifestyle for the grounds maintenance of leisure centres.

The meeting commenced at 7.15pm and closed at 8.32pm

COUNCILLOR G BUTLAND
(Leader of the Council)