

## CABINET

### Minutes of a meeting held on Wednesday, 27 June 2007

#### PRESENT:

Councillor M Buckley (Chairman)  
Councillor Ball (Vice-Chairman)  
Councillor K Blake  
Councillor Davies  
Councillor Hedley  
Councillor S Hillier  
Councillor Horgan  
Councillor Sargent  
Councillor Smith  
Councillor Turner

#### ALSO PRESENT:

Councillor Moore

#### OFFICERS IN ATTENDANCE:

Chief Executive (Bala Mahendran); Executive Director (Mick Nice); Executive Director (Doug Smith); Executive Director (Aniekan Umoren); Head of Democratic, Legal & Executive Services; Cabinet Office Manager; Acting Head of Public Spaces & Street Scene; Head of Financial Services; Head of Business Strategy, Policy and Performance; Interim Head of Sustainable Development and Communities; Service Improvement Team Manager; Accounting and Treasury Services Manager; Senior Press Officer; Staff Side Representatives.

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#### 391. DECLARATIONS OF INTEREST:

There were no declarations of interest.

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**392. MINUTES:**

The Minutes of the meeting of the Cabinet held on 7 June 2007 were approved as a true record and signed by the Chairman.

**393. ADOPTION OF REVISED BENEFITS FRAUD PROSECUTION POLICY:**

The Cabinet considered a report by the Cabinet Member for Resources setting out revisions to the Benefits Fraud Prosecution Policy that formally introduced some wording and considerations to make the operation of the policy more open and explicit.

The option presented in the report ensured that all relevant factors are considered when making a decision on applying appropriate sanctions.

The alternative option available to the Cabinet was to leave the policy as it stood but this would give undue weight to the level over overpayment of benefit involved.

**RESOLVED:**

That the revised Benefit Fraud Prosecution Policy be formally adopted.

(For voting see Appendix, Column 2.)

**394. STATEMENT ON INTERNAL CONTROL 2006/07**

The Cabinet considered a report by the Leader of the Council on the Statement on Internal Control.

The report was also considered by the Audit and Risk Committee on 26 June 2007.

It was noted by the Cabinet that the revised Scheme of Delegation due to be reported to the Council in June 2007 for final approval would be put back. The Overview and Scrutiny Commission were currently working on it.

The Leader and the Chief Executive had to certify on behalf of the Council the Statement on Internal Control by 30 June 2007. The alternative option to not approve the Statement on Internal Control would mean that the Council had not complied with its statutory obligations.

**RESOLVED:**

That the Statement on Internal Control for 2006/07 be approved and certified by the Leader of the Council and Chief Executive on behalf on the Council.

(For voting see Appendix, Column 3.)

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**395. CIVIL CONTINGENCIES ACT - EMERGENCY PLANNING AND BUSINESS CONTINUITY UPDATE:**

The Cabinet considered a report by the Cabinet Member for Resources that provided an update on progress made by the Council in responding to the responsibilities under the Civil Contingencies Act 2004 in respect of Emergency Planning and Business Continuity. It also highlighted the joint working arrangements with Essex County Council. The report also sought approval for the updated Business Continuity Management Policy and Strategy, approval of the Council's prioritised critical services and adoption of the full Corporate Business Continuity Management Plan to the Cabinet Member for Resources.

Given that a robust response to the Civil Contingencies Act was a statutory requirement for the council, the alternative options available to the Cabinet were limited. Minor variations could be added to the detail provided in the report if the Cabinet requested.

**RESOLVED:**

- (1) That the revised Business Continuity Management Policy and Strategy be approved.
- (2) That the list of prioritised critical services for inclusion within the corporate Business Continuity Management Plan be approved.
- (3) That the Corporate Business Continuity Management Plan be referred to the Cabinet Member for Resources, for adoption.
- (4) That the formal arrangements that have been established with St. Georges Community Housing Limited in respect of the Civil Contingencies Act 2004, be noted.

(For voting see Appendix, Column 4.)

**396. ST. GEORGES COMMUNITY HOUSING LIMITED - FIRST YEAR DELIVERY PLAN (2007/08):**

The Cabinet considered a report by the Cabinet Member for Community that set out St. Georges Community Housing Limited's first year Delivery Plan.

In accordance with paragraph 6.1.3 of the Management Agreement between Basildon District Council and St Georges Community Housing Limited, the "organisation" and the Council had to work together to ensure that the first year Delivery Plan was agreed no later than 1 July 2007.

The Delivery Plan had been the subject of significant discussions between the client-monitoring officer of the Council, leading colleagues from Finance, Risk, Assets, Legal and Performance. All of the reasonable suggestions of the Council Officers were accepted and incorporated into the Plan.

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An alternative option available to the Cabinet would be to find the Delivery Plan not acceptable. This however would go against the spirit of the Management Agreement.

**RESOLVED:**

That the St Georges Community Housing Limited Delivery Plan 2007/08 be approved in accordance with paragraph 6.1.3 of the Management Agreement.

(For voting see Appendix, Column 5.)

(This was a Key Decision as defined in the Council Procedure Rules.)

**397. COUNCIL STRATEGIC IMPROVEMENT PLAN 2007/2010:**

The Cabinet considered a report by the Leader of the Council that set out the Council's Strategic Improvement Plan for 2007/2010. The plan set out the aims and priorities of the Council for the following three years, and identified how the Council would measure its progress, and who held key responsibilities for taking the plans forward. It also identified key resources that had been targeted at chosen priorities.

The Cabinet agreed revised priorities for 2007/2010 at its meeting on 27 September 2006 and this was reflected in the Strategic Improvement Plan. Further action to refine strategic objectives had already commenced with the aim of further revising the plan in the autumn to enable budgets to more closely follow objectives.

An alternative option available to the Cabinet would be to not adopt the Strategic Improvement Plan 2007/2010, but this would result in significant risk to the organisation. A failure to define strategic direction and ensure effective performance could result in a loss of reputation, poor service to the local people, and ultimately possible intervention measures being taken.

**RESOLVED:**

That Council, at its meeting on 28 June 2007, be recommended to adopt the Council Strategic Improvement Plan 2007/10 and the Annual Performance Plan 2006/07.

(For voting see Appendix, Column 6.)

**398. FINAL ACCOUNTS 2006/07:**

The Cabinet considered a report by the Cabinet Member for Resources that gave a summary of the overall outturn position for the financial year 2006/07, including the effect on reserves.

The recommendation to earmark part of the HRA working balance was for reasons of prudence and not strictly an accounting requirement.

**RESOLVED:**

(1) That the report and overall outturn position be noted, subject to any comments made by the Audit and Risk Committee at their meeting on 28 June 2007 and the principle of earmarking part of the HRA working balance be endorsed.

(2) That the Housing Capital Programme be amended to provide for a payment of £2.6 million to be made in 2007/08 in respect of land at Five Links, which is matched by a grant of the same amount received from English Partnerships in 2006/07.

(For voting see Appendix, Column 7.)

**399. FORWARD PLAN:**

The Cabinet noted the Council's Agenda Planner and the Forward Plan of Key Decisions for the period 1 July to 1 November 2007.

**400. DECISION LETTERS:**

The Cabinet Member Decision and Officer Decisions in consultation with Members taken since the last meeting of the Cabinet were noted.

**401. EXCLUSION OF PUBLIC AND PRESS:**

**RESOLVED:**

That the public and press be excluded from the meeting during discussion of Agenda Items No. 14, 15, 16, and 17, on the grounds that it was likely that, if members of the public and press were present during the items, there would be a disclosure to them of exempt information as defined in Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 and set out in Paragraph 10 of the Council's Access to Information Procedure Rules.

(For voting see Appendix, Column 8.)

**402. OFFICE ACCOMMODATION AUTHORISATION FOR ST GEORGES COMMUNITY HOUSING LIMITED:**

The Cabinet considered a report by the Cabinet Members for Community and Resources regarding a decision on future office accommodation for St Georges Community Housing Limited. This related to office space and employees currently occupying premises within the Basildon Centre. The decision required approval of the Council under the terms of the Management Agreement.

The report provided details of the options considered by the Board of St Georges Community Housing Limited and the results of negotiations with the letting agents. In accordance with the Service Level Agreement held with the Council's Corporate Property Team, negotiations had resulted in terms and conditions being offered on respective sites.

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An alternative option to not agree the request from St Georges Community Housing Limited would pose a risk that they may fail to find alternative accommodation and the Council's medium term accommodation strategy would be frustrated.

**RESOLVED:**

That the request from St Georges Community Housing Limited to enter into a lease for office accommodation be approved, the choice being Dunton Court, Laindon at a cost of about £300,000 per annum on the basis of a ten year FRI lease, with a break at five years.

(For voting see Appendix, Column 9.)

(This was a Key Decision as defined in the Council Procedure Rules).

**403. PRIOR APPROVAL OF A CONTRACT TO BE AWARDED BY ST GEORGES COMMUNITY HOUSING LIMITED:**

The Cabinet considered a report by the Cabinet Member for Community to give prior approval of a contract to be awarded by St Georges Community Housing Limited.

Under the terms of the Management Agreement with St Georges Community Housing Limited, the Council was required to give prior consent before St Georges Community Housing Limited entered into contracts exceeding £1m in value.

There were no alternative options to be considered as the operational decisions for the maintenance of the Council's housing stock was transferred on 1 April 2007.

**RESOLVED:**

That prior consent, required by the Management Agreement, be given to authorise:-

1. The award of a 5-year Voids Management Contract to Connaught Partnerships Limited subject to satisfactory completion of pre-commissioning negotiations.
2. To appoint Ridge Consultancy to provide the partnering Advisor and Open Book Cost Manager Services on the Voids Management Contract.

(For voting see Appendix, Column 10.)

(This was a Key Decision as defined in the Council Procedure Rules.)

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**404. SPORTING VILLAGE - A STRATEGIC APPROACH TO DELIVERY:**

The Cabinet considered a report by the Cabinet Member for Leisure and Arts to ensure that the Sporting Village project continued to move forward.

The report set out the four delivery options available to the Cabinet:-

- Design undertaken by the preferred bidder as part of the ITD (Invitation to Dialogue) process (Design, Build, Operate, Maintain)
- Design and Build contract with separate operating contract
- Traditional contract with separate operating contract
- Develop, design and build contract with separate operating contract

(Please note ITN (Invitation to Negotiate) has now been replaced with ITD (Invitation to Dialogue process))

The advantages and disadvantages including timescales involved and financial implications were highlighted.

The EU procurement route of using Competitive Dialogue was considered most appropriate, as this would allow the Council to negotiate with bidders to maximise the benefits for the Basildon District.

On considering the report, an alternative option for the Cabinet would be to wait until all funding applications had been determined before moving the project forward, but this option would impact on the overall cost of the project and possible availability of partners.

**RESOLVED:**

(1) That the Project overview Report for the Sporting Village be noted.

(2a) That the development of a multi-use sports and leisure complex within Gloucester Park, Basildon, Essex, adjacent to the existing athletics track and synthetic turf pitch, be agreed in principle, subject to the confirmation of outstanding funding applications, and outline planning consent

(2b) It is to be of Sub-regional, County and Regional significance (Thames Gateway South Essex, Essex and the Eastern Region of England) and will as a minimum include:-

- A 50 metre swimming pool and teaching pool
- An 8 court sports hall. There is a desire to enable the multi-use sports hall to also be suitable for public events and performances in order to maximise income from non-sporting events
- A 2100sq metre gymnastics centre, including independent changing area and office
- Fitness facilities
- Multi-purpose dance/martial arts studio

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- Community rooms
  - Climbing wall
  - Athletics stand with seating, changing and officials area
  - Community Sports Resource Centre/Sports Business Incubation Centre
  - Wet and Dry changing and showering facilities
  - Catering and bar facilities
  - Changing facilities for 8 external football, rugby pitches and 12 netball courts
  - Variant options as identified through consultation and negotiation

(3) That the Sporting Village Procurement Strategy recommendation that a single stage Design, Build, Operate and Maintain (DBOM) contract be procured using EU competitive dialogue procedure, be endorsed.

(4) The funding partners be approached to provide a sum to enable the procurement process and development of the outline planning application to commence, and the procurement of consultancy project management and legal services for this stage.

(For voting see Appendix, Column 11.)

(This was a Key Decision as defined in the Council Procedure Rules.)

**405. FRYERNS AND CRAYLANDS REGENERATION SCHEME – DISPOSAL OF COUNCIL PROPERTY AT NIL CONSIDERATION:**

The Cabinet considered a report by the Deputy Leader and Cabinet Member for Resources regarding the disposal of Council land and property in connection with the Fryerns/Craylands area regeneration project, and the need for it to be free of monetary return.

In considering the report, an alternative option would be for the Council to seek to recover full market value for the assets to be transferred, but in doing so, would make the scheme unviable and it would not proceed.

Alternatively the Council could seek to determine terms for the asset transfer prior to the commencement of each phase of the development. However, this again was considered to be inappropriate as the viability of the scheme was based on a financial appraisal of the scheme in its entirety.

**RESOLVED:**

(1) That the Manager of Corporate Property Services and the Housing Strategy Manager be authorised to conclude discussions for the disposal of Council owned assets on the Craylands Estate necessary for the scheme, on the most appropriate basis for the Council which may include that no monetary consideration be payable to the Council.



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(2) That the Manager of Corporate Property Services be authorised to approve the terms of the disposal in consultation with the Cabinet Member for Resources, and the Deputy Leader.

(For voting see Appendix, Column 12.)

(This was a Key Decision as defined in the Council Procedure Rules.)

CHAIRMAN

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RECORDING OF VOTES

Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
CONSERVATIVES																				
Ball A	F	F	F	F	F	F	F	F	F	F	F	F								
Blake K	F	F	F	F	F	F	F	F	F	F	F	F								
Buckley M	F	F	F	F	F	F	F	F	F	F	F	F								
Hedley A	F	F	F	F	F	F	F	F	F	F	F	F								
Hillier S	F	F	F	F	F	F	F	F	F	F	F	F								
Horgan S	F	F	F	F	F	F	F	F	F	F	F	F								
Sargent T	F	F	F	F	F	F	F	F	F	F	F	F								
Turner P	F	F	F	F	F	F	F	F	F	F	F	F								
LABOUR																				
Smith N	F	F	F	F	F	A	F	-	F	F	A	F								
Davies A	F	F	F	F	F	A	F	-	F	F	A	F								
Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	

KEY: F = In Favour  
 A = Against  
 - = Abstain  
 O = Not present for vote  
 P = Paired (abstained)  
 \* = Chairman used casting vote in line with first vote

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