

Council AGENDA

Monday, 19th February 2018 at 7:15 PM

**Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Council are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor Mrs D Garrod	Councillor Mrs S Paul
Councillor Mrs J Allen	Councillor J Goodman	Councillor Mrs J Pell
Councillor M Banthorpe	Councillor A Hensman	Councillor R Ramage
Councillor P Barlow	Councillor P Horner	Councillor F Ricci
Councillor J Baugh	Councillor D Hume	Councillor B Rose
Councillor Mrs J Beavis	Councillor H Johnson	Councillor Miss V Santomauro
Councillor D Bebb	Councillor Mrs A Kilmartin	Councillor Mrs W Scattergood
Councillor K Bowers	Councillor S Kirby	Councillor Mrs W Schmitt
Councillor Mrs L Bowers-Flint	Councillor G Maclure	Councillor P Schwier
Councillor G Butland	Councillor D Mann	Councillor C Siddall
Councillor S Canning	Councillor J McKee	Councillor Mrs G Spray
Councillor J Cunningham	Councillor R Mitchell	Councillor P Tattersley
Councillor Mrs M Cunningham	Councillor Mrs J Money	Councillor Miss M Thorogood
Councillor T Cunningham	Councillor Lady Newton	Councillor R van Dulken
Councillor M Dunn	Councillor J O'Reilly-Cicconi	Councillor Mrs L Walters
Councillor J Elliott	Councillor Mrs I Parker	Councillor Mrs S Wilson
		Vacancy

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members 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.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

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Documents

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- 1 **Apologies for Absence**

 - 2 **To receive any announcements/statements from the
Chairman and/or Leader of the Council.**

 - 3 **Declarations of 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 the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

 - 4 **Public Question Time**
 (See paragraph above)

 - 5 **Minutes of the Previous Meeting**
 To approve as a correct record the minutes of the meeting of the Full Council held on 11th December 2017 (copy previously circulated).

 - 6 **Presentations to Full Council**
 - a) Presentation of the Playing Fields Awards
 - b) Presentation of the Active Essex Work Place Award
 - c) Presentation of Staff Long Service Award

 - 7 **Appointment of Chief Executive and Head of Paid Services** **6- 10**

 - 8 **Council Budget And Council Tax 2018-19 and Medium Term
Financial Strategy 2018-19 to 2021-22**
 - 8(1) Recommendations from Cabinet 5th February 2018 – **11 - 17**
 Council Budget and Council Tax 2018-19 and
 Medium Term Financial Strategy 2018-19 to 2021-22

 - 8(2) Council Tax Resolution 2018-19 **18 - 26**
- Members are requested to bring to this meeting the
Cabinet Report Agenda Item 6a Council Budget and
Council Tax 2018/19 and Medium Term Financial Strategy
2018/19 to 2021/22 report, previously circulated.***

9	Hackney Carriage and Private Hire Criminal Convictions Policy	27 - 44
10	Recommendations from Cabinet 5th February 2018 – Proposed Acquisition of Strategic Employment Site, Great Notley - PUBLIC	45 - 48
11	Reports from the Leader and Cabinet Members To receive the following reports from each Portfolio Holder. Oral Questions to the Cabinet: Members are reminded that following the presentation of each Cabinet Member's report, Members may put questions to the Cabinet Member on matters relating to their portfolio, the powers and duties of the Council or the District. Questions are not restricted to the contents of the Cabinet Member's report. Where a verbal response cannot be given, a written response will be issued to all Members. (Council Procedure Rules 29.1 to 29.4 apply). A period of up to 1 hour is allowed for this item.	
11a	Councillor Butland - Leader of the Council	49 - 50
11b	Councillor D Bebb - Finance and Performance	51 - 52
11c	Councillor Mrs Bowers-Flint - Planning and Housing	53 - 55
11d	Councillor T Cunningham - Economic Development	56 - 58
11e	Councillor J McKee - Corporate Services and Asset Management	59 - 62
11f	Councillor Mrs W Schmitt - Environment and Place	63 - 67
11g	Councillor P Tattersley - Health and Communities	68 - 73
12	List of Public Meetings Held Since Last Council Meeting	74 - 75

13 Exclusion of Public and Press: - To give consideration to adopting the following Resolution: -

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12(A) of the Act.

PRIVATE SESSION

Page

14 Recommendations from Cabinet 5th February 2018 – Proposed Acquisition of Strategic Employment Site, Great Notley - PRIVATE

Appointment Committee – Appointment of Chief Executive and Head of Paid Services		Agenda No:7
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Graham Butland, Chairman of the Appointment Committee	
Report prepared by:	Helen Krischock, Human Resources and Organisational Development Manager	
Background Papers:		Public Report
Council's Constitution Report and Minutes of Full Council – 11th December 2017 - Minute 55 Minute of the Appointment Committee – 19th January 2018		Key Decision: No
Executive Summary:		
The purpose of the report is to report to Full Council the recommendations of the Appointments Committee held on 19 th January 2018 to appoint Andy Wright to the post of Head of Paid Service (Chief Executive) and to seek Council's approval for the appointment.		
Recommended Decision:		
To appoint Andy Wright as the Council's Head of Paid Service (Chief Executive) as well as the Electoral Returning Officer and Electoral Registration Officer with effect from 20 th February 2018.		
Purpose of Decision:		
To appoint a Head of Paid Service (Chief Executive) as well as an Electoral Returning Officer and Electoral Registration Officer for the Council.		

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

Financial:	<p>The appointment recommended is within the Council's adopted budget profile.</p> <p>Any appointment must be made having considered the Council's Pay Policy Statement issued under Section 40 of the Localism Act 2011.</p>
Legal:	<p>The Council is required to appoint a Head of Paid Service.</p> <p>The appointment of a permanent post holder must be undertaken in accordance with the Constitution and The Local Authorities (Standing Orders) (England) Regulations 2001.</p>
Safeguarding:	None arising out of this report.
Equalities/Diversity:	The appointment process has been in accordance with the Council's recruitment policy.
Customer Impact:	The appointment will ensure the continued progress and growth of the organisation.
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	<p>The Appointment Committee ensured that the process was conducted in such a way as to reflect the need for the appointed person to be engaged with the community.</p> <p>All Councillors are asked to consider the appointment of the recommended Candidate as the final decision maker.</p>
Risks:	Failure to make permanent arrangements would leave the Council exposed to not being able to make effective and timely decisions, or having the management structure in place to deliver services.
Officer Contact:	Helen Krischock
Designation:	Human Resources and Organisational Development Manager
Ext. No:	2711
E-mail:	helen.krischock@braintree.gov.uk

1. Introduction

1.1 On 11th December 2017 Council agreed to establish an Appointment Committee, in accordance with Article 4 of the Council's Constitution, in order to make an appointment to the post of Head of Paid Service (Chief Executive).

1.2 The Appointment Committee of Members were supported by independent advice from Michelle Kirk, Director, East of England Local Government Association. The Members present were:

- Councillor Graham Butland (Chairman of the Appointment Committee)
- Councillor Phil Barlow
- Councillor David Bebb
- Councillor John McKee
- Councillor Mrs Jackie Pell
- Councillor Mrs Wendy Schmitt

1.3 The appointment process ran over 1 day and included the following activities:

- Psychometric assessment and ability tests taken in advance of the assessment day.
- Presentation
- Briefing document
- Mock advisory session
- Media exercise/press briefing
- Interview

These activities explained:

- Psychometric personality assessments provide indicators for behavioural preferences, predictive styles for leadership/management and a preferred approach to working alone or in a team.
- Presentation on a set question to establish presentation style and ability to demonstrate vision and preparation. This allowed the Candidate to spend time preparing their 'key messages' or responses to a specific question. This tested how the Candidate researched, prepared and presented on a pre-prepared topic and then answered questions from assessors on the presentation.
- Briefing document (set on the day) to test analytical judgement and decisions under time pressure and presentation of response. Unlike the presentation, the Candidate did not have time to prepare, research or have any additional resources to draw on. This must have been the Candidates own work (unassisted in any way). When the case study was submitted, this was completed as a desk top exercise submitted to the Appointment Committee as part of the activity of the 'mock advisory meeting'. Members evaluated the Candidate and the briefing document

as part of the interactive process where assessors probed with questions based on the submission.

- Mock advisory meeting (with Members) was to test ability to listen to others, persuade/ influence outcomes. These were real time exercises done in a group where the Candidate is given a very short period to prepare advice to Members on a specific event or issue (the same issue as the briefing document). The Candidate was required to offer their initial advice and then adapt their advice/response based on Member feedback. This mirrored what happens where the Chief Executive is advising Members. If a particularly sensitive subject was chosen, it also tested how they dealt with politically sensitive subjects and Member reactions when giving difficult messages.
- Press interview was used to test the Candidate's ability to deal effectively with the press, usually a Journalist seeking to extract a story from the Council in response to a press release from a stakeholder. The purpose of that exercise was to try to 'trap' the Candidate into providing soundbites which would damage the Council or its reputation.
- The Interview allowed the exploration of key components of the role, including the Candidate's own experiences and provided an opportunity for the Candidate to demonstrate their suitability for the post. The interview was the last activity and was constructed around key competencies. The interview provided an opportunity to ensure that all of the role criteria had been assessed and that the Candidate had been able to tell the Appointment Committee what they are offering to bring to the role.

2. Terms of the Appointment

- 2.1 The proposed appointment is recommended on terms which are in line with the Council's adopted Pay Policy Statement under the Localism Act 2011.
- 2.2 In line with the Statutory Guidance the terms of the appointment are detailed for the consideration by Full Council:
 - 2.2.1 Joint Negotiating Committee for Local Authority Chief Executives (JNC) Spinal Column Point (SCP) 9297 - £122,547.00p/a with incremental progression 6 months after appointment date to SCP 9299 - £124,824.00.
 - 2.2.2 The value of the SCPs in the Chief Executive's grade will be uprated by the pay awards notified from time to time by the Joint Negotiating Committee for Chief Executives of Local Authorities and there will be progression through the band through the Council's performance management processes.
 - 2.2.3 The Chief Executive also receives a Returning Officer Fee in respect of District Council, County Council, Parliamentary and European Elections and for other National and Local Referenda. The Fee for undertaking this role in respect of District and Parish Councillors is calculated by reference to the

Scale of Fees and Expenses which is approved by Full Council. In respect of the Election of County Councillors, reference is made to the Scale of Fees and Expenses supplied by Essex County Council. Fees for conducting Parliamentary and European Elections and National Referenda are determined by way of Statutory Instrument.

3. Decision

- 3.1 After an extremely thorough and robust recruitment process the Appointment Committee unanimously agreed to recommend to Full Council that Andy Wright be appointed to the post of Head of Paid Service (Chief Executive) and to be the Council's Returning Officer and Electoral Registration Officer with effect from 20th February 2018.
- 3.2 All the delegations under the Constitution which are in the name of the Chief Executive and/or Head of Paid Service will be effective from 20th February 2018.

COUNCIL
19th February 2018



Recommendations from Cabinet, 5th February 2018 Council Budget and Council Tax 2018/19 and Medium Term Financial Strategy 2018/19 to 2021/22.	Agenda No: 8(1)
Background Papers: <u>Overview and Scrutiny Report and Minutes – 22nd November 2017</u> <u>Council Report and Minutes – 11th December 2017</u> <u>Overview and Scrutiny Report and Minutes – 31st February 2018</u> <u>Cabinet Report and Minutes – 5th February 2018</u>	Public Report

Minute Extract:

DRAFT MINUTE EXTRACT

CABINET – 5TH FEBRUARY 2018

51 COUNCIL BUDGET AND COUNCIL TAX 2018-19 AND MEDIUM-TERM FINANCIAL STRATEGY 2018-19 TO 2021-22

INFORMATION: Councillor Bebb, Cabinet Member for Finance and Performance updated Members on the following;

The withdrawal of the revenue support grant was confirmed: reducing from the current level of approximately £770,000 to £270,000 for next year and the funding resource ceasing completely in 2019/20. In addition the Council will also have an adjustment, of £290,000, to the business rates tariff in 2019/20 : resulting in a reduction to the estimated amount of business rates retained in that year.

The Council Tax referendum principles were confirmed at less than 3% or £5 (whichever was greater) for 2018/19 and 2019/20.

It was reported that the Government had confirmed that there were no changes to the New Homes Bonus scheme for 2018/19. The Council will receive a total of

£1.27 million in 2018/19. However, of this amount the actual allocation for year 8 (2018/19) is £16,240. This is significantly lower than previous years and is due to the number of new dwellings built being less than the 0.4% growth threshold.

On 20th December 2017, Government had issued regulations enabling planning application fees to be increased by 20% from 17th January 2018. This had been implemented along with an agreement to ensure that the additional income raised would be ring-fenced for planning services.

In terms of Business Rates, calculations had been updated for 2017/18 with business rates retained at £4.55 million which was £1.29 million above the baseline, and for 2018/19 at £4.3 million which was £1.18 million above baseline. This was £240,000 and £232,000 respectively, higher than in the November report, which had contributed towards offsetting other emerging pressures.

In the Medium Term, proposals appeared to be changing, with 75% Business Rate Retention rather than 100% now being proposed. The Business Rate Retention scheme is to be introduced from 2020/21 and will incorporate the long awaited Fair Funding Review.

As the Essex Bid for Pilot Status in 2018/19 had been unsuccessful, the Council has agreed to participate with the Essex Business Rate Pool for 2018/19, with a potential share of growth of £560,000 to the Council: the actual amount would however be received after the end of that financial year.

The previous Pay Award assumption had been impacted by an offer by the Employers Organisation, as of the 5th December 2017, of a 2% annual increase for the majority of grades (larger increases at the lowest grades) for the next two years, rather than the 1% increase that had been included in estimates; however this offer was yet to be agreed.

Council had already agreed to continue with the Council Tax Support Scheme with no changes. The Council Tax Collection Fund surplus of £181,000 had already been agreed to be shared, with £33,170 of this being allocated to Town and Parish Councils.

Essex County Council had confirmed that its contribution to the Community Transport Scheme would be frozen at the 2017/18 level for years 2018/19 and 2019/20.

Members were informed that the Councillor Community Grant Scheme would continue at £1500 per Councillor per annum but there would be no carry over of unspent grants in 2017/18

It was confirmed that the refuse recycling calendars would continue to be provided to all residents in the District.

The Council Tax Taxbase was calculated as at 30th November 2017 and was set at 51,980, a small increase of 80 over that estimated in the November report.

The anticipated growth in the District was likely to see a 1.5% increase in the taxbase for subsequent years.

The revised financial profile shows an addition to balances of £246,000 for 2018/19, followed by a significant shortfall in 2019/20 of £603,000. The shortfall for 2020/21 was £258,000 and £48,000 for 2021/22.

The proposed Council Tax is made in the knowledge of the shortfalls over the four year period. For a Band D property for 2018/19 would see an increase of 2.97%, making a Band D property in the District £175.41.

In response to a question raised at the meeting of the Overview and Scrutiny Committee held on 31st January, Members were advised that in recent years the capital receipts received from Right to Buy sales were as follows:

- 2017/18 (to end December 2017) - £1,340,000 (12 sales) – as notified by Greenfields Community Housing
- 2016/17 - £3,907,464 (38 sales)
- 2015/16 - £1,712,890 (24 sales)
- 2014/15 - £3,081,401 (51 sales)
- 2013/14 - £2,229,712 (37 sales)
- 2012/13 - £684,201 (11 sales)

The estimates for capital receipts received from Right to Buy sales included in the capital resources statement were:

- £1,500,000 for 2017/18
- £1,000,000 for 2018/19 onwards

Members were informed that there were no Braintree District Councillors who were two or more months in arrears with their Council Tax accounts and therefore all Councillors would be eligible to vote on the 2018/19 Budget and Council Tax setting at the next meeting of Full Council being held on 19th February 2018.

DECISION: That Cabinet agreed:

That it be Recommended To Council that the following be approved:

1. The budget variations to the current base budget as detailed in Section 3 of the main report;
2. The additional income and cost reductions as detailed in Section 5 of the main report;
3. The unavoidable revenue budget demands and new investments of

£624,550 as detailed in Section 4 of the main report;

4. The package of support to claimants experiencing difficulties as a result of the Local Council Tax Support scheme as detailed in Section 10.7 of the main report;
5. The Council's discretionary fees and charges for 2018/19 as detailed in Appendix A to the main report;
6. Delegated authority is given to the appropriate Cabinet Member to determine the level of charges for Trade Waste collection and Environmental permits for 2018/19;
7. The Council's housing rents are reduced by 1% for 2018/19, as detailed in Appendix A to the main report;
8. That delegated authority is given to the appropriate Cabinet Member to agree variations to Trade Waste, Town Hall Centre, Building Control and Car Parking fees and charges for commercial purposes;
9. The surplus of £725,670 on the Business Rates Collection Fund be transferred to the Business Rates Retention Reserve;
10. To extend the Council's policy for Discretionary Business Rate Relief (under section 47 of the Local Government Act 1988) to extend the Public House Relief scheme until 31st March 2019 as recommended and funded by the Government;
11. Discretionary council tax discounts, exemptions and premium for 2018/19 are:
 - Discount applicable to empty dwellings undergoing major repairs is set at 0% for the twelve month period;
 - Discount applicable to vacant dwellings is set at 0% for the six month period;
 - Discount applicable to second homes is set at 0%;
 - Empty Homes Premium charged on dwellings vacant for over two-years be set at 50%;
12. The Council's Pay Policy for 2018/19 as detailed in Appendix C to the main report;
13. A transfer of £246,302 to the General Fund unallocated balance in 2018/19;

Capital

14. The General Fund Capital bids for 2018/19 listed in Appendix H to the main report;

Treasury Management

15. The Prudential Indicators and limits set out in Appendix J to the main report;
16. The Policy on Minimum Revenue Provision as recommended in Appendix J to the main report;
17. The Treasury Management Strategy, including annual investment strategy, for 2018/19 (Appendix J to the main report);

Council Tax

18. The proposed estimates (producing a budget requirement for council tax purposes of £14,802,682) as detailed in Appendix D and the Council Tax for 2018/19 of £174.51 for a Band D property, having taking into consideration:
 - The consultation feedback, if any, received and reported verbally at the meeting;
 - The assessment of risks in the budget assumptions;
 - The Equalities Impact Assessments and The Section 151 Officer's report on the robustness of the estimates and the adequacy of balances (Appendix L to the main report).

REASON FOR DECISION: To determine the budget and council tax level proposals for 2018/19 to be submitted to Full Council for consideration, in accordance with the Budget and Policy Framework Procedure Rules contained in the Constitution.

Notification of Final local government finance settlement for 2018 to 2019 from Government

On 6th February 2018, the Government issued the final 2018/19 Local Government Financial Settlement. The Council has been allocated an additional sum, of £4,371, of Rural Services Delivery grant. In addition, the Government has had to issue revised figures for business rates retention for all authorities due to an error in the original calculations. The impact of this revision on the Council is a reduction of £22,601 in the amount of business rates estimated to be retained in 2018/19.

The impact of these two notifications is a net reduction of income of £18,230.

It is recommended that the transfer to the General Fund Unallocated Balance in 2018/19 be reduced by £18,230, to £228,072.

Recommended Decision: That Council approves the following:

1. The budget variations to the current base budget as detailed in Section 3 of the main report;
2. The additional income and cost reductions as detailed in Section 5 of the main report;
3. The unavoidable revenue budget demands and new investments of £624,550 as detailed in Section 4 of the main report;
4. The package of support to claimants experiencing difficulties as a result of the Local Council Tax Support scheme as detailed in Section 10.7 of the main report;
5. The Council's discretionary fees and charges for 2018/19 as detailed in Appendix A to the main report;
6. Delegated authority is given to the appropriate Cabinet Member to determine the level of charges for Trade Waste collection and Environmental permits for 2018/19;
7. The Council's housing rents are reduced by 1% for 2018/19, as detailed in Appendix A to the main report;
8. That delegated authority is given to the appropriate Cabinet Member to agree variations to Trade Waste, Town Hall Centre, Building Control and Car Parking fees and charges for commercial purposes;
9. The surplus of £725,670 on the Business Rates Collection Fund be transferred to the Business Rates Retention Reserve;
10. To extend the Council's policy for Discretionary Business Rate Relief (under section 47 of the Local Government Act 1988) to extend the Public House Relief scheme until 31st March 2019 as recommended and funded by the Government;
11. Discretionary council tax discounts, exemptions and premium for 2018/19 are:
 - Discount applicable to empty dwellings undergoing major repairs is set at 0% for the twelve month period;
 - Discount applicable to vacant dwellings is set at 0% for the six month period;
 - Discount applicable to second homes is set at 0%;
 - Empty Homes Premium charged on dwellings vacant for over two-years be set at 50%;
12. The Council's Pay Policy for 2018/19 as detailed in Appendix C to the main report;
13. A transfer of **£228,072** to the General Fund unallocated balance in 2018/19;

Capital

14. The General Fund Capital bids for 2018/19 listed in Appendix H to the main report;

Treasury Management

15. The Prudential Indicators and limits set out in Appendix J to the main report;

16. The Policy on Minimum Revenue Provision as recommended in Appendix J to the main report;

17. The Treasury Management Strategy, including annual investment strategy, for 2018/19 (Appendix J to the main report);

Council Tax

18. The proposed estimates (producing a budget requirement for council tax purposes of **£14,784,452**) as detailed in Appendix D and the Council Tax for 2018/19 of £174.51 for a Band D property, having taking into consideration:

- The consultation feedback, if any, received and reported verbally at the meeting;
- The assessment of risks in the budget assumptions;
- The Equalities Impact Assessments and
- The Section 151 Officer's report on the robustness of the estimates and the adequacy of balances (Appendix L to the main report).

Council Tax Resolution 2018/19		Agenda No:8(2)
Portfolio	Finance and Performance	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Councillor David Bebb, Cabinet Member for Finance and Performance	
Report prepared by:	Chris Fleetham, Corporate Director	
Background Papers: Cabinet Report 5th February 2018: Council Budget and Council Tax 2018/19 and Medium-Term Financial Strategy.		Public
		Key Decision: Yes
Executive Summary: <p>The Council Budget and Council Tax 2018/19 and Medium Term Financial Strategy report to be considered under Agenda item 8(1) of this Council's meeting recommends a 2018/19 budget requirement for council tax purposes of £14,784,452. After allowing for Revenue Support and Rural Services Delivery Grants, the estimated amount of the local share of business rates to be retained by the Council for the year, and the Council's share of the estimated Collection Fund balance at 31 March 2018, in respect of council tax and business rates, this results in a Council Tax Requirement of £9,071,030. This equates to a Band D Council Tax rate of £174.51.</p> <p>In areas where there are parish and town council precepts the basic amount of council tax before major precepts are added is shown in Column 5 of Schedule A. The aggregate total of local precepts notified to the Council is £2,061,367, which equates to an average precept based on the tax base of parish and town council areas of £54.93 per Band D dwelling, an increase of 4.70% on the current year.</p> <p>The Council's budget plus the aggregate total of local precepts gives a total Council Tax Requirement of £11,132,397 for Braintree District Council.</p> <p>Taking into account the precepts expected to be received from Essex County Council and the Police, Fire & Crime Commissioner for Essex in respect of Essex Police and the Essex Fire Service, the total amount of Council Tax for each area, by category of dwelling is shown in Schedule B.</p>		
Recommended Decision: <p>To approve the Council Tax Requirement and level of Council Tax for 2018/19, in accordance with the attached resolution.</p>		
Purpose of Decision: <p>To formally set the Council Tax Requirement and Council Tax rates for 2018/19</p>		

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

Financial:	The approval of the Council Tax Resolution will authorise the council tax billing of residents of Braintree District Council. The amount to be raised for this Council is £9,071,030
Legal:	The Local Government Finance Act 1992 requires the Council to set for each financial year the Council Tax rates for all areas within the district and for each category of dwelling, taking into account the Council Tax Base, Council Tax Requirement, and precepts notified to it by the major precepting authorities
Safeguarding:	None
Equalities/Diversity:	No additional impact from that set out in the Budget report to Cabinet on 5 th February 2018
Customer Impact:	No additional impact from that set out in the Budget report to Cabinet on 5 th February 2018
Environment and Climate Change:	No additional impact from that set out in the Budget report to Cabinet on 5 th February 2018
Consultation/Community Engagement:	No additional impact from that set out in the Budget report to Cabinet on 5 th February 2018
Risks:	No additional impact from that set out in the Budget report to Cabinet on 5 th February 2018
Officer Contact:	Chris Fleetham
Designation:	Corporate Director
Ext. No:	2800
E-mail:	Chrfl@braintree.gov.uk

Council Tax Resolution 2018/19

1. Council Tax Base

- 1.1** Under delegated powers the Corporate Director has determined the amount of Council Tax Base for the whole Council area for 2018/19 as 51,980 Band D equivalents; and also that the amount set out in Column 2 of Schedule A should be the Council Tax Base for dwellings in those parts of the district listed in Column 1 of Schedule A to this resolution.

2. Calculation of the Council Tax Requirement

- 2.1** The following amounts are calculated by the Council for the year 2018/19, in accordance with the Local Government Finance Act 1992 (as amended):-

£88,057,177, being the expenditure the Council estimates it will incur in the year in performing its functions and which will be charged to its General Fund revenue account in accordance with proper practice. This amount includes allowances for contingencies, additions to earmarked financial reserves and general balances, and local precepts issued to the Council.

£76,924,780, being the income estimated by the Council which will be credited to the General Fund revenue account in accordance with proper practice. This amount includes specific and general government grants, the estimated use of earmarked financial reserves, and the Council's share of the estimated Collection Fund balance at 31 March 2018 in respect of council tax and business rates.

£11,132,397, being the Council Tax Requirement for the year calculated as the difference between expenditure and income as set out above.

- 2.2** In making the above calculations the following amounts have been taken into account:

£272,480, being the amount of Revenue Support Grant receivable from central government for the year.

£4,511,538, being the estimated amount of the local share of business rates to be retained by the Council for the year after allowing for the following items: a tariff of £12,832,242; an estimated levy of £1,041,562 due to the Essex Business Rate Pool; and a net amount of £1,531,390 estimated to be receivable from central government to fund previous year caps on the RPI increase in the business rate multiplier and the extension of various discretionary reliefs being funded by government.

£181,609, being the amount that has been calculated as the Council's share of the estimated Collection Fund balance at 31 March 2018 in respect of council tax, which will be transferred from the Collection Fund to the General Fund revenue account in 2018/19.

£725,670, being the Council's share of the estimated Collection Fund balance at 31 March 2018 in respect of business rates to be transferred from the Collection Fund to the General Fund revenue account in 2018/19.

£22,125, being the amount of rural services grant funding to be provided by government as announced in the Final Local Government Finance Settlement for 2018/19.

£2,061,367, being the total of all local precepts received from town and parish councils and shown in Column 3 of Schedule A.

3. Calculation of the Basic Amount of Council Tax

3.1 The following amounts have been calculated:

£214.17, being the basic amount of Council Tax for the year including local precepts, calculated by dividing the Council Tax Requirement by the Council Tax Base for the whole district.

£174.51, being the basic amount of Council Tax for dwellings in those parts of the District where there are no local precepts for town or parish councils. This represents the District Council's share of the total Council Tax rate and is charged across property bands as follows:

Property Band	Band as proportion of Band D	Council Tax Rate
A	6/9	£116.34
B	7/9	£135.73
C	8/9	£155.12
D	9/9	£174.51
E	11/9	£213.29
F	13/9	£252.07
G	15/9	£290.85
H	18/9	£349.02

The District Council's basic amount of Council Tax equates to a Council Tax Requirement for the Council's own purposes (excluding town and parish precepts) of **£9,071,030**.

Under the principles set by the Secretary of State for Communities and Local Government for the 2018/19 financial year, the basic amount of Council Tax calculated by the Council is not deemed excessive and therefore does not require a referendum to be held.

The amounts shown in Column 5 of Schedule A, calculated by adding to the basic amount of Council Tax in those parts of the District where there are no local precepts, the local precept amount relating to each parish or town council area, divided by the tax base for that area. This represents the basic amount of Council Tax for each parish or town council area. The charge for each property band is also shown in Schedule A.

4. Special Expenses

- 4.1** The Council resolves that any expenses incurred by it in performing, in part of its area, a function that is performed elsewhere in its area by a parish or town council, or a Chairman of a parish meeting, shall not be treated as Special Expenses for the purposes of Section 35 of the Local Government Finance Act 1992.

5. Council Tax Setting

- 5.1** The Council note that it has been advised of the following precepts:

• Essex County Council	£63,506,565
• Police, Fire & Crime Commissioner – Essex Police	£8,785,660
• Police, Fire & Crime Commissioner – Essex Fire and Rescue Service	£3,658,352

Expressed as a Council Tax rate for dwellings in the following property bands:

Property Band	Essex County Council	Essex Police	Essex Fire and Rescue Service
A	£814.50	£112.68	£46.92
B	£950.25	£131.46	£54.74
C	£1,086.00	£150.24	£62.56
D	£1,221.75	£169.02	£70.38
E	£1,493.25	£206.58	£86.02
F	£1,764.75	£244.14	£101.66
G	£2,036.25	£281.70	£117.30
H	£2,443.50	£338.04	£140.76

- 5.2** The Council, having calculated the aggregate of the amounts stated above for each area within the District, hereby sets the amounts shown in Schedule B as the total amount of Council Tax for each of the property Bands.

SCHEDULE A

Col . 1	Col . 2	Col . 3	Col . 4	Col . 5	COUNCIL TAX FOR THE DISTRICT COUNCIL INCLUDING PARISH TAX £							
PARISH/AREA	TAX BASE (BAND D EQUIV)	PARISH PRECEPT £	PARISH TAX (BAND D) £	BASIC AMOUNT OF COUNCIL TAX £	A	B	C	D	E	F	G	H
ALPHAMSTONE & LAMARSH	200.57	3,607	17.98	192.49	128.33	149.71	171.10	192.49	235.27	278.04	320.82	384.98
ASHEN	146.32	4,408	30.13	204.64	136.43	159.16	181.90	204.64	250.12	295.59	341.07	409.28
BARDFIELD SALING	96.53	-	0.00	174.51	116.34	135.73	155.12	174.51	213.29	252.07	290.85	349.02
BELCHAMP OTTEN	78.90	1,000	12.67	187.18	124.79	145.58	166.38	187.18	228.78	270.37	311.97	374.36
BELCHAMP ST PAUL	163.65	3,000	18.33	192.84	128.56	149.99	171.41	192.84	235.69	278.55	321.40	385.68
BELCHAMP WALTER	101.38	5,003	49.35	223.86	149.24	174.11	198.99	223.86	273.61	323.35	373.10	447.72
BIRDBROOK	149.99	13,245	88.31	262.82	175.21	204.42	233.62	262.82	321.22	379.63	438.03	525.64
BLACK NOTLEY	895.70	48,000	53.59	228.10	152.07	177.41	202.76	228.10	278.79	329.48	380.17	456.20
BORLEY	53.06	1,283	24.18	198.69	132.46	154.54	176.61	198.69	242.84	287.00	331.15	397.38
BRADWELL	218.39	7,965	36.47	210.98	140.65	164.10	187.54	210.98	257.86	304.75	351.63	421.96
BRAINTREE	14356.53	-	0.00	174.51	116.34	135.73	155.12	174.51	213.29	252.07	290.85	349.02
BULMER	274.13	9,497	34.64	209.15	139.43	162.67	185.91	209.15	255.63	302.11	348.58	418.30
BURES HAMLET	321.06	26,892	83.76	258.27	172.18	200.88	229.57	258.27	315.66	373.06	430.45	516.54
CASTLE HEDINGHAM	483.71	25,128	51.95	226.46	150.97	176.14	201.30	226.46	276.78	327.11	377.43	452.92
COGGESHALL	1789.62	154,213	86.17	260.68	173.79	202.75	231.72	260.68	318.61	376.54	434.47	521.36
COLNE ENGAINÉ	408.97	23,514	57.50	232.01	154.67	180.45	206.23	232.01	283.57	335.13	386.68	464.02
CRESSING	628.35	37,380	59.49	234.00	156.00	182.00	208.00	234.00	286.00	338.00	390.00	468.00
EARLS COLNE	1253.74	77,174	61.56	236.07	157.38	183.61	209.84	236.07	288.53	340.99	393.45	472.14
FEERING	810.22	52,987	65.40	239.91	159.94	186.60	213.25	239.91	293.22	346.54	399.85	479.82
FINCHINGFIELD	676.71	40,792	60.28	234.79	156.53	182.61	208.70	234.79	286.97	339.14	391.32	469.58
FOXEARH & LISTON	153.06	7,000	45.73	220.24	146.83	171.30	195.77	220.24	269.18	318.12	367.07	440.48
GESTINGTHORPE	181.76	6,400	35.21	209.72	139.81	163.12	186.42	209.72	256.32	302.93	349.53	419.44
GOSFIELD	576.28	32,473	56.35	230.86	153.91	179.56	205.21	230.86	282.16	333.46	384.77	461.72
GREAT BARDFIELD	526.78	32,509	61.71	236.22	157.48	183.73	209.97	236.22	288.71	341.21	393.70	472.44
GREAT MAPLESTEAD	163.55	4,903	29.98	204.49	136.33	159.05	181.77	204.49	249.93	295.37	340.82	408.98
GREAT NOTLEY	2455.89	76,133	31.00	205.51	137.01	159.84	182.68	205.51	251.18	296.85	342.52	411.02
GREAT SALING	136.18	7,341	53.91	228.42	152.28	177.66	203.04	228.42	279.18	329.94	380.70	456.84
GREAT YELDHAM	582.12	44,189	75.91	250.42	166.95	194.77	222.60	250.42	306.07	361.72	417.37	500.84
GREENSTEAD GREEN	280.37	6,573	23.44	197.95	131.97	153.96	175.96	197.95	241.94	285.93	329.92	395.90
HALSTEAD	3825.32	172,981	45.22	219.73	146.49	170.90	195.32	219.73	268.56	317.39	366.22	439.46
HATFIELD PEVEREL	1755.47	60,399	34.41	208.92	139.28	162.49	185.71	208.92	255.35	301.77	348.20	417.84
HELIONS BUMPSTEAD	181.17	14,296	78.91	253.42	168.95	197.10	225.26	253.42	309.74	366.05	422.37	506.84
HENNYS,MIDDLETON & TWINSTEAD	234.34	4,875	20.80	195.31	130.21	151.91	173.61	195.31	238.71	282.11	325.52	390.62
KELVEDON	1294.72	100,219	77.41	251.92	167.95	195.94	223.93	251.92	307.90	363.88	419.87	503.84
LITTLE MAPLESTEAD	115.53	3,442	29.79	204.30	136.20	158.90	181.60	204.30	249.70	295.10	340.50	408.60

SCHEDULE A

Col . 1	Col . 2	Col . 3	Col . 4	Col . 5	COUNCIL TAX FOR THE DISTRICT COUNCIL INCLUDING PARISH TAX £							
PARISH/AREA	TAX BASE (BAND D EQUIV)	PARISH PRECEPT £	PARISH TAX (BAND D) £	BASIC AMOUNT OF COUNCIL TAX £	A	B	C	D	E	F	G	H
LITTLE YELDHAM, TILBURY JUXTA CLARE, & OVINGTON	238.30	6,192	25.98	200.49	133.66	155.94	178.21	200.49	245.04	289.60	334.15	400.98
PANFIELD	331.06	16,054	48.49	223.00	148.67	173.44	198.22	223.00	272.56	322.11	371.67	446.00
PEBMARSH	234.53	8,149	34.75	209.26	139.51	162.76	186.01	209.26	255.76	302.26	348.77	418.52
PENTLOW	106.82	5,000	46.81	221.32	147.55	172.14	196.73	221.32	270.50	319.68	368.87	442.64
RAYNE	856.15	40,531	47.34	221.85	147.90	172.55	197.20	221.85	271.15	320.45	369.75	443.70
RIDGEWELL	211.56	17,028	80.49	255.00	170.00	198.33	226.67	255.00	311.67	368.33	425.00	510.00
RIVENHALL	264.73	11,000	41.55	216.06	144.04	168.05	192.05	216.06	264.07	312.09	360.10	432.12
SHALFORD	341.55	18,126	53.07	227.58	151.72	177.01	202.29	227.58	278.15	328.73	379.30	455.16
SIBLE HEDINGHAM	1630.48	103,485	63.47	237.98	158.65	185.10	211.54	237.98	290.86	343.75	396.63	475.96
SILVER END	1061.08	61,276	57.75	232.26	154.84	180.65	206.45	232.26	283.87	335.49	387.10	464.52
STAMBOURNE	166.02	7,636	45.99	220.50	147.00	171.50	196.00	220.50	269.50	318.50	367.50	441.00
STEEPLE BUMPSTEAD	623.50	41,139	65.98	240.49	160.33	187.05	213.77	240.49	293.93	347.37	400.82	480.98
STISTED	280.86	12,460	44.36	218.87	145.91	170.23	194.55	218.87	267.51	316.15	364.78	437.74
STURMER	198.82	7,075	35.58	210.09	140.06	163.40	186.75	210.09	256.78	303.46	350.15	420.18
TERLING & FAIRSTEAD	418.57	19,225	45.93	220.44	146.96	171.45	195.95	220.44	269.43	318.41	367.40	440.88
TOPPESFIELD	210.97	14,731	69.83	244.34	162.89	190.04	217.19	244.34	298.64	352.94	407.23	488.68
WETHERSFIELD	533.71	29,179	54.67	229.18	152.79	178.25	203.72	229.18	280.11	331.04	381.97	458.36
WHITE COLNE	207.21	10,882	52.52	227.03	151.35	176.58	201.80	227.03	277.48	327.93	378.38	454.06
WHITE NOTLEY & FAULKBORNE	244.93	11,973	48.88	223.39	148.93	173.75	198.57	223.39	273.03	322.67	372.32	446.78
WICKHAM ST PAUL	132.76	10,629	80.06	254.57	169.71	198.00	226.28	254.57	311.14	367.71	424.28	509.14
WITHAM	8116.32	500,776	61.70	236.21	157.47	183.72	209.96	236.21	288.70	341.19	393.68	472.42
	51980.00	2,061,367										

SCHEDULE B

PARISH/AREA	TOTAL COUNCIL TAX £							
	A	B	C	D	E	F	G	H
ALPHAMSTONE & LAMARSH	1102.43	1286.16	1469.90	1653.64	2021.12	2388.59	2756.07	3307.28
ASHEN	1110.53	1295.61	1480.70	1665.79	2035.97	2406.14	2776.32	3331.58
BARDFIELD SALING	1090.44	1272.18	1453.92	1635.66	1999.14	2362.62	2726.10	3271.32
BELCHAMP OTTEN	1098.89	1282.03	1465.18	1648.33	2014.63	2380.92	2747.22	3296.66
BELCHAMP ST PAUL	1102.66	1286.44	1470.21	1653.99	2021.54	2389.10	2756.65	3307.98
BELCHAMP WALTER	1123.34	1310.56	1497.79	1685.01	2059.46	2433.90	2808.35	3370.02
BIRDBROOK	1149.31	1340.87	1532.42	1723.97	2107.07	2490.18	2873.28	3447.94
BLACK NOTLEY	1126.17	1313.86	1501.56	1689.25	2064.64	2440.03	2815.42	3378.50
BORLEY	1106.56	1290.99	1475.41	1659.84	2028.69	2397.55	2766.40	3319.68
BRADWELL	1114.75	1300.55	1486.34	1672.13	2043.71	2415.30	2786.88	3344.26
BRAINTREE	1090.44	1272.18	1453.92	1635.66	1999.14	2362.62	2726.10	3271.32
BULMER	1113.53	1299.12	1484.71	1670.30	2041.48	2412.66	2783.83	3340.60
BURES HAMLET	1146.28	1337.33	1528.37	1719.42	2101.51	2483.61	2865.70	3438.84
CASTLE HEDINGHAM	1125.07	1312.59	1500.10	1687.61	2062.63	2437.66	2812.68	3375.22
COGGESHALL	1147.89	1339.20	1530.52	1721.83	2104.46	2487.09	2869.72	3443.66
COLNE ENGAINÉ	1128.77	1316.90	1505.03	1693.16	2069.42	2445.68	2821.93	3386.32
CRESSING	1130.10	1318.45	1506.80	1695.15	2071.85	2448.55	2825.25	3390.30
EARLS COLNE	1131.48	1320.06	1508.64	1697.22	2074.38	2451.54	2828.70	3394.44
FEERING	1134.04	1323.05	1512.05	1701.06	2079.07	2457.09	2835.10	3402.12
FINCHINGFIELD	1130.63	1319.06	1507.50	1695.94	2072.82	2449.69	2826.57	3391.88
FOXEARH & LISTON	1120.93	1307.75	1494.57	1681.39	2055.03	2428.67	2802.32	3362.78
GESTINGTHORPE	1113.91	1299.57	1485.22	1670.87	2042.17	2413.48	2784.78	3341.74
GOSFIELD	1128.01	1316.01	1504.01	1692.01	2068.01	2444.01	2820.02	3384.02
GREAT BARDFIELD	1131.58	1320.18	1508.77	1697.37	2074.56	2451.76	2828.95	3394.74
GREAT MAPLESTEAD	1110.43	1295.50	1480.57	1665.64	2035.78	2405.92	2776.07	3331.28
GREAT NOTLEY	1111.11	1296.29	1481.48	1666.66	2037.03	2407.40	2777.77	3333.32
GREAT SALING	1126.38	1314.11	1501.84	1689.57	2065.03	2440.49	2815.95	3379.14
GREAT YELDHAM	1141.05	1331.22	1521.40	1711.57	2091.92	2472.27	2852.62	3423.14
GREENSTEAD GREEN	1106.07	1290.41	1474.76	1659.10	2027.79	2396.48	2765.17	3318.20

SCHEDULE B

PARISH/AREA	TOTAL COUNCIL TAX £							
	A	B	C	D	E	F	G	H
HALSTEAD	1120.59	1307.35	1494.12	1680.88	2054.41	2427.94	2801.47	3361.76
HATFIELD PEVEREL	1113.38	1298.94	1484.51	1670.07	2041.20	2412.32	2783.45	3340.14
HELIONS BUMPSTEAD	1143.05	1333.55	1524.06	1714.57	2095.59	2476.60	2857.62	3429.14
HENNYS,MIDDLETON & TWINSTEAD	1104.31	1288.36	1472.41	1656.46	2024.56	2392.66	2760.77	3312.92
KELVEDON	1142.05	1332.39	1522.73	1713.07	2093.75	2474.43	2855.12	3426.14
LITTLE MAPLESTEAD	1110.30	1295.35	1480.40	1665.45	2035.55	2405.65	2775.75	3330.90
LITTLE YELDHAM, TILBURY JUXTA CLARE, & OVINGTON	1107.76	1292.39	1477.01	1661.64	2030.89	2400.15	2769.40	3323.28
PANFIELD	1122.77	1309.89	1497.02	1684.15	2058.41	2432.66	2806.92	3368.30
PEBMARSH	1113.61	1299.21	1484.81	1670.41	2041.61	2412.81	2784.02	3340.82
PENTLOW	1121.65	1308.59	1495.53	1682.47	2056.35	2430.23	2804.12	3364.94
RAYNE	1122.00	1309.00	1496.00	1683.00	2057.00	2431.00	2805.00	3366.00
RIDGEWELL	1144.10	1334.78	1525.47	1716.15	2097.52	2478.88	2860.25	3432.30
RIVENHALL	1118.14	1304.50	1490.85	1677.21	2049.92	2422.64	2795.35	3354.42
SHALFORD	1125.82	1313.46	1501.09	1688.73	2064.00	2439.28	2814.55	3377.46
SIBLE HEDINGHAM	1132.75	1321.55	1510.34	1699.13	2076.71	2454.30	2831.88	3398.26
SILVER END	1128.94	1317.10	1505.25	1693.41	2069.72	2446.04	2822.35	3386.82
STAMBOURNE	1121.10	1307.95	1494.80	1681.65	2055.35	2429.05	2802.75	3363.30
STEEPLE BUMPSTEAD	1134.43	1323.50	1512.57	1701.64	2079.78	2457.92	2836.07	3403.28
STISTED	1120.01	1306.68	1493.35	1680.02	2053.36	2426.70	2800.03	3360.04
STURMER	1114.16	1299.85	1485.55	1671.24	2042.63	2414.01	2785.40	3342.48
TERLING & FAIRSTEAD	1121.06	1307.90	1494.75	1681.59	2055.28	2428.96	2802.65	3363.18
TOPPESFIELD	1136.99	1326.49	1515.99	1705.49	2084.49	2463.49	2842.48	3410.98
WETHERSFIELD	1126.89	1314.70	1502.52	1690.33	2065.96	2441.59	2817.22	3380.66
WHITE COLNE	1125.45	1313.03	1500.60	1688.18	2063.33	2438.48	2813.63	3376.36
WHITE NOTLEY & FAULKBOURNE	1123.03	1310.20	1497.37	1684.54	2058.88	2433.22	2807.57	3369.08
WICKHAM ST PAUL	1143.81	1334.45	1525.08	1715.72	2096.99	2478.26	2859.53	3431.44
WITHAM	1131.57	1320.17	1508.76	1697.36	2074.55	2451.74	2828.93	3394.72

Hackney Carriage and Private Hire Criminal Convictions Policy		Agenda No:9
Portfolio	Environment and Place	
Corporate Outcome:	A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Councillor Michael Banthorpe, Chairman of the Licensing Committee	
Report prepared by:	John Meddings, Principal Licensing Officer	
Background Papers:		Public Report
<u>Licensing Committee Report and Minutes - 15th November 2017</u>		Key Decision: No
Executive Summary:		
<p>It is the responsibility of Braintree District Council, as the Licensing Authority, to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. The overriding aim of the Licensing Authority is to protect the safety of the public by ensuring that the applicant or an existing licence holder is a “fit and proper” person in accordance with the provisions of the Act.</p> <p>The purpose of this Hackney Carriage and Private Hire Criminal Convictions Policy is to provide guidance to the Council (Drivers’ Panel) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage or Private Hire driver or Private Hire Operator Licence (“a licence”) and whether to exercise its powers to refuse, revoke or suspend such a licence.</p> <p>The Licensing Committee have considered the draft Hackney Carriage and Private Hire Criminal Convictions Policy and have recommended to Full Council that the Policy is approved and is implemented from 20th February 2018 (inclusive).</p>		
Recommended Decision:		
<p>To approve the Hackney Carriage and Private Hire Criminal Convictions Policy for commencement on the 20th February 2018.</p>		

Purpose of Decision:

To provide guidance, to ensure that the Council's standards are in line with 'good practice' guidance, and to enable a more robust 'fit and proper' person test to be applied to Private Hire Operator's and Hackney Carriage/Private Hire driver's. The overriding aim of the proposed policy is to protect the safety of the public.

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

Financial:	No issues arising from this report.
Legal:	<p>The Council is the Licensing Authority for Hackney Carriage and Private Hire under the Local Government (Miscellaneous Provisions) Act 1976. The aim of the policy is to provide guidance to the Members of the Drivers' Panel to ensure that the Council's standards are in line with 'good practice' guidance and to enable a more robust 'fit and proper' person test to be applied to Private Hire Operators and Hackney Carriage/Private Hire Drivers.</p> <p>The Licensing of Hackney Carriage and Private Hire is a function of Council.</p>
Safeguarding:	The overriding aim of the proposed policy is to protect the safety of the public. The Policy will provide a more robust 'fit and proper' test for applicants.
Equalities/Diversity:	No issues arising from this report.
Customer Impact:	Existing licence holders will not be affected by the Policy until the 'fit and proper' test is engaged under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
Environment and Climate Change:	No issues arising from this report.
Consultation/Community Engagement:	A six week public consultation has taken place including individuals, businesses and public bodies affected by the policy. The relevant consultation responses were considered by the Licensing Committee.
Risks:	It is good practice to have a Policy to reduce ambiguity in decision making. However, if departed from this may be seen as a ground for challenge.
Officer Contact:	John Meddings
Designation:	Principal Licensing Officer
Ext. No:	2213
E-mail:	john.meddings@braintree.gov.uk

1. Purpose of policy

- 1.1 The purpose of the policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire Driver or Private Hire Operator licence.
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
- That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safeguarding of children, young persons and vulnerable adults
- 1.3 The term 'fit and proper person' for the purposes of licensing is not legally defined and in assessing whether someone is 'fit and proper' the Council will consider the following together with and other relevant information:
- Criminality
 - Human rights
 - Length of time holding a driver's licence
 - Number of penalty points endorsed on driving licence
 - Right to work
 - Medical fitness
 - Conduct of the applicant in making the application
 - Previous licensing history

In addition the Council will also consider further information provided by sources such as the Police (including abduction notices) and other statutory agencies.

As set out above, there is no definition of 'fit and proper' however the case of *McCool v Rushcliffe BC 1998* assists by way of Lord Bingham, Lord Chief Justice in determining that:

"One must it seems to me approach this case bearing in mind the objectives of this licensing regime, which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers".

- 1.4 The policy will provide guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for licences
 - Existing licence holders whose licences are being reviewed
 - Licensing Officers
 - Members of the Licensing Committee (Drivers' Panel)
 - Magistrates hearing appeals against Local Authority decisions

- 1.5 Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee (Drivers' Panel). Whilst Officers and the Licensing Committee (Drivers' Panel) will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and where the circumstances demand, the Committee (Drivers' Panel) may depart from the guidelines.
- 1.6 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences, which may show a pattern of offending and unfitness.

2 Consultation

- 2.1 The draft Hackney Carriage and Private Hire Criminal Convictions Policy went through a six week public consultation including individuals, businesses and public bodies with an interest in the policy.
- 2.2 The consultation responses were individually considered by the Licensing Committee and the draft Hackney Carriage and Private Hire Criminal Convictions Policy was amended where appropriate.
- 2.3 On 15th November 2017 the Licensing Committee considered the consultation responses and determined that the policy be recommended to Full Council for approval.

Hackney Carriage and Private Hire Criminal Convictions Policy

1. Introduction

- 1.1 The purpose of this Policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an Applicant or an existing Licence Holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire Driver or combination of both or Private Hire Operator's Licence .
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
- A person is a fit and proper person
 - A person does not pose a threat to the public
 - The public are safeguarded from dishonest persons
 - The safeguarding of children, young persons and vulnerable adults
- 1.3 The term 'fit and proper person' for the purposes of licensing is not legally defined and in assessing whether someone is 'fit and proper' the Council will consider the following together with and other relevant information:
- Criminality
 - Human rights
 - Length of time holding a Driver's Licence
 - Number of penalty points endorsed on Driving Licence
 - Right to work
 - Medical fitness
 - Conduct of the Applicant in making the application
 - Previous licensing history

In addition, the Council will also consider further information provided by sources such as the Police (including Abduction Notices) and other Statutory Agencies.

- 1.4 This Policy provides guidance to any person with an interest in taxi and Private Hire Licensing. In particular, but not exclusively:
- Applicants for Licences
 - Existing License Holders whose Licences are being reviewed
 - Licensing Officers
 - Members of the Licensing Committee
 - Magistrates hearing Appeals against Local Authority decisions
- 1.5 Where Licensing Officers have delegated powers to grant Licences, they will utilise these guidelines when making a decision to grant a Licence. In all other cases applications for Licences will be referred to the Licensing Committee. Whilst Officers and the Licensing Committee will have regard to the guidelines contained in the Policy, **each case will be considered on its individual merits and where the circumstances demand, the Committee may depart from the guidelines.**

2. General Policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively, where there are many or continuous offences, which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a Licence but would normally be expected to:
 - a. Remain free of conviction for an appropriate period; and
 - b. Show adequate evidence that he/she is a fit and proper person to hold a Licence (the onus is on the Applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a Licence.
- 2.3 **Where an Applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].
- 2.4 For the purpose of this Policy Formal/Simple Cautions/Warnings and Fixed Penalties will be treated as though they were convictions.
- 2.5 A very serious view will be taken of any conviction; no matter how minor or serious, that occurs whilst the person is the holder of a current Licence and especially if the offence occurred whilst in the course of their employment as a Licensed proprietor, Driver or Operator.

3. Appeals

- 3.1 Any applicant refused a Driver's Licence on the grounds that the Licensing Authority is not satisfied he/she is a fit and proper person to hold such a Licence has a right to appeal to the Magistrates' Court within 21 days of the Notice of refusal.
- 3.2 Any Applicant refused a Private Hire Operator's Licence on the grounds that the Licensing authority is not satisfied that they are a fit and proper person to hold such a Licence has the right to appeal to the Magistrates' Court within 21 days of the Notice of refusal.
- 3.3 Any Licensee whose Licence is suspended or revoked has the right to appeal to the Magistrates' Court within 21 days of the suspension or revocation.

4. Powers

- 4.1 Sections 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a Licence if the Applicant/Licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an Applicant or the Holder of a Private Hire Vehicle or Hackney Carriage Driver's Licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this Policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An Applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of Disclosed Criminal History

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an Applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Driver's Licence and/or Private Hire Operator's Licence is a 'fit and proper' person to hold such a Licence. However, if an Applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:
- How relevant the offence(s) are to the Licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of conviction
 - Circumstances of the individual concerned
 - Sentence imposed by the court
 - The applicant's age at the time of conviction
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant
- 5.2 Existing holders of driver's licences are required to notify the Licensing Authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Officer on 01376 557790 in confidence for advice.
- 5.4 The Licensing Authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any Applicant for a Driver's Licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a Driver's Licence will be required to obtain an Enhanced Disclosure Certificate at their expense. A check of both child and adult barred lists will also be conducted. Applicants for a Private Hire Operator's Licence will be required to obtain a basic criminal records check DBS check at their own expense (unless they are the holder of a current Hackney Carriage, Private Hire or Dual Driver's Licence issued by Braintree District Council. The Licensing Authority

abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

- 5.6 More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.
- 5.7 The Licensing Authority is also entitled to use other records and information that may be available to it, in determining applications or an entitlement to continue holding a Licence. This may include information held by the Licensing Authority or other Licensing Authorities.
- 5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a Licence. Where an Applicant has made a false statement or a false declaration on their application for the grant or renewal of a Licence, the Licence will normally be refused.
- 5.9 For renewal application and current Licence holders the Policy will not be applied retrospectively where there are no new concerns or convictions. The Policy will be applied to existing Licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a Licence.
- 5.10 Offences not covered by this Policy will be considered by the Council when determining whether the Applicant or Licence holder is a fit and proper person.

6 Serious Offences Involving Violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the Applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a Licence will not normally be granted where the Applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.4 A Licence will not normally be granted where an applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm, which is racially aggravated
- Actual bodily harm, which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences, which replace the above

6.5 A Licence will not normally be granted where an applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.6 A Licence will not normally be granted where an applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences, which replace the above

6.7 A Licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

6.8 In the event of a Licence being granted, a strict warning both verbally and in writing will be administered.

7. Possession of a Weapon

7.1 If an Applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) before a Licence is granted.

8. Sex and Indecency Offences

- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

- 8.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Indecent exposure
- Soliciting (kerb crawling)
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 8.5 In addition to the above the Licensing Authority will not normally grant a Licence to any applicant who is currently on the Sex Offenders Register.

- 8.6 A Licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

9. Dishonesty

- 9.1 A licensed PHV or Taxi Driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi Drivers are required to deposit such property with the Police within 24 hours. PHV drivers must pass lost property to the Private Hire Operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

- 9.2 In general, a minimum period of 5 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a Licence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10. Drugs

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 A Licence will not normally be granted where an applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
- 10.3 A Licence will not normally be granted where an applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a Licence but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 Medical Standards) may be required before a Licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11 Driving Offences Involving the Loss of Life

- 11.1 A very serious view is to be taken of any Applicant who has been convicted of a driving offence that resulted in the loss of life.

Unless there are exceptional circumstances a Licence will not normally be granted where the Applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Drink Driving/Driving Under the Influence of Drugs/Using a Mobile Phone Whilst Driving

- 12.1 As Licensees are professional vocational drivers, a serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA Driving Licence but should be warned as to the significant risk to their Licence status in the event of re-offending. Normally at least 3 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that an applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
- 12.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rosipa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- Are much less aware of what's happening on the road around them
 - Fail to see road signs
 - Fail to maintain proper lane position and steady speed
 - Are more likely to 'tailgate' the vehicle in front
 - React more slowly, take longer to brake and longer to stop
 - Are more likely to enter unsafe gaps in traffic
 - Feel more stressed and frustrated.
- 12.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 12.4 A Licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

13 Outstanding Charges or Summonses

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety, the application may be put on hold until proceedings are concluded or the Licence may be refused.

14 Non-Conviction Information

- 14.1 If an applicant has, on more than one occasion, been arrested or charged but not convicted for a serious offence, which suggests they could be a danger to the public, consideration should be given to refusing the application.
- 14.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

15 Cautions/Warnings

- 15.1 Admission of guilt is required before a caution/warning can be issued. Every case will be considered on its own merits including the details and nature of the offence.

16 Licensing Offences

- 16.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a Licence being granted or renewed until a period of 3 years has passed.
- 16.2 A Licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

17 Insurance Offences

- 17.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without Insurance. An isolated incident in the past will not necessarily stop a Licence being granted provided he/she has been free of conviction for 3 years, however, strict warning should be given as to future behaviour.
- 17.2 A Licence will not normally be granted if an applicant has more than 1 conviction for an insurance related offence.
- 17.3 A Private Hire Operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance, will normally have their Private Hire Operator's Licence revoked immediately and be prevented from holding a Licence for at least 3 years.

18 Overseas Residents

- 18.1 If an Applicant or Licence holder has spent 6 continuous months or more overseas the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering the period.

19 Licences Issued by Other Licensing Authorities

- 19.1 Applicants who hold a Licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

- 19.2 Licensees who are licensed by multiple Authorities are expected to inform all such Authorities that they are licensed by and to advise each Authority of any changes in this respect and should expect those Authorities to share information regarding their conduct and to take it into account as appropriate.

20 Summary

- 20.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their Licence and act accordingly.
- 20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances but the overriding consideration is the protection of the public.

Annex A – Motoring Offences and Penalty Points

The following is a guide to the number of penalty points a Court may impose. It does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the Courts (accurate at the time of this document).

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
BA10	Driving whilst disqualified by Order of Court	6
BA30	Attempting to driver while disqualified by Order of Court	6
Careless Driving		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3-11
Construction & Use Of Offences		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	6
Dangerous Driving		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9

Drink or Drugs		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6-8
Licence Offences		
LC20	Driving otherwise than in accordance with the Licence	3-6
LC30	Driving after making a false declaration about fitness applying for a Licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a Licence has been revoked or refused on medical ground	3-6
Miscellaneous Offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Approp
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
Speed Limits		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
Traffic Directions And Signs		

TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3-11

Aiding, abetting, counseling or procuring

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which Courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal Licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart Licence for the following periods of time:

Endorsements must remain on a Licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the Licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the Licence as CD40, CD50 and CD 60).
- Causing death buy careless driving, then failing to provide a specimen for analysis (shown on the Licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the Licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full Licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source www.direct.gov.uk

COUNCIL
19th February 2018



Recommendations from Cabinet, 5th February 2018 Proposed Acquisition of Strategic Employment Site, Great Notley – PUBLIC	Agenda No: 10
Background Papers: <u>Cabinet Report and Minutes – 5th February 2018</u>	Public Report

Minute Extract:

DRAFT MINUTE EXTRACT

CABINET – 5TH FEBRUARY 2018

52 PROPOSED ACQUISITION OF STRATEGIC EMPLOYMENT SITE, GREAT NOTLEY

Minutes Published: 12th February 2018
Call-in Expires: 20th February 2018

INFORMATION: Members were reminded that this Item was linked to Item 11a in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 11a of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: Members were advised that Braintree District Council was proposing to undertake a strategic acquisition of the Great Notley Employment site which was situated to the west of the A131 at Great Notley. The gross area of the

site comprised of 63 acres (25.5 ha.).

Under the emerging District Local Plan (2016-2033) provision had been made for significant housing and employment growth in the District over the Plan period. The Council's District Investment Strategy recognised the need for the District Council to provide investment to support growth across the District and also provide a return for the Council. An important element of this investment would involve the District Council investing in employment premises and employment land to provide opportunities for new businesses and employment in the District while also creating a reasonable financial return.

Members were advised that the delivery of this important strategic employment site had stalled and required Council intervention in order to bring it forward.

The Council was proposing to initially purchase the land and then develop and submit a detailed business case for approval by Members. The business case would detail the disposal strategy including usage mix and potential construction of the site infrastructure to enable serviced land to be sold to occupiers or developers for the development of modern, high quality employment premises.

The Council also owned part of the access land into the site between the "Tesco Roundabout" on the A131 and the Great Notley Employment Site. Landowner 1 also owned part of the access land and had agreed terms to dispose of this land to the Council which would provide the Council with full control of the whole site.

Members were asked to agree to acquire both the Masterplan Land owned by Landowner 2 and the Access Land owned by Landowner 1 to realise the Council's aspiration to release this land onto the market.

DECISION (PUBLIC REPORT): That Cabinet agreed:

- 1) That Members approve the purchase of the Access Land owned by Landowner 1 on the terms set out in the report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 2) That Members approve the purchase of the Masterplan Land owned by Landowner 2 on the terms set out in this report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 3) That Cabinet recommends to Council the approval of the total budget which will be required to fund both acquisitions. This will be funded initially from the

Council's cash balances (internal borrowing) with a longer term funding strategy determined as part of the detailed business case.

REASON FOR DECISION: To enable the Council to acquire the Great Notley Employment Site to facilitate the availability of vacant employment land for the purpose of providing opportunities for new business investment in the District, support the expansion of existing businesses, create employment opportunities, generate business rates revenue and provide the Council with a reasonable rate of return on its investment.

DECISION (PRIVATE REPORT): That Cabinet agreed:

- 1) That Members approve the purchase of the Access Land owned by Landowner 1 for the sum set out in the report, purchase costs and stamp duty on the terms set out in the report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 2) That Members approve the purchase of the Masterplan Land owned by Landowner 2 for the sum set out in the report (VAT is not payable) plus purchase costs and stamp duty on the terms set out in the report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 3) That Cabinet recommends to Council the approval of a total budget set out in the report which will be required to fund both acquisitions and develop a strategy for the future development of the site. This will be funded initially from the Council's cash balances (internal borrowing) with a longer term funding strategy determined as part of the detailed business case.

REASON FOR DECISION: To enable the Council to acquire the Great Notley Employment Site to facilitate the availability of vacant employment land for the purpose of providing opportunities for new business investment in the District, support the expansion of existing businesses, create employment opportunities, generate business rates revenue and provide the Council with a reasonable rate of return on its investment.

NOTE: This decision related to the Public report.

Recommended Decision: That Council agrees the approval of the total budget which will be required to fund both acquisitions. This will be funded initially from the Council's cash balances (internal borrowing) with a longer term funding strategy determined as part of the detailed business case.

**LEADER'S REPORT TO COUNCIL – OVERALL STRATEGY
AND DIRECTION**

Agenda No: 11a

South East Local Enterprise Partnership (SELEP) – Friday 15th December 2017

I attended The SELEP Board meeting which was held at Ashford College, Ashford, Kent.

The agenda included

- (i) A presentation from the National Infrastructure Commission
- (ii) A report on the outcomes of the Mary Ney Review

Following a report by the Public Affairs Committee in July 2016 the government asked Mary Ney to conduct a review into Local Enterprise Partnership (LEP) governance and transparency.

The aim of the review was to provide sufficient assurance to the Accounting Officer and ministers that LEPs fully implement existing requirements for appropriate governance and transparency.

In January 2018 [Local Enterprise Partnership governance and transparency: best practice guidance](#) was published to support LEPs in meeting the recommendations made by the review.

- (iii) A presentation on the emerging Strategic Economic Plan
- (iv) An Update on the Skills Strategy

The papers for the above meeting can be accessed at
http://www.southeastlep.com/images/uploads/resources/SB_Presentation_Pack_15122017_.pdf

East of England Transport Summit – Thursday 21st December 2017

This meeting was held in Cambridge to consider whether it would be advantageous to establish an East of England Sub-National Transport Forum (Transport East) under The Cities & Local Government Devolution Act (2016).

The East of England is a key driver of the UK economy, with ambitious plans to deliver further economic growth and much needed new homes. Effective strategic transport planning and collaboration across the East of England will be a key enabler of this growth, allowing people to make the most of the opportunities available to them. The Transport Summit provided an opportunity to discuss how a collaborative partnership working across the East of England could most effectively enable growth and deliver the wider aspirations of the East.

Essex will be represented on the proposed Forum by Cllr Kevin Bentley, representing Essex County Council and me, representing City, Borough & District Councils.

Visit by Melanie Dawes, CB Permanent Secretary of the Department for Housing, Communities & Local Government – Friday 26th January 2018

Together with colleagues from Essex County Council, Tendring District Council, Colchester Borough Council and the Essex University I met the Permanent Secretary at Wivenhoe House, Colchester.

The purpose of the visit was to enable her to learn more about our collaborative working on the proposed Garden Communities. It was an extremely productive meeting and it was encouraging to see Ms Dawes tweet, “Thank you for sharing housing plans for North Essex GC today – great partnership & ambition, glad to be involved.”

Councillor Graham Butland
Leader of the Council

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**REPORT TO COUNCIL – PORTFOLIO AREA OF
FINANCE AND PERFORMANCE**

Agenda No: 11b

Council Tax and Business Rates:

Tax Collection rates as at end of December

- **Council Tax** collected was 87.2% for December compared to 87.08% for the previous year and the target for the year is 98.3%. Amount collected £72.795million.
- **Business Rates** collected was 84.6% for December compared to 84.99% for the previous year and the target for the year is 98.5%. Amount collected £36.84million

Retirement of Audit, Insurance and Fraud Officer

Mrs Lesley Day, our Audit Insurance and Fraud Manager, is taking early retirement on 12th March. This brings to an end her working career which commenced with the Council in June 1974. A total of 43 ³/₄ years with the Council of which nearly half that time she has been in charge of our Internal Audit Service.

Universal Credit

Universal Credit (Full Service) went live in the District on 25th October 2017. Since this date the majority of new claims, from working age claimants, for help with their housing rent have been made to the DWP for Universal Credit. This change is having an adverse impact on the average time taken to process new claims for council tax support and housing benefit. This is due in part to the time taken for the confirmation of a claimant's entitlement to universal credit to be received and to the time required to process the remaining new claims for housing benefit which by their nature have invariably taken longer to process. As a consequence we are reassessing our performance indicator, currently 18 days, for the next financial year.

CIPFA Assessment

An External Quality Assessment of the Internal Audit Service was undertaken by CIPFA during the week commencing 4th December 2017. The report received will be considered by the Governance Committee at its next meeting.

Card Payments

On 8th January 2018 the Council ceased to make a charge to those customers making a payment by credit card. The deadline for this national ban on making charges for debit and credit card payments was 13th January 2018.

Meeting with Arlingclose

We met with our Financial Advisors, Arlingclose on 31st January to review investments and appraise appropriate options for allocating our next tranche in investment funds.

Councillor David Bebb
Cabinet Member for Finance and Performance

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**REPORT TO COUNCIL – PORTFOLIO AREA OF
PLANNING AND HOUSING**

Agenda No: 11c

INFRASTRUCTURE

A12

Highways England held an A12 Community Forum (East) at Feering Community Centre on the 30th January. This forum focused on how Environmental Impact Assessments (EIA's) are undertaken.

A120

Haven Gateway held another A120 Business Networking Event which they co-hosted with 3 of the regions MP's: James Cleverly MP, James Cartlidge MP and Kemi Badenoch MP. The event took place on Friday 26th January at the Essex Golf and Country Club.

PLANNING POLICY

Local Plan Examination

The examination on the section 1 Local Plan, which is shared with Colchester and Tendring, took place between 16th and 26th January 2018. The Inspector, Mr Roger Clews led the examination sessions which included invited attendees such as infrastructure providers, Parish Councils, community groups and land owners and promoters as well as the three authorities (collectively known as the North Essex Authorities). The Inspector has asked for some additional information and will now consider whether he believes the Plan is 'sound' and can be taken forward for adoption. We await the timetable for when this decision will take place. All updates are placed on the examination website.

The examination of section 2 of the Braintree Local Plan which contains the detailed site allocations and development management policies will follow the section 1 examination at a date to be determined by the Planning Inspectorate.

Garden Communities Consultation

The consultation on the Issues and Options documents for the West of Braintree Garden Community (produced jointly with Uttlesford District Council) and the Colchester Braintree Borders Garden Community (produced jointly with Colchester Borough Council) closed on 2nd February 2018. Responses are being processed and will be published on the website when this has been completed. Further work will then be undertaken depending on the outcome of the Local Plan examination.

Hatfield Peverel Neighbourhood Plan

Further work required by Natural England on the environmental effects of the Hatfield Peverel Neighbourhood Plan has been completed, with Natural England suggesting some changes to the Plan to take account of these findings. These will be sent to the Inspector who will advise on the timetable and procedure for taking the Plan forward.

DEVELOPMENT MANAGEMENT

The service is monitoring applications granted for new dwellings on a quarterly basis. The most up to date figures relate to Quarter 3 in 2017/18 (September to December 2017). During that quarter, planning permissions were granted for a total of 1,099 dwellings of which 386 would be affordable dwellings. There were 125 completions in Quarter 3 with a cumulative total of 282 completions for Quarters 1-3 2017/18.

HOUSING

Affordable Housing Development Programme

There have been 101 new affordable homes completed so far in this financial year. During the last quarter, these included 36 Greenfields homes in Hatfield Peverel and Kelvedon, 21 new flats at the site of Crossman House, Braintree, which is owned and run by Colne Housing and 8 homes on the Bakers Lane development, off London Road, Great Notley owned by CHP (formerly Chelmer Housing Partnership).

It is possible that another 77 homes will be completed during the last quarter of this financial year, although with 37 scheduled to be ready in March, a few completions may slip into 2018-19. The Team expect to meet the year's annual target of 130 set this time last year.

Although District growth is clear for all of us to see, many of the biggest private developments are still to get going on site. We therefore expect 100 completions of new affordable homes in 2018-19 but this may be accompanied by much more significant numbers of starts on new sites, including sites in Halstead, Cressing, Braintree, Silver End and Witham.

Homelessness Reduction Act

The whole Housing Team is involved in preparations for the new Homelessness Reduction Act which comes into force in April 2018. The Government Guidance was published in November and the timetable is extremely challenging.

We have the services of a consultant, funded by the LGA to help us assess the value and effectiveness of our temporary and private sector housing schemes and we have purchased upgraded IT systems to help us manage the transition. We will be consulting on a new Homelessness Strategy to be adopted during early summer and technical changes to our Allocations Policy are planned (to make sure that it references the new Act correctly).

We will be consulting shortly on more significant changes to our Housing Allocations Policy. The biggest change is the possibility of adopting stricter local connection requirements for people to qualify for the register. These are likely to include:-

- a 2-year residency requirement; or
- 2 year local employment; or
- close family living in the District for the last 5 years; or
- a history of previous residency here.

The scheme will be framed to protect people such as those fleeing violence or people who are leaving service in the armed forces.

Councillor Mrs Lynette Bowers-Flint
Cabinet Member for Planning and Housing

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**REPORT TO COUNCIL – PORTFOLIO AREA OF
ECONOMIC DEVELOPMENT**

Agenda No: 11d

Enterprise Centres

Cadman Construction has now taken possession of the site in Springwood Drive and commenced construction of the four commercial grow-on units and car park on 8th January 2018. Revised programme shows delivery July 2018.

The construction of the Rural Business Hub (marketed as Osier House) in Sible Hedingham completed on 13th December 2017, and the legal transfer to the Council is progressing. The vacant accommodation is being marketed and a number of prospective tenants have been shown around the premises.

Regeneration – Town Centres

The vision for Braintree continues to be the perfect platform for the Council to bring people together as a Town Centre Partnership. The Partnership will allow us to move the town towards a stronger future with the community and terms of reference have been circulated. Once the structure has been voted-in, we will be able to start a dialogue with the town about what we will achieve over 2018. At the first meeting of the year our partners gave consideration to Christmas 2017, Manor Street development, Parking charges and heard a presentation about the Chelmsford City Retail Group.

In Halstead and Witham the Council is setting up a regular meeting with the town councils to form an ongoing dialogue as a platform to discuss ideas & share progress as well as to explore what role they want BDC to take in activity to support ongoing prosperity and vitality in both towns.

As previously noted, layout plans for physical improvements to Halstead town centre have been completed and are currently with the Highways Authority for in principle approval, which we expect during March. We will discuss these and the plans for Witham once the Highways Authority has finished its round of internal consultation. As soon as we have approval we will be sharing details with local Members prior to further community engagement.

Manor Street Regeneration

A second stakeholder and public exhibition displaying detailed plans was held on 10th January 2018. There were over 140 attendees from local businesses, stakeholders, residents and general public.

Following discussions with the professional team, it has been agreed that the full business plan will be now be presented to Cabinet in March 2018, in order to allow for analysis of costs, income and financial viability.

Festival of Christmas (in Braintree)

In lieu of a Town Team or Town Council, Braintree District Council set up a series of activities for Christmas to support town centre trading.

The Reindeer Trail was supported by town centre businesses with 18 donating prizes to form a festive hamper for a randomly selected winner. The feedback from this activity was positive from both participants and businesses.

Officers arranged an enhanced market on the four Saturdays running up to Christmas to expand the offer of the usual Saturday market in the town. Across the four markets, 24 new stalls traded in the High Street, though not all 24 stalls appeared on any one market day.

Saturday 2nd December 2017 – 15 new stalls

Saturday 9th December 2017 – 10 new stalls

Saturday 16th December 2017 – 11 new stalls

Saturday 23rd December 2017 – 8 new stalls, mainly food and drink offerings grouped into a 'food court' at Great Square, by the Constitutional Club. The aim of the expanded markets was to diversify the existing offering and give visitors an additional reason to come into the town.

Business Engagement

Following recruitment to the post of the new Business Engagement Economic Development Officer in November 2017, a business intelligence exercise is currently being conducted to ascertain business growth within locations, size and sectors within the District as well as refreshing the business engagement programme. This is being achieved through mapping businesses using GIS to identify trends and the drafting of a business needs analysis survey, due to go out in February 2018. The aims of the survey are as follows:-

- Create a benchmark to measure service improvements/awareness/reputation
- Revise a tailored programme of business engagement
- Target resources to maximise outcomes
- Identify relevant partnership opportunities

Broadband

There are several meetings scheduled surrounding the Phase 4 bid, including the evaluation of tenders and a potential Local Full Fibre Network (LFFN) bid. Concerns regarding value for money, time of roll out and failure management will be highlighted and reported back on. Cherie Root presented the Digital Strategy for the Braintree District at the Steering Board meeting on 24th January 2018. It is not expected that further information on the bid will be available until February 2018.

Skills

Due to the success of the previous My Smarter Braintree event on 2nd October 2017, a second event entitled My Smarter Essex was held on 23rd January 2018 at Anglia Ruskin University.

In partnership with JobCentre+ Officers are organising our annual Braintree District Jobs Fair on Saturday 17th March 2018 between 10.00am and 2.00pm. The event will promote the wealth of career and development opportunities throughout the District. Our 2017 Jobs Fair saw our most successful event yet with over 460 residents meeting 38 employers and support providers.

Monday 5th March 2018 marks the start of National Apprenticeship Week and we are proud to have produced a short promotional video with Maycast Nokes of Halstead. On 18th January 2018 Maycast Nokes were Highly Commended in the Medium Sized Employer of the Year category at the final of the National Apprenticeship Awards 2017, an inspiration to local businesses.

Tourism

Members of the Task & Finish Group Review into Tourism Potential in the Braintree District have concluded their evidence gathering sessions and are now considering the draft report before submission to Overview and Scrutiny Committee on 7th March 2018.

Councillor Tom Cunningham
Cabinet Member for Economic Development

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**REPORT TO COUNCIL – PORTFOLIO AREA OF
CORPORATE SERVICES AND ASSET MANAGEMENT**

Agenda No:11e

LEGAL

- Work continues in support for the North Essex Garden Communities Limited, working in partnership with colleagues in Colchester Borough Council, Tendring District and Essex County Council;
- Continuing legal support to complete Transfer and Funding agreements to achieve a smooth transfer of staff and responsibilities of the Museum Service to Braintree District Museum Trust Ltd;
- Legal team continues to have, a very full slate of detailed work to support the ambitious plans for growth that is creating high levels of work within Business Development and Asset Management.

GOVERNANCE

- Continued attendance at Cabinet Office working group – Polling Station Voter identification pilot review group;
- Supporting Bulmer PC election and By Election in Bulmer;
- Continue to monitor responses to Community Governance Review Draft consultation.

BUSINESS SOLUTIONS

ICT and Digital.

The Digital Strategy 2017 to 2021 and the Digital Plan for 2018/2019 that defines the major projects to be delivered, was approved by Cabinet on 27 November 2017. This plan will drive both capital requirements and significant IT change and will support our Council to improve productivity and make better use of technology as a Council, for our customers and across the district.

To launch the Digital Strategy and discuss some of the key themes in the strategy as well as showcase some of the technology that we are using to improve services, we will be holding a Technology Day on 1st March 2018. All members are invited to the event and an agenda will be sent out nearer the time.

General Data Protection Regulations (GDPR)

On 25th May 2018, the General Data Protection Regulations (GDPR) will come into force across EU Member States, replacing the 1995 EU Directive on which the UK Data Protection Act (DPA) 1998 is based. The current legislation has been in place for twenty years since before the use of the internet, emails and cloud storage services and the GDPR brings a more 21st century approach to protecting personal data.

The new regulations will enhance the rights of data subjects (our customers) and give them more control over what happens to their data. It is no longer just about organisations storing and securing data, it is about capturing the context of data and being able to prove everything is being done to protect customers data. The new regulations will impact almost every area of local government business – hardcopy,

electronic, website data, images, recordings and written records. In a significant departure from the current law, the GDPR will also apply directly to any organisations who process data on behalf of the Council.

To assist Braintree District Council in meeting the regulations, an action plan has been put together and there are a number of work streams underway following a 'data mapping' exercise to assist our understanding what data we hold, where it originates from, how it is processed and who we share data with to identify the processing activities we need to keep a record of.

ASSET MANAGEMENT

Asset management continue to be very active during the past month, and have made significant progress with many of investments that form part of our overall investment strategy and recent approved schemes are all on track:

- **Causeway House Letting Vacant Space** All available space on the 2nd Floor of Causeway House is now let and the additional income generated is now ahead of plan and budget for 2018/19
- ECC reduced the accommodation they occupied on the 2nd floor from 17,208 sq. ft. to 8,148 sq. ft. from the 14th June 2017, however, subsequently they have added a meeting room to their lease agreement.
- A letting was completed on the 1st August 2017 with Staff Management Limited, a care company, who occupy the area behind the ICONS space on the 2nd floor.
- The front 2nd floor office space has now been let to Caulfield Contractors Limited.
- A letting has been agreed with a company called Market Fresh Limited to lease the ICONS space on the 2nd floor from 1st February 2018.
- **Premdor Business Hub (Osier House)** completed and handover of keys to BDC will take place when the land transfer from Bloor Homes to BDC is complete, however Marketing of the 8 Offices continues.

COMMUNICATIONS AND MARKETING

Communications and PR

As a part of the Better at Business initiative across the authority, comms and marketing were targeted to increase their income generation. The Sponsorship programme is still continuing to be successful and the team are finding new places to create income opportunities with potential new roundabouts, publications, eBulletins, Council Tax Guides etc and revenue generation still on track.

Manor Street Exhibition

The communications plan for this major development in Braintree Town Centre continues and as the scheme plans develops, the communications team are preparing internal and external communications. The team successfully delivered the public Exhibition for the Manor Street Regeneration Scheme on 10th January, which was well attended by all interested parties.

HR AND ORGANISATIONAL DEVELOPMENT

Again KPIs for the performance of the HR service are all showing Green indicators indicating a healthy and motivated staff: low staff turnover %, low levels of sickness however we anticipate that the sickness measures will be much higher in the final

quarter due to the high levels of flu' and winter bugs experienced in the staff (and across Essex)

Employee Of the Month Award Winners

As a regular report I agreed to report on the members of staff who had been recognised for outstanding work and going the extra mile, and at the recent Full Council Meetings this has been missing, therefore I thought members would be interested in reading the stories behind the most recent winners.

Liz Williamson – Development Management – October 2017

Liz took up the mantle of Chair for the Livewell Champions in 2016. The previous Chair stood down and Liz agreed to be interim for a short period. She has remained as Chair and has accomplished amazing results from the interventions she has organised and helped deliver.

This week alone she has arranged a Health and Wellbeing week, which has been based around Womens' Sport week, but Liz has included all employees. She has organised talks and events throughout the week with something for everyone.

She has been the driving force in motivating the Livewell champions and without her commitment to this role, the success of the internal health and wellbeing programme would have been lost. This role that Liz has taken on is voluntary and is over and above her primary role in Planning. She is dedicated in making a difference and a success of the health and wellbeing programme and I feel that through the Employee of the Month scheme we could show our appreciation for what she has done and achieved.

Jessica Moore – Communications and Marketing – November 2017

In November, the Marketing & Communications team came under additional pressure due to members of the team being unexpectedly taken out of the office for a couple of weeks at the same time. This had an impact on the remaining staff in that they needed to cover the duties their colleagues would usually undertake, as well as continue to progress the projects they were working on themselves.

Over the course of the 2 week period, Jess stepped up to the mark going above and beyond her job role as Marketing & Communications Apprentice, by proactively assisting with press enquiries and press summaries, she also kept an eye on social media, as well as offering to assist with her fellow officers' tasks as well as her own - all helping to alleviate the stress levels and pressure of the weeks.

Throughout this period, Jess came in early and stayed late even though she lives outside the District and has some distance to travel. Jess even offered to cancel a day off she had previously arranged in order to support the team.

Jessica remained calm and collected throughout the whole time, never complaining, clearly demonstrating her enthusiasm, positive approach and commitment to the role and this authority.

Therefore as a way of not only recognition, but to show our team's appreciation and thanks as well, please consider her for Employee of the Month.

Martyn Pearse – Parks and Open Spaces – December 2017

Martyn gave comfort, aid and reassurance to a senior member of the public after she fell off her bicycle on the 15/11/17 at Cuckoo Way, Great Notley. He continued to support her until the ambulance service arrived and took over the care of the lady involved.

Sean Silvey – Waste – January 2018

BDC have received a really great customer comment for Dry crew 3 the loader in question is Sean Silvey see comment from occupier .

'I'm unsure where to send this so I hope it would be directed to the correct place. We just wanted to say the biggest thank you to all of the refuse collectors. Recycling and black bin day, all have been so kind and friendly and unbelievably sweet.

My daughter is 2 and is obsessed with Fridays! She insists in standing at the door and waving at them all every Friday. They all wave back and say hello and they don't have to! It's just been so lovely to see. And to top it off we had one gentleman offer a chocolate to her. She was more excited about this than the 'real Santa!' I just cannot express my thanks enough!

We're moving to Dunmow in February and I'm genuinely going to miss this. It sounds so sad but when you see the effect it has on our daughter you'd understand!

Please pass on our thanks for everything. Such hard workers and friendly staff!

We've even had to buy her a Bin Man Happyland to keep her happy on the other days of the week 😊

Councillor John McKee
Cabinet Member for Corporate Services and

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**REPORT TO COUNCIL – PORTFOLIO AREA OF
ENVIRONMENT AND PLACE**

Agenda No: 11f

DISABLED FACILITIES GRANTS

A report by the Centre for Ageing Better and the University of West of England has recommended that councils make a series of “small changes” to elderly people’s homes in order to ultimately save costs by relieving the pressure on the NHS and social care and improve pensioners' quality of life. It says installing handrails, ramps and level-access showers, alongside carrying out simple home repairs for people who are losing mobility, could reduce costs by millions of pounds each year. Such measures can reduce difficulties with activities of daily living by 75%, increase people's ability to perform everyday activities by 49% and reduce depressive symptoms by 53%. The study estimates the changes could lead to savings of at least £500m each year for the NHS and social care services in the UK.

It should be noted that we have had additional funding from DCLG direct to BDC to enable more DFG's to be carried out.

Discussions with the CCG have been ongoing to further develop the Braintree Home Improvement Service for the vulnerable and fill in where other agencies are not meeting a need.

LICENSING

The administration of Animal Welfare licensing for the first time is being undertaken by the Licensing Team whilst the inspections are being carried out by the Environmental Protection team at unit 4. It is this time of the year when most of the licenses are renewed, so we thought an update would be useful.

The headlines are that 53 applications have been received (all types) and 28 Licences have been issued so far. There are 25 outstanding inspections to be complete where an application has been received. These will be completed over the next couple of weeks. The Licensing Team will be writing to all those premises where officers have not been able to gain access. Hopefully the majority of these outstanding Licences can be issued over the next two weeks. The three Riding Schools inspections are currently being organised with the relevant vets and will be completed by the second week of February 2018.

SUSTAINABILITY

Officers are looking to launch in March new energy switching scheme which will give residents a much better deal if they switch their supplier.

The Council's internal Emergency Plan is now complete and the Public version will be published in February 2018.

WASTE MANAGEMENT

England recycling rate up

England's recycling rate, including composting, returned to growth in the financial year 2016/17 with a rise to 45.1% compared to 44.4% the previous financial year in the figures for waste from households recycling and composting published 5 December 2017 by the Department for Environment, Food and Rural Affairs. BDC's current average monthly recycling rate is 54.31% (April-Nov)

LATEST FIGURES AVAILABLE RELATING TO COMPOST BIN SALES

Compost bin sales	Apr il	Ma y	Jun e	Jul y	Au g	Se pt	O ct	Nov	Total
Braintree	31	26	21	10	37	187	86	39	437
Castle Point	63	38	62	27	16	10	12	14	242
Colchester	27	10	22	6	10	10	35	11	131
Tendring	13	10	2	11	12	8	11	8	75
Chelmsford	7	5	8	9	5	14	10	2	60
Uttlesford	10	12	3	6	1	6	10	5	53
Harlow	12	14	3	1	3	2	4	3	42
Maldon	7	4	4	9	2	6	4	2	38
Rochford	10	5	6	1	6	5	3	2	38
Brentwood	8	5	1	2	4	6	3	2	31
Basildon	2	6	0	2	3	5	9	1	28
Epping Forest	7	4	2	4	1	0	9	0	27
Epping Forest	2	1	5	2	3	2	4	2	21

BDC still top of the Essex league for compost bins!

COMMERCIAL & BUSINESS SUPPORT

Commercial Waste

We have maintained our market share of commercial waste, with approx. 1,200 customers and projected gross income at 31 March of just under £1m.

Car Parking

The final phase of the redecoration works at George Yard MSCP has been completed.

Structural/condition surveys of all of the lamp columns in our car parks has been completed and we are awaiting a report highlighting any remedial works necessary which will form part of our work programme for 2018/19.

At the NEPP Joint Committee Meeting on 14 December 2017, Members agreed to disband the current governance process involving a joint committee structure for Off-Street Parking and replace this with a Service Level Agreement (SLA) to be developed for each partner Authority with effect from 1 April 2018. This requires approval by Cabinet and a report is scheduled for the March meeting. Discussions are currently continuing regarding the value of the SLA for 2018/19 onwards.

Transfer of Rural Facilities

Silver End Pavilion

Following a very constructive site meeting in December with the Francis Crittall Pavilion Association (FCPA), the Council is pursuing planning permission for a change of use as a part of an agreed action plan. BDC has proposed a £40k capital contribution towards the project and the FCPA is seeking to raise funds from various sources to fund the internal alterations to accommodate wider use by the community including the pre-school and nursery. Our aim, with the FCPA support, is to transfer the facility by 31 March 2018, although this may be rather optimistic.

Cemeteries

- A The Cemeteries Team is in the process of inputting historic burial records onto the Epilog Computer System, which will provide us with fully computerised records dating back to 1856. This will ensure the safety of these records, whilst improving efficiency of the service when helping customers with grave search enquiries (a chargeable service).
- Staff have been undertaking visits to Braintree Cemetery to identify grave spaces which, according to our registers, have not been used. 44 plots have been found which will now be checked (using a probe) to confirm whether they are indeed available for burials. 23 vacant plots have also been located for the interment of Cremated Remains. This work is important to ensure that all available space within the Cemetery is utilised and thus income opportunities are maximised.

Play Areas

In early September a small amount of trim trail play equipment was installed at Tabor Field play area, Braintree.

We also completed a number of repairs to safety surfaces and play equipment in late Nov / early Dec as follows:-

Safety surface repairs

Bramble Road, Witham
Maldon Road, Witham
St Mary's Road, Rivenhall
Rickstones Road, Witham
Clare Road, Braintree
Twelve Acres, Braintree
Meadowside, Braintree
Kings Park, Braintree
Riverside, Braintree
Chelmer Road, Braintree
Panners Bridge, Gt Notley

Protection of public open space from illegal encampments

Phase 1 of the works to prevent unauthorised access to public open spaces has now been completed. This involved fencing works at Meadowside, Weavers Park, Riverside Park, Glebe Avenue play area, Bramble Road, Fisher Field, Hadfield Drive, Beckers Green and Tortoiseshell Way. Phase 2 of the work will commence in 2018/19.

The table below shows how favourable our enforcement actions are

Authority	Total fly tips cleared	Investigations	Written warnings	Notices served	FPNs issued	Stop and search visits	Prosecutions
Braintree	724	940	101	54	52	4	5
Chelmsford	503	144	3	0	4	2	0
Maldon	309	188	2	0	4	0	0
Colchester	1591	0	0	0	0	0	0
Uttlesford	193	109	1	0	0	0	0

N.B. These are for waste offences, not dog related matters such as dog fouling.

COMMUNITY SAFETY AND SAFEGUARDING

Operation Henderson will be launched on January 28th, to run for 2 weeks of action including Braintree, Epping and Basildon Councils. This is to raise awareness of the vulnerability of young people to exploitation and abuse at railway stations and transport networks. It is a joint initiation by the 3 Councils, Essex Safeguarding Board. British Transport Police, Essex Police and rail operators.

The SPOT IT STOP IT Campaign will be re launched at Galleys Corner on February 9th. This scheme, organised by BDC, the Community Safety partnership and other partners, is to help businesses to spot signs of child exploitation and show that their premises are a safe place for children and young people to visit. Over 70 members of staff from hotels and fast food businesses in the area have been trained to understand child exploitation, the signs to look out for and how to report concerns. More training is booked for other staff.

ESSEX POLICE FIRE AND CRIME PANE;

The Commissioner reported that Essex Police is still the most tightly funded in the Country but one of the most efficient. He announced a 7.6% increase in the precept, £11.97 for band D; this will allow the recruitment of 150 officers. The police have so far made £3.7M saving in efficiencies. The Essex Fire precept will rise by 1.95%, £1.35.

The proposed new Chief Fire Officer, Ms Jo Turton gave a presentation to the Panel and answered questions. The Panel then voted to accept her appointment.

LANDSCAPES

900-1000 tree saplings have been offered to BDC, by Witham Rotary Club and The Woodland Trust, to mark the final year of the Great War. A consultation is taking place regarding planting them in the area of Bramble Road and Honeysuckle Way. They are proposed to be planted at the end of February by the Witham Tree Group and local school children.

MILITARY COVENANT

Tim Lucas and I attended a training course entitled The Military Human: Understanding Military Culture and Transition. This was an excellent course which enabled attendees to understand the effects on those serving in the Military and their families when returning to Civvy Street and most importantly where help and advice for just about every eventuality can be found

EAST OF ENGLAND ASSEMBLY OF COUNCIL LEADERS AND WIDER SOUTH EAST ENGAGEMENT

On 26th January I deputised for the Leader at the above which was held at the GLA's City Hall. The EELGA meeting in the morning mainly talked about the setting up of the transport forum for the East of England which comprises of all East of England Councils, LEP's and statutory partners, this will be known as Transport East.

The major discussion was regarding the afternoon meeting of the Wider South East Engagement called by the Mayor of London to discuss the draft London Plan Consultation. In brief London needs to build 66,000 homes per year but can only achieve 65,000 and is therefore looking for Willing Partners from other Authorities to work with to achieve this aim. The biggest concern raised was that other Councils may be prepared to take additional housing to help but that it must include jobs/infrastructure.

In the afternoon session the Mayor gave a brief speech and handed over to his Deputy Jules Pipe who expanded on their desire to work with non-London Authorities. The points regarding jobs and infrastructure were raised with him, also the ability for the Mayor to get the London Councils to achieve his aims and also the export of waste, particularly to Essex. Authorities will decide as to whether they are prepared to become Willing Partners.

Councillor Wendy Schmitt
Cabinet Member – Environment and Place

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REPORT TO COUNCIL – PORTFOLIO AREA OF HEALTH AND COMMUNITIES

Agenda No: 11g

HEALTH AND LEISURE

Launch of Livewell website and #21 campaign

The Livewell website first developed by Braintree District Council has been adopted across the whole of Essex. It was launched together with the #21 campaign on 8th January 2018 at Chelmsford Cricket Ground.

The #21 campaign is designed to raise awareness and encourage residents to adopt more healthy lifestyles. The campaign is based on the principle that it takes 21 days to change or break a habit and aims to encourage healthy eating and increase physical activity.

Members and residents wishing to take part should look at the new website which is accessible at www.livewellcampaign.co.uk which identifies the following initiatives:-

Healthy eating – break the habit

No junk food for 21 days

No alcohol for 21 days

No sugar for 21 days

Increase activity – change a habit

21 sit ups for 21 days

21 star jumps for 21 days

21 minutes of brisk walking for 21 days



Fusion Lifestyle – Leisure Contract

Pricing Proposal

The Council's leisure contract with Fusion requires the contractor to submit its price proposals for both core and non-core pricing at the leisure centres. The only notable increase is in the core prices for casual swimming which has seen a decrease in participation nationally (something the Amateur Swimming Association and all leisure operators are trying to tackle). The price increases vary between 15p – 65p for a casual adult swim depending on which pool is used. This is the first increase on casual swim prices since 2014.

Active Braintree

Active Essex Sports Awards 2018

The Active Essex Sports Awards ceremony was held at Chelmsford City Racecourse in December 2017. The Council's Livewell Champions team received a highly commended award in recognition of the work that officers do voluntarily to ensure Braintree District Council staff and Members have the opportunity to live a healthy lifestyle through their workplace. Programmes have included a gradually increasing running exercise, walking groups, badminton, football, massage therapies and weight management programmes.



Braintree Town Hall

The Braintree Town Hall was first opened in the summer of 1928 and this year marks its 90th anniversary. Braintree town has seen many changes over the years but the Town Hall has always remained a key community hub and is the source of many memories to lots of residents, councillors and officers. Celebrating its 90th birthday will remind residents of the importance of preserving this building for future generations and recognising its fantastic history and place within the town centre.

The celebrations are aimed at all who have a connection with Braintree Town Hall and will take place towards the end of June 2018 coinciding with the official opening dinner from 1928.

Town Hall staff aim to continue to retain the community aspect of the building whilst generating income to minimise the cost of this building to the taxpayer. In addition to it being a civic and heritage facility, alongside weddings and corporate business bookings the Town Hall rooms could be offered at affordable rates to the local community groups and local charities in order to encourage greater usage and increase income.

New hire rates have been introduced specifically aimed at locally constituted community groups and registered charities with a review after 12 months to gauge success.

Museum Transfer

The Council and the Braintree Museum Trust have finalised terms on a new long term agreement for the Trust to operate the Council's Museum Services.

A detailed implementation plan to ensure the successful TUPE transfer of existing Council staff to the Trust is being developed with the new management agreement taking effect from 1st April 2018.

The Jack Petchey Foundation

On 18th January 2018 I accompanied the Chair and Vice Chair of the Council to the Sir Jack Petchey Achievement Awards at the Braintree Arts Centre. The Awards highlighted the contribution made by young people in schools across the Braintree District.

Each award attracted a grant of £250 with the award winner deciding how that money should be spent in their school. 76 individuals across 11 schools were recognised.

COMMUNITY SERVICES

Dementia

The Community Services Team has introduced new activities for those living with dementia and their carers this year. Further activities are being planned for the future. The dementia work meets key Council priorities including supporting our residents to be healthy and live well, improving services to meet the needs of older people in the District and encouraging independent and resilient communities.

Examples of Activities

Activity	Frequency	Location	Partners involved	Cost
Dementia Friendly Walks	Monthly (1 st week of each month)	Braintree, Witham & Halstead	Essex County Fire & Rescue	Free
Dementia Friendly Swimming	Weekly (every Thursday 1-2pm)	Witham	Fusion/Sport for Confidence	£2.20 per person
Dementia Friendly Tea Dance	Monthly	Braintree Town Hall	Town Hall/Ayita Dance	£1.50 per person
Dementia Friendly Afternoon Tea	In the process of being organised	Braintree town Hall	Town Hall	Cost TBC
Dementia Friendly Cinema	In the process of being organised	Braintree – Archer Centre Halstead – Empire Cinema	Braintree East, Archer Centre and Empire Cinema.	Cost TBC



Partnership Agreements with Community 360 and Citizens Advice Bureau

In 2016 the Council reduced the grant payable to Community 360 (previously BDVSA) and CAB over three years to reduce the annual grant in line with the estimated reduction in the Council's Settlement Funding Assessment. 2018/19 will be the last year of the current arrangement and Officers are working with both organisations to prepare a new partnership agreement concentrating on outcomes that meet the Council's strategic priorities.

Young Peoples Forum

Officers have been working with students from Braintree College to develop an online forum for young people. The forum aims to:-

- enable young people to have a platform they are comfortable with to raise issues that concern them, to encourage them to state their opinions about things that are happening in their lives and the places where they live.
- help to inform the Council about young people's needs and wants concerning their personal, education, work and leisure requirements. Engaging with young people will help gain a better understanding of their support needs.
- enable young people to feel more confident when talking to the Council and understand the services that are available to them.

The students themselves have developed the forum and aim to formally launch this in February 2018 providing the Council with a good opportunity to engage with the younger generation through a means that they are comfortable with.

Social Isolation and Loneliness – Halstead Connected

The Council has just started work on a research project with partners and the Young Foundation in Halstead looking at social isolation and loneliness. The aim of the research project is to introduce new actions aimed at reducing social isolation and loneliness by understanding the issues of the community, identifying key groups of people and networks who have an interest in these issues and to work with them to explore ideas and actions to improve people's wellbeing.

Officers have carried out two days of door knocking within the Halstead St. Andrews ward speaking to residents about what makes them proud to live in Halstead and what they felt made their community strong. This research will now be analysed and future work will include focus groups and a community event on 24th March 2018.

This project will include a multitude of community partners to look at how we can work collectively to help our residents to be healthy and live well and encourage independent and resilient communities. It has strong links to the ambitions that have been signed up to as part of the Essex Vision, particularly enjoying life long into old age and strengthening communities through participation.

Community Transport

Following ongoing discussions with Essex County Council, I am pleased to inform members that funding for the community transport scheme will continue at the same

level as in 2017/2018 for the next two years. This will allow us to continue to provide this valued service to our residents and give us an opportunity to identify long term options for community transport.

Councillor Peter Tattersley
Cabinet Member for Health and Communities

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List of Public Meetings Held Since Last Council Meeting		Agenda No:12
Portfolio: Not applicable Corporate Outcome: Not applicable Report presented by: Not applicable Report prepared by: Chloe Glock, Governance Business Officer		
Background Papers:		Public Report
Published Minutes of the meetings listed within the report below.		Key Decision: No
Executive Summary: Since the last Council meeting held on 11 th December 2018, the following Minutes have been published for meetings held in public session: <ul style="list-style-type: none"> (1) Planning Committee – 12th December 2017 (2) Planning Committee – 2nd January 2018 (3) Governance Committee – 10th January 2018 (4) Planning Committee – 16th January 2018 (5) Licensing Committee – 17th January 2018 (6) *Local Highways Panel – 18th January 2018 (7) *Planning Committee – 30th January 2018 (8) *Overview and Scrutiny Committee – 31st January 2018 (9) *Cabinet – 5th February 2018 		
Recommended Decision: Members are invited to note the Minutes published.		
Purpose of Decision: Not applicable.		

*Those minutes identified by the prefix * were not available at the time of publishing the Agenda, but are intended to be available to view on the Council's website prior to meeting.

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

Financial:	Not applicable
Legal:	Not applicable
Safeguarding:	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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