

CABINET AGENDA

Monday, 16th May 2022 at 7.15pm

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

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Cabinet are requested to attend this meeting to transact the business set out in the Agenda.

Overall Strategy

Innovative Environment

Finance and Corporate Transformation

Climate Change and The Environment

Operations and Commercialisation

Connecting People, Places and Prosperity

Economic Growth

Housing, Assets and Skills

Planning and Infrastructure

Supporting Our Communities

Health and Wellbeing

Communities

Councillor G Butland (Leader of the Council)

Councillor J McKee

Councillor Mrs W Schmitt

Councillor R van Dulken

Councillor T Cunningham (Deputy Leader)

Councillor K Bowers

Councillor Mrs G Spray

Councillor P Tattersley

Councillor F Ricci

Invitees: Councillors J Abbott, Mrs J Pell and D Mann are invited to attend as Group Leaders

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
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI 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 DPI or OPI 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.

Public Question Time – Registration and Speaking:

The Agenda allows for a period of up to 30 minutes for Public Question Time.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the second working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Friday, (where there is a bank holiday Monday you will need to register by midday on the previous Thursday. Public Question Time speakers may participate in person or virtually. Speaker preference must be indicated upon registration.

The Council reserves the right to decline any requests to register for Public Question Time if they are received after the registration deadline.

The public may ask questions on any matter listed on the Agenda for this meeting. All questions or statements should be concise and should be able to be read within 3 minutes allotted for each question/statement.

The Chairman of the Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

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Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend. Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

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Anyone attending meetings is asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

Documents: Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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Comments and Suggestions:

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

PUBLIC SESSION	Page
1 Apologies for Absence	
2 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.	
3 Minutes of the Previous Meeting	
To approve as a correct record the minutes of the meeting of the Cabinet held on 14 th March 2022 (copy previously circulated).	
4 Public Question Time (See paragraph above)	
5 <u>OVERALL STRATEGY</u>	
5a Review of Bouncing Back Together – Our Plan for the District October 2021 to March 2023	6 - 18
6 <u>FINANCE & CORPORATE TRANSFORMATION</u>	
6a COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief	19 - 27
6b Energy Rebate Discretionary Scheme	28 - 32
7 <u>OPERATIONS AND COMMERCIALISATION</u>	
7a Award of a Three-Year Contract for Rural Verge Grass Cutting in the Braintree District	33 - 35
7b New Braintree District Council Off-Street Parking Places Order and On-Street Parking Provisions	36 - 42
7c Hackney Carriage Fare Increase	43 - 50
8 <u>HOUSING, ASSETS AND SKILLS</u>	
8a Development of a Community Centre, Maltings Lane, Witham - PUBLIC	51 - 59

9 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

10 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

PRIVATE SESSION

11 HOUSING, ASSETS AND SKILLS

11a Development of a Community Centre, Maltings Lane, Witham - PRIVATE

Discussion of the Confidential Appendix to the public report, 'Development of a Community Centre, Maltings Lane, Witham' - Agenda Item 8a.

12 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Agenda Item: 5a

Report Title: Review of Bouncing Back Together – Our Plan for the District: October 2021 to March 2023	
Report to: Cabinet	
Date: 16 th May 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2022/10
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Tracey Headford, Business Solutions Manager Tracey.headford@braintree.gov.uk	

1. Purpose of the Report

- 1.1. Bouncing Back Together is our Annual Plan covering the period October 2021 up to March 2023 and details our actions and performance measures to support the delivery of the Corporate Strategy 2020 – 2024. The actions and performance measures are aligned to each corporate strategy theme as follows:
 - Connecting People and Places
 - Enhancing our Environment
 - Supporting our Communities
 - Promoting Prosperity
 - Delivering and Innovating
- 1.2 The plan has been reviewed to take account of changes to budgets, new legislation and the new challenges and opportunities facing our district post Covid.
- 1.3 The Plan also provides the performance framework for managing the delivery of the actions and priorities by regularly reviewing the activity and achievements against it and reporting on the progress on a quarterly basis to Cabinet.

2. Recommendations

- 2.1 To approve the revised version of our Plan for the District titled 'Bouncing Back Together' up to March 2023.

3. Summary of Issues

- 3.1 In October 2021, Cabinet approved the 18 month Bouncing Back Together Plan setting out the ambitions of the Council to March 2023. At this time, it was also agreed to remain flexible in our approach and periodically review throughout the 18 months to take account of any changes required and include any additional actions.
- 3.2 The Bouncing Back together document has been discussed and reviewed at our Corporate Management Team meetings and changes made under the Supporting our Communities and Delivering and Innovating sections.
- 3.3 Under 'Supporting our Communities', we have strengthened the wording around the Community Safety Partnership action to highlight all the work carried out by the partnership within their own action plan under five key priority areas.
- 3.4 Under 'Delivering and Innovating', we have added an action around the joint working between the Council and Essex Authorities on the Joint Municipal Waste Strategy which is due to be adopted in 2023. A waste management partnership across the County will be considering future guidance from DEFRA on waste collections, sharing knowledge and ensuring a more joined up approach to future working opportunities and challenges.
- 3.5 A further action has been added to understand how we can work with our partners across Essex and within our communities in response to the Levelling Up white paper. We are already capitalising on the community spirit developed during the pandemic and we need time over the next few months to consider our approach to the 'Everyone's Essex' project launched by Essex County Council to prioritise areas of work that will allow us to achieve better outcomes for our district within our budgets.
- 3.6 Performance targets have also been reviewed due to the disproportionate impact the pandemic had on some areas. In respect of participation levels at our leisure centres, further time is required to allow for baselines to develop upon which a target can then be agreed.
- 3.7 Targets have been revised for the percentage of invoices paid in 30 days to 97% and for Council Tax and Business Rates where the target will be amended to achieve above the collection rate for 2021/22 (previously the targets were kept at pre-pandemic levels). All targets will be detailed in the quarterly performance reports.
- 3.8 The Plan will be reviewed again in September by Corporate Management Team to ensure the plan includes any further changes required.
- 3.9 The revised Plan continues to set out the delivery ambitions of the Council. The public will be able to see how the Council intends to deliver services and can be held to account for its performance against the priorities of the

Corporate Strategy 2020 – 2024.

3.10 The recommendations set out in this report will help the Council to deliver the following corporate objectives:

- Connecting People and Places
- Enhancing our Environment
- Supporting our Communities
- Promoting Prosperity
- Delivering and Innovating

4. Options

4.1 There are no options to consider as a result of this report.

5. Financial Implications

5.1 The projects in the Plan have been considered as part of the annual budget setting process. Budgets were approved in February 2022.

5.2 Each project will have its own budget which will be monitored as part of the project management process by the project manager and sponsor. Budget issues will also be reviewed as part of the quarterly reporting process.

6. Legal Implications

6.1 There are no identified legal implications arising from the approval of the Plan. As part of the project management process for each project, there will be an assessment of any legal implications.

7. Other Implications

7.1 Any other implications to the Council, residents and businesses will be detailed as part of the business case as it is developed or the project management process for each project.

8. Equality and Diversity Implications

8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 Equalities and diversity issues are considered fully and where appropriate, an equality impact assessment is prepared and considered for any key projects identified.
- 9. List of Appendices**
- 9.1 Bouncing Back Together – Our Plan for the District: October 2021 to March 2023.
- 10. Background Papers**
- 10.1 [Corporate Strategy 2020 to 2024.](#)

Bouncing back together

Our Plan for the District



October 2021 to March 2023
Updated April 2022



Welcome

Welcome to Braintree District Council's plan for the District up to March 2023

The past 18 months have been particularly difficult for everyone not least because of the new challenges we have all had to negotiate and the uncertainty we have all faced.

Throughout the pandemic, we have worked hard to offer as much support as we can to our residents and businesses. From administering business grants quickly, to calling and checking on vulnerable residents and helping to keep our town centres and businesses safe – all while keeping our frontline services running.

As we carefully transition into a time of recovery, we are keen to build on the community spirit which shone throughout the pandemic. We want to build on the sense of community we all experienced. We want to encourage more residents to get involved in their communities to strengthen the places we call home. We are committed to listening to what our communities need and we will work to strengthen and support them. Ultimately, we want to bounce back together.

Throughout our plan you will see a number of threads running through the work we want to accomplish and those threads can be distilled into four priorities: sustainable growth and prosperity, strengthening our communities, unlocking more chances for all residents and protecting our environment for future generations.



We will make sure that ours is an inclusive district where people have access to good homes and good jobs. A district where people are supported when they need it the most.

Our district is a wonderful place in a well-connected location. Over the next few years we want to unlock our district's potential further. Opportunities which come from many of our projects for example the creation of our Horizon 120 Business and Innovation Park will make a real difference to the life chances of our residents and businesses. This flagship development exemplifies our ambition for sustainable growth and having skilled jobs, businesses and opportunities on our doorstep will make a difference as we come out of the pandemic.

Although town centres are changing, they are still the heart of our communities. We will continue to support the safe return to our town centres and help them bounce back better from the pandemic. We are looking forward to doing our bit to create thriving town centres for everyone to enjoy. The completion of The Victoria Square development and the pedestrianisation scheme in Braintree is centre to that as is delivering physical improvements to Witham and Halstead town centres.

Like many people and organisations, much of our focus over the coming years will be on tackling climate change. We are committed to doing our bit to reduce our impact on the environment and working with the community to do the same. Our long term aim is a huge one: to become a carbon neutral district.

We will continue to invest in the open spaces we have and improve them. We will provide more inclusive play facilities, keep our outside areas free of litter and involve our communities in schemes such as community tree and bulb planting.

We know we can do much more when we work together with our partner organisations so you will see throughout this plan just some of what we aim to achieve with the support of other agencies such as Community360, Braintree District Community Safety Partnership, Essex County Council and many more.

Given the nature of where we are and what we have all been through and how we need to recover and grow over the next few years, this plan will be reviewed and refreshed as we progress so it can remain flexible enough to support the people who need it most.

Overall our aim is to make our district a happy and healthy place to live, work and play. A place where residents and businesses can reap the rewards of our investment, services and support and together we can bounce back stronger, healthier, greener and more prosperous than ever.



Graham Butland
Councillor Graham Butland
Leader of Braintree District Council



A. M. Wright
Andy Wright
Chief Executive



Connecting People and Places

Priorities:

- Grow the district in a sustainable way supported by the required services such as health, leisure and community facilities
- Develop our infrastructure leading to improved journeys in and across the district
- Deliver good quality affordable homes for local people
- Create thriving Town Centres for everyone to enjoy
- Improve the districts digital connectivity and harness innovation in technology to meet future digital needs



We will:

- Adopt the Braintree District Local Plan providing a vision for the future growth of the district
- Rejuvenate Braintree town centre by completing the Victoria Square development providing a Livewell health hub, 35 apartments, a hotel, bus interchange and public open space
- Continue to support the safe return to our town centres and help build back together from the pandemic using the Welcome Back fund and other available funding
- Deliver events in Braintree town centre to increase footfall and support local retailers taking advantage of the newly pedestrianised town centre
- Deliver physical improvements to the town centres of Witham and Halstead
- Enable the delivery of 500 affordable homes across the district from April 2021 until March 2023
- Develop a new Housing Strategy setting out how the Council will support the availability of good quality homes which best meet the needs of the current and future residents



Working with others we will:

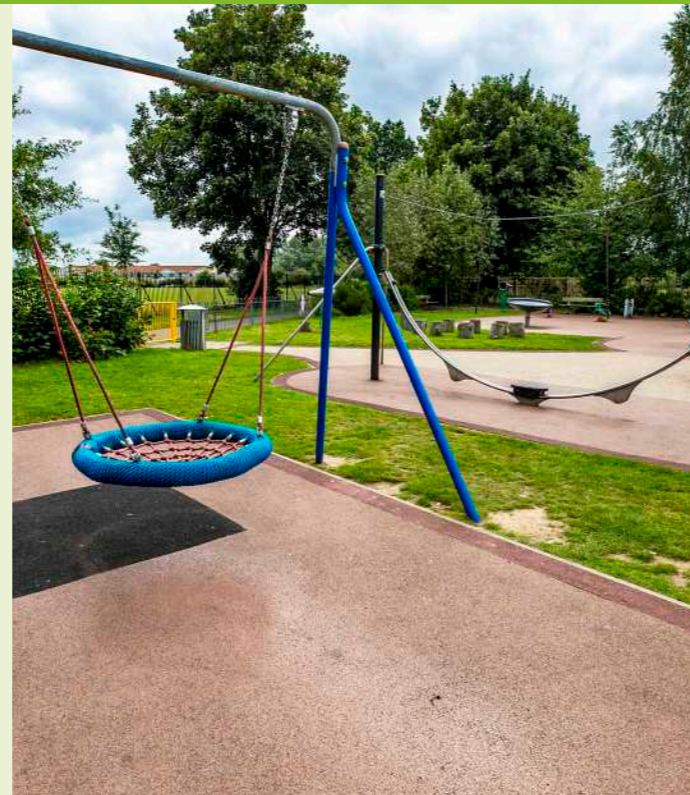
- Continue to work with our partners on the planning decisions of strategic highway schemes for the A12, A120 and A131 Chelmsford Bypass
- Work with partners including Essex Highways on the delivery of our Cycling Strategy and implementation plan which includes developing integrated, high quality cycle routes that are safe to use and connected across our district
- Introduce the new Digital Demand Responsive Transport service, linking Horizon 120, with a fleets of electric mini-buses, to surrounding areas and central Braintree
- Continue to support and monitor Superfast Essex in the delivery of Superfast Broadband across the district
- Facilitate the delivery of a purpose-built medical centre in Sible Hedingham



Enhancing our environment

Priorities:

- Ensure our district is clean and well maintained with high quality parks and green spaces
- Encourage others to change their behaviour to protect and enhance the environment
- Minimise pollution by promoting sustainable energy sources, construction and transport
- Ensure Braintree District Council reduces its own environmental impact and be carbon neutral where practical by 2030
- Support residents and businesses to reduce, re-use and recycle



We will:

- Carry out air quality reviews in known air pollution hot spots across the district to improve the knowledge of local air quality and the proposed actions to take
- Provide replacement litter bins along the A120 and A12 to keep laybys litter free and our district clean and tidy
- Continue to deliver campaigns and work with our communities to:
 - Reduce litter, keeping our district clean and tidy
 - Reduce waste and increase recycling
 - Improve awareness and understanding of climate change
- Carry out drainage works at Braintree cemetery to eliminate flooding and increase burial capacity
- Carry out refurbishments to eight play areas across the district providing improved facilities for young people to enjoy
- Consult with local residents and users of our skate parks at Weavers Park in Braintree and Spa Road in Witham around replacement of facilities
- Create a garden of remembrance at Bocking cemetery providing a peaceful environment for families to visit

Working with others we will:

- Deliver actions set out in our Climate Change Strategy and Action Plan to achieve our long term aims of being a carbon neutral district
- Involve residents and communities in tree and bulb planting across the district
- Complete our trial of anti-litter signage and continue to deter people from littering along highway verges





Supporting our Communities

Priorities:

- Build on the strengths of our communities and what they can do to support themselves and help each other
- Help people to make positive lifestyle choices, increasing their physical and emotional wellbeing
- Focus on prevention and early intervention so residents can lead independent and active lives
- Provide support and protection to our most vulnerable residents, their families and carers
- Support and inspire young people to raise their aspirations and reach their full potential



We will:

- Replace the artificial grass pitch at Braintree Sports and Health Club
- Carry out physical improvements to Braintree Sports and Health club and Halstead Leisure Centre**
- Revitalise our Community Transport scheme and increase the number of volunteers
- Deliver the Braintree District Volunteer Awards to recognise the contribution volunteers make in our district
- Continue to work with communities to influence the planning of the area in which they live through the development of local neighbourhood plans
- Set up a young people's panel to encourage more young people to have their say on things that matter to them
- Continue to deliver our LiveWell programme, focussing on:
 - Supporting children and their families to have the best start in life
 - Supporting older people to age well
 - Supporting children and adults to have good mental health
 - Tackling obesity in adults and children
 - Reducing hip fractures in over 65's

Working with others we will:

- Work with Community360 and Active Essex to provide support to children and families who need it during school holiday periods through the provision of activity sessions
- Continue to work with Community360 to promote volunteering opportunities and support the voluntary sector
- Continue to develop a range of initiatives to address social isolation and loneliness across the district
- Continue to work with Essex County Council on the Governments 'Next Steps Accommodation Programme' on initiatives to prevent rough sleepers returning to the streets
- Lead on the co-ordination of the Community Safety Partnership work focusing on protecting the vulnerable, promoting healthy relationships, keeping safe on line, building community resilience and promoting safety in our communities
- Work with the integrated care system and Health and Wellbeing panel to understand local health inequalities and develop the role of Primary Care Networks to support and improve the health of our communities
- Work with our leisure providers to get people back into activity improving their physical and mental health
- Engage with school age children and young adults through careers, jobs and apprenticeship fairs to inspire young people to raise their aspirations



Promoting prosperity

Priorities:

- Make use of the competitive advantage of our location to attract new business
- Support the growth of key employment sectors
- Enable businesses to thrive with access to business support and key networks
- Ensure skills and training provision is aligned to meet the needs of the local economy now and in the future
- Develop our culture and heritage offer in shaping opportunities for tourism and investment



Credit: The Marshgate Group



We will:

- Continue with the development of Horizon 120 Business and Innovation Park creating up to 2,000 high quality jobs
- Complete the Horizon 120 Enterprise Centre providing space for conferences and events as well as serviced offices, café and public plaza for startup companies and SMEs
- Develop the Witham Enterprise Centre providing small industrial units for startup companies and SMEs
- Complete the I-Construct innovation centre supporting the development of SMEs in the construction sector
- Refresh our Plan for Growth to identify future priorities and deliver the outcomes of the associated Action Plan
- Deliver campaigns to promote Braintree District as a place to invest in, live in and visit
- Support individuals back into employment by addressing barriers and providing tailored support and access to training



Working with others we will:

- Rise to the economic challenges by working in partnership with members of the North Essex Economic board to provide support to businesses and create opportunities to boost growth
- Continue to develop the business support offer for the construction sector as part of the I-Construct innovation centre
- Continue to provide signposting to business support, advice and suitable grants
- Ensure residents have access to the skills programmes and education they need to access employment opportunities including in new and expanding sectors



Delivering and Innovating

Priorities:

- Listening to our residents and businesses more and using this information to improve our services
- Involving communities in the design, development and delivery of services
- Building strong, effective partnerships across the public, private, voluntary and community sector taking a place based approach to achieve more for the district
- Modernising the way we work to ensure we continue to deliver high quality services
- Considering new ways to generate income achieving financial self-sufficiency



We will:

- Through our Investment and Development Programme, continue to develop and implement a pipeline of projects focussed on reducing costs, improving efficiency, generating income and becoming more commercially focussed to deliver against the £1.6m financial gap over the next four years
- Refresh our Digital Strategy and action plan to address future demand and improve the way we use technology to deliver services
- Encourage residents to transact with us on line by developing our website to allow customers to make bookings, track requests and sign up to receive council tax bills electronically
- Develop a plan of community engagement to better understand the needs of our local communities
- Use customer information and feedback to improve services whilst working towards retaining the accreditation for customer service excellence
- Review the criteria for the discretionary business rates scheme for charitable and non-profit organisations
- Monitor changes to various legislation to understand the impact on services including but not limited to the Domestic Abuse Act 2020, Environmental Bill 2020 and Planning reforms

Working with others we will:

- Work with Fusion to recover and develop leisure services following the pandemic ensuring the district has the right type and level of leisure provision to meet resident's needs
- Review and adopt a new Joint Municipal Waste Management Strategy for Essex and enhance the value of joint working through the waste management partnership
- Look at how the Greater Essex system will work together for the benefit of our residents in response to Levelling Up



Measuring success

In addition to the projects and actions described in this plan, we also measure the following performance indicators. The majority of the indicators focus on what the Council is directly delivering, whilst some will focus on broader priorities and how delivery of our actions contribute to the overall picture of what is happening in the district.

Connecting people and places

Number of affordable homes delivered

- Percentage of superfast broadband coverage across the district
- Number of homes granted outline and full planning permission



Enhancing our environment

- Percentage of household waste sent for reuse, recycling and composting
- Kilograms of residual household waste collected per household
- The percentage of land that falls below cleanliness standards for litter
- The percentage of accessible non-hazardous fly tips on public land cleared within 24 hours of being reported
- Number of residents assisted in installing energy saving measures (annually reported)

Further work is currently being undertaken to develop a monitoring plan for the Climate Change Strategy which could identify further performance indicators

Supporting our Communities

- Average waiting time for applicants on the Disabled Facilities Grant (calculated in days from point of referral to approval)
- Participation levels across all our sports centres
- Percentage of adults being active for 150 minutes per week
- Number of customers using our Handyman scheme
- Number of homelessness cases prevented

Promoting prosperity

- Percentage of people in the district claiming out of work benefits rate (aged 16 - 64)
- Number of new business startups across the district
- Number of businesses that have contacted us for business support

Delivering and innovation

- Percentage of calls resolved at first point of contact in the Customer Service Centre
- Percentage of invoices paid within 30 days of receipt
- Number of people transacting with us online
- Time taken to process housing benefit/council tax benefit new claims
- Time taken to process housing benefit claim changes
- Percentage of stage 1 complaints responded to within 7 working days
- Collection rate for Council Tax
- Collection rate for Business Rates
- Customer satisfaction with the Council (reported at the end of consultation period)

Comments and feedback

We always welcome comments, suggestions and feedback (critical or otherwise) on our plans and improvements and in the way that we write our documents and communicate them.

- You can go online and make a comment at **www.braintree.gov.uk/comment**
- You can e-mail our Customer Service Centre at **csc@braintree.gov.uk**
- You can drop written comments off at our main office - Causeway House, Braintree
- You can telephone our Customer Service Centre on **01376 552525**
- You can speak to your local Councillor who will be able to pass your comments back if you wish. Contact details for your Councillor can be found on our website: **www.braintree.gov.uk**

Report Title: To agree a policy for the granting of COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief	
Report to: Cabinet	
Date: 16 th May 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2022/11
Report Presented by: Cllr John McKee, Cabinet Member for Finance and Corporate Transformation	
Enquiries to: Phil Myers, Head of Finance (phil.myers@braintree.gov.uk)	

1. Purpose of the Report

- 1.1 To agree a policy for granting of COVID-19 Additional Relief Fund (CARF) Discretionary Non-Domestic Rate relief.

2. Recommendations

- 2.1 To agree the policy attached to this report at **Appendix A**.
- 2.2 To agree to delegate to the Cabinet Member for Finance and Corporate Transformation, in conjunction with the Section 151 Officer, to agree any 'top-up' relief that may be awarded under the policy.

3. Summary of Issues

- 3.1 On 25th March 2021, the Government announced a new COVID-19 Additional Relief Fund (CARF) of £1.5billion. The fund was to support those businesses affected by the pandemic and had been ineligible for existing support linked to business rates.
- 3.2 The Government issued its guidance to support local authorities in administering the CARF on 15th December 2021. The guidance sets out the scope of CARF and the criteria which local authorities should have regard to when determining awards from the fund. At the same time the Government announced individual allocations to billing authorities of their attributable share of the £1.5billion. This effectively placed a maximum amount on the amount of relief that could be granted which would be compensated for by government grant. For this Council the allocation was £2,973,126.
- 3.3 To administer the relief, the Government requested that local authorities use their discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 3.4 It is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.

- 3.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.
- 3.6 Whilst it is for the Council to determine its own scheme for CARF, the Department for Levelling-Up, Housing and Communities has stated that, in order for the Council to be compensated for the reduction in business rate income, it must:
- a) Not award relief to ratepayers who are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality, and Leisure), the Nursery Discount, or the Airport and Ground Operations Support Scheme;
 - b) Not award relief to a hereditament (properties) for a period when it is unoccupied (other than those which have become temporarily closed due to the government's advice on Covid-19); and
 - c) Direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.
- 3.7 A policy for approval is attached **at Appendix A**. This set outs the following matters:
- Details of the criteria for receiving Discretionary Reliefs under the CARF scheme;
 - The Council's policy for granting this relief;
 - General guidance on granting and administering the reliefs and awards;
 - Subsidy controls applicable; and
 - The delegations to officers to administer the scheme in accordance with the policy
- 3.8 Where ratepayers apply for relief they will be granted (or not granted) relief under the CARF scheme in line with the policy.
- 3.9 The policy provides that where a ratepayer meets all of the relevant criteria, and submits any information that is requested to support their application, relief will be awarded at 25% of the net business rate liability for 2021/22 after any other reliefs and reductions have been applied.
- 3.10 A review will be undertaken of the number of eligible applications that have been received and relief granted to consider whether it is appropriate to provide a 'top-up' to the percentage relief awarded.
- 3.11 The recommendations set out in this report will help the Council to deliver its Corporate Objective of 'delivering better outcomes for residents and businesses and reducing costs to taxpayers' by supporting initiatives that are designed to help businesses financially that have been impacted by the Covid-19 pandemic but have been unable to access support through other relief schemes.

4. Options

- 4.1 To adopt the policy on CARF as set out in Appendix A to apply in respect of the 2021/22 financial year, and applying the guidance and criteria suggested by Government. This is the preferred option.
- 4.2 Not to adopt a policy, in which case the Council would be ineligible for the government financial support to fund a CARF scheme, and businesses affected by the Covid pandemic, that would otherwise be eligible for relief, would not receive any support.
- 4.3 To propose a policy that is different from that set out in Appendix A. The proposed policy seeks to balance the government's guidance and criteria against the desire to support as many businesses as possible, taking into account also the funding arrangements for the scheme.

5. Financial Implications

- 5.1 Central government will fully reimburse local authorities for discretionary relief awards which comply with its guidance up to a maximum allocation. The Council has been provided with an "on account" payment of section 31 grant of £2,973,126. A reconciliation of amounts granted under the scheme will be undertaken and if the amount of relief awarded is lower an equivalent amount will be repaid. If the amount of relief exceeds the allocation no further funding will be received.
- 5.2 To ensure funding for relief granted is received, the Council will ensure that the criteria in this policy are fully met.

6. Legal Implications

- 6.1 The Government has not changed the legislation relating to business rates reliefs and instead has requested that billing authorities determine a local scheme using discretionary relief powers under section 47 of the Local Government Finance Act.
- 6.2 The CARF scheme will only apply to any liability for the 2021/22 financial year and any determination by the Council must be made by the 30th September 2022.

8. Other Implications

- 8.1 No other implications

9. Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act

- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The CARF scheme is only applicable to businesses that meet the eligibility criteria.

10. List of Appendices

- 10.1 Appendix A – Covid Additional Relief (CARF) Policy

11. Background Papers

- 11.1 Covid-19 Additional Relief Fund (CARF): Local Authority Guidance and final funding allocations – issued by the Department for Levelling-Up, Housing and Communities on 15th December 2021.



**Braintree District Council
Covid Additional Relief Fund (CARF) Policy**

1. Introduction

- 1.1 The guidance in this Policy relates to businesses liable for business rates in 2021/22. It is intended for businesses applying to Braintree District Council (the Council) for a discount from their liability in accordance with the government's COVID-19 Additional Relief Fund (CARF), announced on 25 March 2021.
- 1.2 Only businesses occupying a property shown in the rating list and liable for business rates in 2021/22 are eligible to apply for the discount. It will be applied only to any liability for 2021/22 and any determination by the Council must be made by 30th September 2022.

2. Scope of Policy

- 2.1 Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act 2011) gives discretionary powers to Local Authorities to grant relief to reduce business rates bills.

3. General Information

- 3.1 This policy has been agreed to ensure that there is a framework in place under which ratepayers applying for relief are treated in a fair, consistent, and equal manner; and the taxpayer's interest is safeguarded.
- 3.2 Central Government has provided the authority with funding to assist those ratepayers who businesses have been affected by the Covid-19 pandemic but that are ineligible for existing support linked to business rates.
- 3.3 The Council's ability to grant CARF is limited to other factors, such as, the subsidy rules under the UK-EU Trade and Cooperation Agreement (TCA).
- 3.4 Applicants will be notified by way of a revised bill notice once a decision has been made.
- 3.5 Recipients of relief are required to notify the Council immediately of any changes of circumstances which may have an impact upon the award granted.
- 3.6 Rateable properties which have become closed temporarily due to the government's advice on COVID-19, will be treated as occupied for the purposes of this relief.

4. Funding arrangements

- 4.1 The cost of CARF to the Council can be recovered from the Government by way of a grant under section 31 of the Local Government Act 2003. Once the Council's full allocation has been awarded the relief fund will close.

5. Applying for assistance

5.1 As a pre-requisite to applying for relief, every applicant must complete an application form that is available by contacting the Business Rate team on 01376 557788.

5.2 Businesses that apply for relief must confirm that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact, providing relevant details with the application. The Council reserves to the right to request additional information in addition to that submitted if it considers this necessary to assess an application.

5.3 Applicants will need to provide confirmation:

- that the business has not received certain reliefs as stated within the government issued COVID-19 Additional Relief Fund Guidance;
- that they meet the eligibility criteria;
- that the business is not subject to Subsidy Control as set out in this Policy; and
- will provide evidence to support the above if requested to do so.

5.4 Relief will be removed if there is a subsequent failure to provide additional evidence requested by the Council.

5.5 Applications will be accepted from ratepayers only. The Council will provide this relief and provide guidance free of charge.

6. Excluded Businesses and Hereditaments

6.1 Not all ratepayers will qualify for this relief. Ratepayers meeting the circumstances outlined below will not be considered for relief:

- Ratepayers occupying hereditaments registered as empty for the qualifying period (other than premises which have become closed temporarily due to the government's advice on COVID-19).
- Ratepayers who for the 2021/22 year were either in receipt of or, would have been eligible for:
 - Extended Retail Discount (covering retail, hospitality, and leisure)
 - Nursery Discount
 - Airport, Ground Operations Support Scheme (AGOSS),
 - Small Business Rate Relief or Rural Rate Relief granted at 100%
 - Mandatory Rate Relief (80%) and discretionary top-up of 20%
 - Any other discretionary relief (100%)
- Ratepayers subject to any personal or corporate insolvency procedures – including but not limited to:
 - Individual Voluntary Arrangement (IVA)
 - Company Voluntary Arrangement (CVA)
 - Debt Relief Orders
 - Breathing Space Respite
 - Bankruptcy proceedings
 - In receipt of a striking off notice
 - In administration

- Any hereditament classed as:
 - Vets and Animal Care
 - Auxiliary Defence Buildings
 - Banks
 - Building Societies
 - Clubs and associations (primarily storage)
 - Communication Stations
 - Education (incl. Public and Private Schools)
 - Electricity Buildings
 - Energy including renewables, photovoltaic
 - Health Centres
 - Nationwide Retailers and Distributors (national & multi-national retailers & distributors)
 - Petrol Stations
 - Post Office
 - Postal, Courier and Home Delivery
 - Professional Services (Accountants, Solicitors, and Independent Financial Advisors)
 - Public Conveniences
 - Public Bodies/ Public Funded
 - Self-Storage and Non-Public Car Parks (i.e. containers, car parks attached to businesses)
 - Sewage Treatment Works
 - Site of ATM's
 - Surgeries
 - Telecoms and Utilities

6.2 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, or to the major precepting bodies.

6.3 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the relevant criteria are met irrespective of whether discretionary relief can be granted or not.

7. Award

7.1 Eligible businesses will receive relief at **25%** off their business rates bills (calculated after any other reliefs and reductions have been applied) for the 2021 to 2022 tax year (1 April 2021 to 31 March 2022). Relief will be awarded on a pro rata basis in line with the period of occupation.

7.2 Subject to the balance of funds left in the Council's CARF allocation in July 2022, a further top-up award of relief may be made to those businesses that have received an initial award. There is no guarantee that a top-up award will be paid, and the amount of this top-up award will not be confirmed or potentially awarded until at least August 2022.

8. Subsidy Control

8.1 The CARF scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption

for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries). This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 related subsidy

- 8.2 Therefore, to be awarded CARF you must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances. COVID-19 business grants you have received from local government and the 2019/20 Retail Relief should count towards this limit, but you should not count any Extended Retail Discount you have received since 1 April 2020. Further details of subsidy control can be found at www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance

9. Changes in circumstances

- 9.1 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount of relief is increased due to a change in rate charge (excluding rateable value increases where no increase in relief will be granted), or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate;
 - Where the amount is to be reduced due to a reduction in the rate charge of liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect from a date determined by Council as appropriate.
- 9.2 Where a change of circumstances is reported which would cease or revise eligibility, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

10. Administration of the Scheme

10.1 Granting, varying, reviewing and revocation of relief

- 10.1.1 The Council's Revenues Manager will award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature, will be subject to consultation with the Council's Section 151 Officer, prior to final determination.
- 10.1.2 Applicants that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on misinterpretation of the application.

10.2 Appeals

- 10.2.1 If a ratepayer wishes to appeal against a decision on the granting, non-granting or the amount of any discretionary relief, this should be made in

writing to the Revenues and Benefits Manager and must be received by the Council within 4 weeks of the date a decision letter is sent. Late appeals will not be considered. The case will be reviewed by the Revenues and Benefits Manager and where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.

- 10.2.2 Where the ratepayer wishes to appeal the decision of the Revenues and Benefits Manager, the case will be considered by the Council's Section 151 Officer whose decision on behalf of the Council will be final.

11. Fraud

- 11.1 All information is subject to a series of internal and external checks including government departments to ensure compliance and awards are made accurately. The Council will not accept deliberate manipulation and fraud. Any business identified falsifying their records or making inaccurate statements to gain relief will face prosecution and any relief awarded will have to be repaid as will any relief claimed or awarded in error.

Report Title: Energy Rebate Discretionary Scheme	
Report to: Cabinet	
Date: 16 th May 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2022/12
Report Presented by: Cllr John McKee, Cabinet Member for Finance and Corporate Transformation	
Enquiries to: Phil Myers, Head of Finance (phil.myers@braintree.gov.uk)	

1. Purpose of the Report

- 1.1 To consider outline proposals for a discretionary policy for the Energy Rebate Discretionary Fund and agree delegations for determining a final scheme.

2. Recommendations

- 2.1 To approve outline proposals set out in the report in paragraph 3.7 and 3.8 for the Energy Rebate Discretionary Fund.
- 2.2 To delegate to the Cabinet Member for Finance and Corporate Transformation, in consultation with the Section 151 Officer, the Cabinet Member for Communities, and Cabinet Member for Climate Change and the Environment, to determine the final details for a discretionary scheme.
- 2.3 To delegate to the Cabinet Member for Finance and Corporate Transformation, in consultation with the Section 151 Officer, the Cabinet Member for Communities, and Cabinet Member for Climate Change and the Environment, to agree any future Energy Rebate Discretionary Fund scheme if further government funding is provided.

3. Summary of Issues

- 3.1 On 3rd February 2022, the Chancellor of the Exchequer announced a package of support to help households with rising energy bills. This package included a non-repayable Council Tax Rebate of £150 for all households that are liable for Council Tax in Bands A to D, along with a Discretionary Fund for local authorities to support households who need support but are not eligible for the Council Tax Rebate.
- 3.2 The Council Tax Rebate (main scheme) is to be paid to households by billing authorities in accordance with guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC). The rebates are to be paid as soon as possible from April 2022. The government is providing new

funding to local authorities for these rebates, as well as extra new burdens funding to help with increased administrative costs.

- 3.3 At the time of writing this report, initial testing indicated that nearly 48,000 properties would be eligible for the rebate in property bands A to D, and of these over 33,000 are on direct debit and therefore will receive their rebate automatically. A further 670 properties have signed up for direct debit which means their payment will also be made automatically, assuming a successful collection of at least one direct debit from their account is made in May. This currently leaves around 13,800 properties that will need to be contacted by letter and asked to apply for their rebate on-line. To help manage workloads properties will be contacted in phases.
- 3.4 The Discretionary Fund allows billing authorities to provide support to other energy bill payers who are not eligible under the terms of the core scheme, or to provide carefully targeted 'top-up' payments to the most vulnerable households in bands A to D. Funding paid to billing authorities for the Discretionary Fund is to be passed on directly as one-off grants to households that the billing authority chooses to support, having considered guidance issued by the DLUHC.
- 3.5 The Council has received £229,200 as its share of £144m of total funding allocated by government, which has been calculated based on the index of multiple deprivation and the estimated number of local council tax support claimants in bands E to H. The funding provided for this element of the scheme is capped, and any unspent funding at 30 November 2022, is to be repaid.
- 3.6 It is for each billing authority to determine locally how best to make use of the Discretionary Fund and once a scheme has been determined, councils are requested to publish their agreed guidelines setting out the eligibility criteria.
- 3.7 In determining a final scheme and targeting the available funding, the following households and scheme arrangements will be considered:
- Households that are in receipt of local council tax support (LCTS) and that are in properties banded E to H.
 - Households in receipt of a means-tested benefit where they are not in receipt of a rebate under the main scheme, i.e. this would include households not liable for council tax e.g. houses in multiple occupation.
 - Households where there is a person in receipt of personal independence payment or disability living allowance and where they are not in receipt of a rebate under the main scheme.
 - Any household that is considered to be suffering financial hardship – this would look to apply similar principles to that already used to administer other schemes, such as the Exceptional Hardship Fund and Discretionary Housing Payments.
 - Consideration will be given as to whether the scheme can incorporate any targeting of households that may occupy properties that have been identified by the Council as fuel poor.
 - The potential for 'top-ups will also be considered to certain categories of households that may be in receipt of the main scheme rebate.

3.8 In all cases the following will apply:

- The household must have fuel related liabilities.
- Awards under the discretionary scheme will be £150 per household, except for 'top-up' amounts which will be assessed based on the available funding, and could be less, but in all cases will not exceed £150.
- Where a claim under the scheme is based on receipt of an eligible benefit, or on the grounds of financial hardship, appropriate supporting evidence will be required from the claimant.
- A capital limit of £16,000 will be applied where claims are based on receipt of eligible benefit or on the grounds of financial hardship. This limit is consistent with that already applied in the Council's Local Council Tax Support scheme.
- A qualifying date of 1 April 2022, will apply, and no discretionary payments will be made after 30th November 2022.
- The scheme is subject to the amount of government funding that has been received and will close once this amount has been spent.

3.9 A discretionary policy will need to be finalised and published, once further work has been completed as to how the above outline proposals can be adopted to maximise the distribution of the government funding. Once this assessment has been completed, and to be able to administer the funds promptly, it is requested that the final policy is agreed by the Cabinet Member for Finance and Corporate Transformation, in consultation with the Section 151 Officer, the Cabinet Member for Communities, and Cabinet Member for Climate Change and the Environment.

3.10 The cost of living, and particularly changes in energy costs arising from future reviews of the energy price cap, is likely to continue to impact households for some time and, therefore, it is conceivable that government will provide further financial support to be administered by local authorities. This report therefore seeks delegation for agreeing any future scheme of discretionary funding to the Cabinet Member for Finance and Corporate Transformation, in consultation with the Section 151 Officer, the Cabinet Member for Communities, and Cabinet Member for Climate Change and the Environment.

3.11 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- Residents live well in healthy and resilient communities where residents feel supported;
- Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

3.12 A discretionary scheme will enable the Council to provide support to vulnerable households that are facing financial pressures as a result of the rising cost of energy and using government funding for the benefit of residents.

4. Options

- 4.1 To agree the outline proposals and delegations set out in the report – this is the preferred option as it allows grants (and potential top-ups) to be paid in a timely manner getting financial help to households quickly.
- 4.2 Not to agree to the outline proposals and delegations. This option would not enable financial support to be provided to vulnerable households and would result in the authority having to repay the government funding for the scheme.
- 4.3 To modify the outline proposals set out in the report. Any modifications would need to be in line with the DLUHC guidance. The criteria outlined is consistent with the guidance issued by DLUHC and within this further refinement can be made by delegated decision to optimise use of the available funding.

5. Financial Implications

- 5.1 The Government has provided funding for both the core scheme and the Discretionary Fund. Allocations for both elements have been received, which include £7,667,850 on account for the core scheme, and £229,200 for the Discretionary Fund.
- 5.2 Funding for the core scheme is subject to a reconciliation of actual expenditure incurred at 30 September 2022, with settlement of any difference then being made. The funding for the discretionary scheme is to be spent by 30 November 2022, and is capped, but if the authority underspends against their allocation this amount is repayable.
- 5.3 The Council will incur additional unbudgeted costs from implementing both the core scheme and the Discretionary Fund in terms of system costs, printing, postage, promotion and communications, and staffing related costs.
- 5.4 On 12th April 2022, the DLUHC notified the Council of an advance allocation of New Burdens funding of £71,059 to fund early set-up costs related to the implementation of the Council Tax Rebate scheme. This payment is being made based on an initial assessment of activities by local authorities related to the purchase of scheme specific software and an element of direct staffing costs for the delivery of the main scheme.
- 5.5 A wider, more detailed assessment of the full range of new burdens costs incurred as a result of delivering the rebate scheme is to be undertaken by DLUHC over the coming months, and for which it has been indicated that a further payment to authorities will be made if the assessment of the range of costs incurred exceeds this initial down payment.

6. Legal Implications

- 6.1 The Council Tax Rebate and Discretionary Fund are being implemented at the direction of central government, rather than from a request to local authorities to exercise any statutory discretionary powers under existing Council Tax legislation, other than to disregard the energy rebates when assessing entitlement to local council tax support.

7. Other Implications

7.1 None.

8. Equality and Diversity Implications

8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

8.3 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. In determining a final discretionary policy the impact of the proposed scheme will be assessed.

9. List of Appendices

9.1 None.

10. Background Papers

10.1 Department for Levelling Up, Housing and Communities - Support for energy bills - the council tax rebate 2022-23: billing authority guidance, available at: [Support for energy bills - the council tax rebate 2022-23: billing authority guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/support-for-energy-bills-the-council-tax-rebate-2022-23-billing-authority-guidance)

Report Title: To Agree the Award of a Three-Year Contract for Rural Verge Grass Cutting in the Braintree District	
Report to: Cabinet	
Date: 16 th May 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2022/1
Report Presented by: Cllr Richard van Dulken, Cabinet Member for Operations and Commercialisation	
Enquiries to: Samir Pandya, Operations Strategy and Policy Manager Samir.pandya@braintree.gov.uk	

1. Purpose of the Report

- 1.1 This report seeks approval for Braintree District Council (the Council) to award a contract for the provision of Rural Verge Grass Cutting.

2. Recommendation

- 2.1 It is recommended that the Council awards the Contract as follows:
- 2.2 Lot 1 – a 3-year contract to P. Crawford Contracting Ltd. for a total value of £64,850 per annum.

3. Summary of Issues

- 3.1 The statutory responsibility for maintenance of roadside verges in Essex rests with Essex County Council (ECC) as the Highway Authority.

It has been the custom in the Braintree District for the past 15 years or so for ECC to delegate responsibility for the rural verge grass cutting to Braintree District Council (the Council), who manages the programme on behalf of ECC using an external contractor to carry out the work.

- 3.2 Following discussions with ECC earlier in the year, they agreed that the Council could take the lead on undertaking a competitive procurement exercise for a new three-year contract for a single cut of the rural grass verges in the autumn to run concurrently from 2022 to 2025.
- 3.3 ECC remains the budget holder and will place an annual order for the Council to carry out the work. This will include a fee for managing, monitoring and delivering the annual programme and dealing directly with any operational issues and customer queries. The programme includes coordinating any service requests received for ad-hoc safety cuts of the grass verges (depending on the growing season), prior to the full-width cut being undertaken.

- 3.4 A procurement process commenced in February 2022 that required prospective tenderers to submit prices for two LOTS, as follows:-

LOT 1 - A single full-width cut of the verges in the autumn only.

LOT 2 - A half-cut of the verges in spring and a full width cut in the autumn.

Both LOTS also required tenderers to submit an all-inclusive price to undertake 40 ad-hoc safety cuts of the verges.

- 3.5 The Tender Evaluation process was in two parts: (1) Financial and (2) Quality with a 70% and 30% weighting respectively. The financial part was evaluated by the Procurement Team and the quality element by Operations.

- 3.6 The overall combined scores for each of the tenders is shown below.

Bidder	Overall Score (Weighted)
P. Crawford Contracting Ltd. (PCCL)	92.00
Supplier 2	83.61

- 3.7 Following the evaluation, PCCL received the highest combined score and was more competitive than Supplier 2 for both Lots over the 3-year contract period. Accordingly, PCCL is recommended as the Council's preferred supplier.

4. Options

- 4.1 **Option 1:** The Council could choose not to award the contract to PCCL, in which case it would not be able to provide the rural verge grass cutting service to ECC. There is no benefit in doing this and so this is not the recommended option.

- 4.2 **Option 2:** To award the contract to PCCL who is a well-established (20 years) agricultural and grounds maintenance service provider with two offices/depots in the Braintree District. This is the **RECOMMENDED** option.

5. Next Steps

- 5.1 Subject to Cabinet's decision, to inform ECC of the outcome of the competitive tendering exercise and to notify PCCL that they are the Council's preferred supplier and will be awarded the contract.

6. Financial Implications

- 6.1 ECC as the budget holder will raise an annual order for the Council to carry out the work, which includes a fee for the management and operational delivery of the district-wide programme.

- 6.2 The procurement exercise has resulted in a net annual surplus of approx. £65k against a budget of £130k (2021-22), less the Council's management fee. Throughout the contract period, ECC will use some of the surplus to

commission an ecological and environmental survey to fully evaluate and assess the impact of a single grass cut of the rural verges in terms of sustainability and biodiversity. This will be used to inform and decide the future programme at the end of the contract period and the specification for retendering the contract in 2026 onwards.

7. Legal Implications

- 7.1 The Council, as the Lead Authority for the procurement exercise, will manage and oversee the delivery of the annual rural verge grass cutting programme including the safety cuts and will be responsible for the contract and the overall standards and quality of service delivered by the provider.
- 7.2 ECC, as the Highway Authority, will retain the statutory and legal responsibility for the rural roadside verges in Essex whilst delegating the operational responsibility for grass cutting to the Council.
- 7.3 The Governance Team will award and seal the contract.

8. Other Implications

- 8.1 There are no other implications arising out of this report.

9. Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 There are no Equality and Diversity implications with awarding the contract.

10. List of Appendices

- 10.1 None.

11. Background Papers

- 11.1 None.

Report Title: New Braintree District Council Off-Street Parking Places Order and On-Street Parking Provisions	
Report to: Cabinet	
Date: 16 th May 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2022/5
Report Presented by: Councillor Richard van Dulken, Cabinet Member for Operations and Commercialisation	
Enquiries to: Samir Pandya, Operations Strategy and Policy Manager Samir.pandya@braintree.gov.uk	

1. Purpose Of The Report

- 1.1 The purpose of this report is to seek authority for a new Braintree District Council Off-Street Parking Places Order (OSPPO) and a new on-street Traffic Regulation Order to reflect the changes to the car parking provision in the Braintree District and the opening of the Horizon 120 site later this year.
- 1.2 The effect of a new OSPPO, if confirmed as proposed, will be to revoke the existing Braintree District Council (Off-Street Parking Places) Order 2021 (No. 2) ("2021 Order"). However, all the provisions in the 2021 Order will be brought forward into the new OSPPO along with the additional elements as set out in section 3 of this report.
- 1.3 In order to manage traffic flow within the Horizon 120 site, it is important that the roads are kept clear, that parking is managed and that any infringements are enforced. Therefore, it is necessary for the Council to seek a new on-street Traffic Regulation Order.

2. Recommendations

- 2.1 That Cabinet:
 - 2.1.1 Gives authority to commence the order making process for a new OSSPO to:
 - (a) add the new car park at The Plaza, Horizon 120, Great Notley, Braintree, together with the tariff as set out in this report;
 - (b) include the new tariff for customers of the Travelodge, Victoria Square, Braintree, as set out in this report;
 - (c) amend Articles 11 and 25.1 of the OSPPO so that an electric vehicle may only wait in an electric vehicle parking bay if it is connected to the charging point and is being charged; and

- (d) confirm tariffs and associated restrictions for electric charging bays at Station Approach, Victoria Square, Causeway House and Enterprise Drive car parks in Braintree; Mill Lane, Newlands Drive and White Horse Lane car parks in Witham; and Halstead Leisure Centre car park as set out in this report.
- 2.1.2 Authorises the North Essex Parking Partnership (NEPP) to commence the statutory process for the introduction of a new Traffic Regulation Order restricting on-street parking at the Horizon 120 site, as set out in section 3 below, to ensure that appropriate traffic management is in place.
- 2.1.3 Delegates authority to the Corporate Director (Growth) to agree the red route design for the on-street Traffic Regulation Order at Horizon 120, as proposed by the NEPP.
- 2.1.4 Subject to approval of the recommended options at 4. below, authorises the Operations Strategy & Policy Manager, in consultation with the Head of Governance, to take all such steps as are expedient and necessary to make a new Braintree District Council OSSPO in accordance with recommendation 2.1.1 of this report.
- 2.1.5 In the event that representations are received to the making of the new OSSPO, delegates authority to the Cabinet Member for Operations and Commercialisation to consider the objections within the statutory consultation period and determine whether the Order should be confirmed (with or without modifications).

3. Summary of Issues

Off-Street Parking

- 3.1 The Council has a number of car parks within the Braintree District which it controls by means of an Off-Street Parking Places Order (OSPPO). An OSPPO is a legal means by which the Council regulates the use of its car parks and sets out charging periods and tariffs for the parking places within the Order. Whilst changes to parking tariffs can be accommodated by making a variation to the OSPPO, more fundamental changes require a new OSPPO to be issued.
- 3.2 Due to the proposed addition of a new car park, new tariffs, and amendment to the main articles of the OSPPO in accordance with the provisions of the Road Traffic Regulation Act 1984 (as amended), the Council is required to make and advertise a new OSPPO incorporating all the agreed changes.

On-Street Parking

- 3.3 Whilst the Council continues to consider the management of the infrastructure on the Horizon 120 development, it is important that the roads within the site are kept clear, that on-street parking is managed and that any infringements can be enforced. This will be achieved by the introduction of a Traffic Regulation Order for which the Council will be making application to the North Essex Parking Partnership (NEPP) who manage on-street parking enforcement, lines and signs across North Essex.

Proposed Changes

Off-Street Parking: The Plaza, Horizon 120

- 3.4 The new Plaza building which forms part of the Horizon 120 development at Great Notley, Braintree, is due to open in July 2022. The car park at The Plaza has limited space for parking and so in order to discourage casual parking, the Council intends to adopt a 'Pay & Display' tariff (in addition to permits) which mirrors the charges at Great Notley Country Park. The proposed tariff and terms and conditions for the new car park are set out below:

Days/Hours of operation	Charging period (includes public and bank holidays)	Type and Tariff
Monday to Sunday (All days) 7am – 10pm	Monday to Sunday (All days) 7am – 10pm	Up to 30 mins £1.00 Up to 1hr £2.30 Up to 2hrs £3.60 Up to 3hrs £5.20 Over 3hrs £6.80
Monday to Sunday (All Days), 24hrs	Monday to Sunday (All Days), 24hrs	<u>Permits</u> (for Plaza tenants, Conference Centre delegates and BDC employees) No separate charge to permit holders, but the standard parking tariff will apply to casual visitors to events.
Monday to Sunday (All days), 24 hrs	Monday to Sunday (All days) 7am – 7pm	<u>Electric vehicle bays</u> Maximum period for which electric vehicles may charge between the hours of 7am – 7pm is 2 hours* Up to 30 mins £1.00 Up to 1hr £2.30 Up to 2hrs £3.60 *Electric vehicles may park for longer period by purchasing a ticket in accordance with the standard tariff above but must move to a normal parking bay after 2 hours Between the hours of 7pm – 7am next day there is no time restriction and no parking charge provided the EV is charging.

Tariff for Travelodge Customers

- 3.5 The Travelodge opened its 70-bed hotel in Braintree, which forms part of the Victoria Square development, in January 2022. The Agreement for Lease which the Council entered into with Travelodge in 2019, provided that the hotel customers would be able to purchase a 24-hour car parking ticket for £3. This arrangement was approved by the Corporate Director, Operational, on 14 December 2021 and was included in the 2021 OSSPO.
- 3.6 It is proposed that tickets can be purchased for stay in the Station Approach, George Yard multi-storey and Victoria Street (lower ground floor) car parks only. Once purchased the customer will not have the ability to transfer the ticket to another Council owned car park. The new OSSPO needs to reflect this arrangement and the parking tariff as set out below:

Days/hours of operation	Tariff
All days - 24hrs	£3.00

Electric Vehicle Charging Points

- 3.7 There have been electric vehicle charging points/bays at George Yard multi-storey car park, Braintree, since 2015. The Council has now installed electric vehicle charging points in the majority of its other public car parks in Braintree and Witham.
- 3.8 In order to control the use and availability of the electric vehicle parking bays, it is proposed that the OSPPO is varied as follows:-
- (a) amend Articles 11 and 25.1 of the 2021 Order so that not only is it an offence and contravention of the OSPPO for a person to cause or permit a vehicle to wait in an electric vehicle parking bay where it is not an electric vehicle, but also to make it an offence where an electric vehicle waits in an electric vehicle parking bay without being connected to the charging point/ being charged; and
- (b) include electric vehicle charging bays at the following car parks and with the following time restrictions:-

Car Parks	Restrictions
Station Approach, Braintree White Horse Avenue, Witham	No overnight parking charge between 7pm – 7.30am the next day. EV vehicles may stay in an EV bay up to a maximum of 24 hours provided it is charging.
Victoria Square, Braintree Causeway House, Braintree Enterprise Drive, Braintree Halstead Leisure Centre	Between 7am – 7pm, EV vehicles may stay in an EV bay for a maximum of 2 hours (but may move to a non-EV bay). Between 7pm – 7.30 am the next day there is no restriction provided the EV is charging.
Mill Lane, Witham Newlands Drive, Witham	No overnight parking charge between 7pm – 7.30am the next day. Between 7am – 7pm, EV

	vehicles may stay in an EV bay for a maximum of 2 hours (but may move to a non-EV bay). Between 7pm – 7.30 am the next day there is no restriction provided the EV is charging.
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On-Street parking

- 3.9 In order to effectively manage traffic flow within the Horizon 120 development, the Council considers that it would benefit from having a ‘No parking at any time’ restriction in place on roads across the whole site. In addition, the Council will work with NEPP to design a Red Route on the site, which would seek to restrict parking, loading and unloading.

4. Options

4.1 Off Street parking

The Council can either proceed with incorporating the proposed changes in section 3 above within the OSPPO or not. It is recommended that the OSPPO is amended for the reasons set out in section 3 above.

On-Street parking

- 4.2 The Council can opt to introduce parking restrictions on the site or not. Parking restrictions are recommended, as there is a risk that the roads will become heavily congested with parked vehicles and this would impact the free flow of traffic particularly for those driving large heavy goods vehicles.

5. Next Steps

Off-Street Parking

- 5.1 The OSPPO can only be made with the authority of Cabinet and as such the purpose of this report is to seek such authority. If granted, the proposed Order will be subject to statutory consultation in accordance with The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended).
- 5.2 There is a legal requirement to advertise the Proposed Order inviting comments from members of the public and key stakeholders, before advertising the final changes in light of the outcome of the consultation.
- 5.3 Should any representations to the proposals be received, these will have to be considered and a final judgement made on whether to confirm the Order or not, with or without modifications. To help streamline this process, it is recommended that delegated authority is given to the Cabinet Member for Operations and Commercialisation to consider the objections received within the statutory consultation period and to determine whether the Order should be confirmed with or without modifications.

On-Street Parking

- 5.4 If approval is provided by Cabinet, the Council will seek to instruct Colchester Borough Council, as Lead Authority for the NEPP, to commence the statutory consultation period for the introduction of a new on street Traffic Regulation Order for the Horizon 120 site in accordance with the provisions set out in this report.

6. Financial Implications

- 6.1 The cost of making the proposed OSPPO including the statutory notices in the local press will be met by the Strategic Investment team from within their existing budgets.
- 6.2 The cost of the on-street Traffic Regulation Order will be met from funds held by the NEPP.

7. Legal Implications

Off-Street Parking

- 7.1 OSPPOs are made under the provisions of the Road Traffic Regulation Act 1984 (as amended) (the 1984 Act). It is recommended that a new OSPPO be made to replace the OSPPO 2021 to incorporate the changes referred to in section 3 of this report.
- 7.2 The proposed OSPPO will be advertised and consulted upon in accordance with the requirements of the 1984 Act and The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended).
- 7.3 The Regulations require a minimum 21-day period for the submission of any objections. Any objections received in the statutory consultation period should be considered before making a decision as to whether to confirm the OSPPO. For expediency, it is requested that authority be delegated to the Cabinet Member for Operations and Commercialisation to consider the representations and to determine whether the OSPPO should be confirmed (without or without modifications).
- 7.4 A final version of the OSPPO shall be made and, in accordance with the Regulations, a 'notice of making' shall be published within 14 days and those who have made objections to the OSPPO notified of the Council's decision.

On-Street Parking

- 7.5 On-street Traffic Regulation Orders are subject to a statutory process which is governed by the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984. Colchester Borough Council will be responsible for ensuring that all the relevant provisions are adhered to as they commence the consultation process and establish the new Order.

8. Other Implications

Off-Street parking

- 8.1 The proposals will impact upon users of the relevant car parks as outlined in the report.

On-Street Parking

- 8.2 The proposals within this report will not have any other implications.

9. Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10. List of Appendices

- 10.1 None.

11. Background Papers

- 11.1 The Braintree District Council (Off-Street Parking Places) Order 2021 (No.2).
- 11.2 The Equality Impact Assessment.

Report Title: Hackney Carriage Fare Increase	
Report to: Cabinet	
Date: 16 th May 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2022/9
Report Presented by: Councillor Richard van Dulken, Cabinet Member for Operations and Commercialisation	
Enquiries to: John Meddings, Principal Licensing Officer john.meddings@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To consider a request made by 32 Hackney Carriage Proprietors received by the Council as the Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A76) to amend the table of fares by increasing the Mileage Tariff One (starting rate) from £3.50 to £3.70 and a reduction in the subsequent increment yards.
- 1.2 If agreed, the Council will be required to undertake a statutory public consultation before the proposed variation to the increased tariff can take effect.
- 1.3 To seek delegated authority to the Cabinet Member for Operations and Commercialisation to consider any representation made within the consultation period before determining whether the tariff increase can take effect.

2. Recommendations

- 2.1 To agree the request for an increase in the Braintree District Council Hackney Carriage Table of Fares to £3.70 to come in effect on 1st July 2022.
- 2.2 To commence the statutory public consultation.
- 2.3. Delegated authority to the Cabinet Member for Operations and Commercialisation in consultation with the relevant Corporate Director and the Licensing Committee Chairman to:
 - 2.3.1 Consider any representation received during the 14 day consultation period and to determine whether the increase comes into effect with or without modification.
 - 2.3.2 In the event of representations being made to set a further date, not later than 2 months after the first effective date.

3. Summary of Issues

- 3.1 Under Section 65 of the LG(MP)A76 the Council may fix the rates or fares within a District for time as well as distance and all other charges in connection with the hire of a vehicle or arrangement of the vehicle, to be paid in accordance with the fare card.
- 3.2 Historically it was agreed that a review of the fares charged for travelling in licensed Hackney Carriages should take place annually by the Taxi Association. Should they wish for an increase, this would then be submitted for consideration by the Council. The Annual review was to avoid a request for a high increase after several years. The last requested fare increase was agreed in February 2018.
- 3.3 The request before the Council for a fare increase has been submitted by 32 of the Council's 83 Licensed Hackney Carriage Proprietors. Details of the proposed increase have been prepared by the Hackney Carriage Proprietors and are set out in Appendix 1.
- 3.4 The proposed requested increases to Tariff one (starting rate) are as follows;
- 3.4.1 The charge for the initial distance travelled is to be increased from £3.50 to £3.70.
- 3.4.2 The incremental distance to be changed from every 104 yards to 95 yards.
- 3.5 The submission for a fare increase suggests that this allows for 7.5% increase on journeys.
- 3.6 The justification for the increase is due to the rising cost of fuel and the last increase requested was 2018.
- 3.7 The fares of other Essex Authorities have been provided as a comparison. The below prices are as of March 2022. However, the majority of these are in the process of increasing fares or have done so already after requests from Hackney Carriage Proprietors.

LOCAL AUTHORITY	2 MILE FARE
Basildon	£6.40
Braintree	£6.30
Brentwood	£6.60
Castle Point	£6.00
Chelmsford	£7.10
Colchester	£6.90
Epping Forest	£5.50
Harlow	£6.60
Maldon	£0.00 *
Rochford	£6.20
Southend on Sea	£6.40
Tendering	£6.40
Uttlesford	£8.30

*Maldon District Council does not have a compulsory fare structure

- 3.8 If Cabinet agrees to approve the request, before the fares come into effect, the Council must carry out a statutory public consultation.

4. Options

- 4.1 The Council powers to set fares for Hackney Carriages is discretionary under Section 65 of the LG(MP)A76; therefore, the Council may decide to either approve or decline the request to increase the Fares.
- 4.2 There is no right of appeal to the Council's decision. Any challenge to the Council's decision is by way of Judicial Review. It is recommended, in accordance with good practice, that reasons for the Council's decision are given.

5. Next Steps

- 5.1 Should the proposed new fare structure be approved, the Licensing Team will commence the statutory consultation period, which will last for a period of not less than 14 days. The Council is required to publish a notice in at least one local newspaper and at the Council offices. The Notice must specify the date by which representations to be lodged and the date on which the new fares will come into effect if no representations are received or received and withdrawn before the specified date.
- 5.2 In the event that representations are received and not withdrawn, those representation must be considered when making the final decision.
- 5.3 Should the Council be in a position that it need to set a second date for the Fare to come into effect, which must be within two months of the first date as required by the LG(MP)A76.
- 5.4 To provide flexibility for the decision-making process for this statutory process, it is recommended that the consideration of the representation and the determination of whether the increase comes into effect with or without modification to be delegated to the Cabinet Member for Operations and Commercialisation as the portfolio holder for Licensing, in consultation with the Chairman of the Licensing Committee and the relevant Corporate Director.
- 5.5 It is not until the consultation period expires that the new fare cards can be prepared and issued to the trade with an implementation date and instructions to have their meter chip replaced.

6. Financial Implications

- 6.1 There are financial implications for the Council associated with the increase of fare. The cost of advertising, Fare Card preparation would be met by the fees charged to administer the licensing function for Hackney Carriages.
- 6.2 There are financial implications for the users of Hackney Carriages. By increasing the fare tariff increases the costs of the fare paid by the users.
- 6.3 There are financial implications for the Proprietors of Hackney Carriages. The Fare Card for Hackney Carriages has not been reviewed since 2018 and Hackney Carriage Proprietors have cited specifically the increase in the costs of fuel. Increasing the fare tariff increases the income to meet the costs associated with Hackney Carriages. If the increase is not agreed Hackney Carriage Proprietors will continue with the current fare tariffs which may impact upon their income and the viability of providing Hackney Carriages.

7. Legal Implications

- 7.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 is a Cabinet Function.
- 7.2 Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may fix the rates or fares within a District for time as well as distance and all other charges in connection with the hire of a vehicle or arrangement of the vehicle, to be paid in accordance with the fare card.
- 7.3 When setting fares imperial measurements must be used, but it is also permissible to have metric equivalent shown.
- 7.4 The request for the fare increase has been made by 32 of the 83 licensed Hackney Carriage Proprietors. The Proprietors who do not comprise of the 32 individuals who supported the request, will be able to make representation during the public consultation period. The Council is required to consider all representations in determining whether the increase comes into effect with or without modification.
- 7.5 Under the Local Governance (Miscellaneous Provisions) Act 1976, there is no right of appeal against the fares once set. The only remedy would be by way of Judicial Review.

8. Other Implications

- 8.1 This licensing function is a matter for Cabinet, however, as connected to the licensing functions reserved to the Licensing Committee the Chairman of the Licensing Committee has been invited to provide his comments on the proposal.

9. Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10. List of Appendices

- 10.1. Appendix 1 Schedule setting out the Fare Increase prepared by the Hackney Carriage Proprietors.

11. Background Papers

- 11.1 Request by Hackney Carriage Proprietors for fare increase.

Proposed Braintree Table of Fares 2022

To achieve a price rise of 7.5% across the board average, the table below shows the current rate 1 beside the proposal. The proposal is a simple modification of the current rate 1. All other parameters to remain as currently worded on the Table of Fares

20p added to the start fare and increasing the rate per mile from £1.68 to £1.85.

104 yds = £1.68 per mile

95 yds = £1.85 per mile

Braintree 2018 Current TARIFF 1

CURRENT TARIFF 1 (2018)		
INCREMENTS	UP to YDS	PRICE TO PAY

704yds		£3.50	
104yds	808	£3.60	
104yds	912	£3.70	half mile
104yds	1016	£3.80	
104yds	1120	£3.90	
104yds	1224	£4.00	
104yds	1328	£4.10	
104yds	1432	£4.20	
104yds	1536	£4.30	
104yds	1640	£4.40	
104yds	1744	£4.50	
104yds	1848	£4.60	1760yds = 1 mile
104yds	1952	£4.70	
104yds	2056	£4.80	
104yds	2160	£4.90	
104yds	2264	£5.00	
104yds	2368	£5.10	
104yds	2472	£5.20	
104yds	2576	£5.30	
104yds	2680	£5.40	
104yds	2784	£5.50	
104yds	2888	£5.60	
104yds	2992	£5.70	
104yds	3096	£5.80	
104yds	3200	£5.90	
104yds	3304	£6.00	
104yds	3408	£6.10	
104yds	3512	£6.20	
104yds	3616	£6.30	3520yds = 2 mile
104yds	3720	£6.40	
104yds	3824	£6.50	
104yds	3928	£6.60	
104yds	4032	£6.70	
104yds	4136	£6.80	
104yds	4240	£6.90	
104yds	4344	£7.00	
104yds	4448	£7.10	
104yds	4552	£7.20	
104yds	4656	£7.30	

PROPOSED TARIFF 1			
INCREMENTS	UP to YDS	PRICE TO PAY	
704yds		£3.70	
95yds	799	£3.80	
95yds	894	£3.90	half mile
95yds	989	£4.00	
95yds	1084	£4.10	
95yds	1179	£4.20	
95yds	1274	£4.30	
95yds	1369	£4.40	
95yds	1464	£4.50	
95yds	1559	£4.60	
95yds	1654	£4.70	
95yds	1749	£4.80	1760yds =
95yds	1844	£4.90	
95yds	1939	£5.00	
95yds	2034	£5.10	
95yds	2129	£5.20	
95yds	2224	£5.30	
95yds	2319	£5.40	
95yds	2414	£5.50	
95yds	2509	£5.60	
95yds	2604	£5.70	
95yds	2699	£5.80	
95yds	2794	£5.90	
95yds	2889	£6.00	
95yds	2984	£6.10	
95yds	3079	£6.20	
95yds	3174	£6.30	
95yds	3269	£6.40	
95yds	3364	£6.50	3520yds =
95yds	3459	£6.60	
95yds	3554	£6.70	
95yds	3649	£6.80	
95yds	3744	£6.90	
95yds	3839	£7.00	
95yds	3934	£7.10	
95yds	4029	£7.20	
95yds	4124	£7.30	
95yds	4219	£7.40	
95yds	4314	£7.50	

104yds	4760	£7.40		95yds	4409	£7.60	
104yds	4864	£7.50		95yds	4504	£7.70	
104yds	4968	£7.60		95yds	4599	£7.80	
104yds	5072	£7.70		95yds	4694	£7.90	
104yds	5176	£7.80		95yds	4789	£8.00	
104yds	5280	£7.90	5280yds = 3 mile	95yds	4884	£8.10	
104yds	5384	£8.00		95yds	4979	£8.20	
104yds	5488	£8.10		95yds	5074	£8.30	
104yds	5592	£8.20		95yds	5169	£8.40	
104yds	5696	£8.30		95yds	5264	£8.50	
104yds	5800	£8.40		95yds	5359	£8.60	5280yds =
104yds	5904	£8.50		95yds	5454	£8.70	
104yds	6008	£8.60		95yds	5549	£8.80	
104yds	6112	£8.70		95yds	5644	£8.90	
104yds	6216	£8.80		95yds	5739	£9.00	
104yds	6320	£8.90		95yds	5834	£9.10	
104yds	6424	£9.00		95yds	5929	£9.20	
104yds	6528	£9.10		95yds	6024	£9.30	
104yds	6632	£9.20		95yds	6119	£9.40	
104yds	6736	£9.30		95yds	6214	£9.50	
104yds	6840	£9.40		95yds	6309	£9.60	
104yds	6944	£9.50		95yds	6404	£9.70	
104yds	7048	£9.60	7040yds = 4 mile	95yds	6499	£9.80	
104yds	7152	£9.70		95yds	6594	£9.90	
104yds	7256	£9.80		95yds	6689	£10.00	
104yds	7360	£9.90		95yds	6784	£10.10	
104yds	7464	£10.00		95yds	6879	£10.20	
104yds	7568	£10.10		95yds	6974	£10.30	
104yds	7672	£10.20		95yds	7069	£10.40	7040yds =
104yds	7776	£10.30		95yds	7164	£10.50	
104yds	7880	£10.40		95yds	7259	£10.60	
104yds	7984	£10.50		95yds	7354	£10.70	
104yds	8088	£10.60		95yds	7449	£10.80	
104yds	8192	£10.70		95yds	7544	£10.90	
104yds	8296	£10.80		95yds	7639	£11.00	
104yds	8400	£10.90		95yds	7734	£11.10	
104yds	8504	£11.00		95yds	7829	£11.20	
104yds	8608	£11.10		95yds	7924	£11.30	
104yds	8712	£11.20		95yds	8019	£11.40	
104yds	8816	£11.30	8800yds = 5 mile	95yds	8114	£11.50	
104yds	8920	£11.40		95yds	8209	£11.60	
104yds	9024	£11.50		95yds	8304	£11.70	
104yds	9128	£11.60		95yds	8399	£11.80	
104yds	9232	£11.70		95yds	8494	£11.90	
104yds	9336	£11.80		95yds	8589	£12.00	
104yds	9440	£11.90		95yds	8684	£12.10	
104yds	9544	£12.00		95yds	8779	£12.20	
104yds	9648	£12.10		95yds	8874	£12.30	8800yds =

Comparison on next page

	current	proposed	rise of
start fare	£3.50	£3.70	5.8%
1 mile	£4.60	£4.90	6.5%
2 mile	£6.30	£6.70	6.4%
3 mile	£7.90	£8.60	8.9%
4 mile	£9.60	£10.40	8.4%
5 mile	£11.30	£12.30	8.9%
for overall rise of			7.5%

The above rise averages 7.5% .

The rise will scale up accordingly with rates 2 & 3 as directed on the current Table of Fares

50% and 100%

Agenda Item: 8a

Report Title: Development of a Community Centre, Maltings Lane, Witham	
Report to: Cabinet	
Date: 16 th May 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2022/2
Report Presented by: Councillor Kevin Bowers, Cabinet Member for Housing, Assets and Skills Supported by Councillor Frankie Ricci, Cabinet Member for Communities	
Enquiries to: Aidan Kelly, Interim Head of Strategic Investment Aidan.kelly@braintree.gov.uk	
Confidential Appendix This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.	

1. Purpose of the Report

- 1.1 The purpose of this report is to present to Cabinet the project proposal for the construction of a Community Centre at Maltings Lane (the Project) in Witham. Cabinet is asked to approve the Project and recommend to Full Council that the Project is added to the capital programme at a value of £4,039,733.

2. Recommendations

- 2.1 That Cabinet approves the Project for the Maltings Lane Community Centre, with a capital budget of £4,039,733.
- 2.2 That Cabinet recommends to Full Council that the Project, with an allocated capital budget of £4,039,733, is added to the Councils capital programme. The proposed funding of this expenditure to be from a combination of S106 contributions and New Homes Bonus.
- 2.3 That Cabinet recommends to Full Council that the £200,000 S106 monies, secured by the Council from the Conrad Road development (planning permission number 19/00026/FUL), is allocated to the Project.
- 2.4 That Cabinet, subject to Full Council approval to the inclusion of this Project within the Capital Programme and budget, and subject to compliance with the

approved budget, delegates authority to the Corporate Director (Growth), in consultation with the Cabinet Member for Housing, Assets and Skills to:

- 2.4.1 To select an appropriate lessee, negotiate and approve the terms of a lease and to enter into an Agreement to Lease the Community Centre on condition that the lease terms enable the recovery of VAT on development costs,
- 2.4.2 To procure and enter into contracts for the appointment of design and technical consultants and to undertake necessary surveys,
- 2.4.3 To prepare and to submit a planning application,
- 2.4.4 To procure and enter into contract with a construction company, provided that an Agreement to Lease has been entered into with an appropriate lessee before the construction contract is awarded,
- 2.4.5 To procure and enter into contracts, such as for the purchase of furniture, fixtures and equipment, considered reasonable and necessary for the successful delivery and operation of the centre.

3. Summary of Issues

- 3.1 As part of the planning process for the Maltings Lane development in Witham it was recognised that the development would create a need for additional community infrastructure to meet the needs of residents. This included the provision of a new hall or building that the community could use for meetings and events. Land was secured from the developer alongside a financial contribution towards the cost of constructing a community building. The Community Land was transferred to Braintree District Council (the Council) under the provisions of the Maltings Lane Section 106 Agreement. The Agreement specifies that the Council can only use the land for a Community Purpose, which is defined within the agreement as a place of worship; a community centre; a health facility; a sports facility; and/or such other community use as the Council shall consider appropriate.
- 3.2 Further Section 106 contribution towards the provision of extended community facilities have been secured from other residential developments and a total of £1,568,895 is being held for this purpose. To spend all these contributions the new community facility will need to fulfil certain specific requirements contained within some of these agreements. These Section 106 requirements include that new building provide indoor sports facilities and that it will provide changing rooms for the users of the adjoining football pitches.
- 3.3 A further Section 106 contribution from a residential development at Conrad Road of £200,000 is also proposed to be used for this project, subject to this being agreed. When the relevant application was reported to Planning Committee, Officers recommended that the Section 106 contribution should be allocated to contribute towards the Malting Lane Community Centre. The Committee resolution to grant planning permission stated that the Community Building allocation should be spent on new, or improved community facilities in the town of Witham. Officers are not aware of another project in North

Witham to provide a new or improved community building. As the Maltings Lane Community Building is intended to be a facility that will serve the whole town it is recommended that the contribution from the Conrad Road development is allocated to the Maltings Lane project.

- 3.4 In July 2012 a Community Facilities Review was undertaken, and this identified that provision of community facilities in Witham could be expanded and sustained based on the population at that time.
- 3.5 Further in 2016 the Council undertook a sports facility review, as part of the Local Plan evidence base. This identified that there would need to be an increase in access to community sports halls to meet significant additional demand for sports hall space that would arise from the planned residential growth in the District.
- 3.6 The Council has consulted with local stakeholders to understand the type of community facility needed within Witham and how that could comply with the requirements of the Section 106 Agreements. A community Stakeholder Group was formed and chaired by the Cabinet Member for Communities. The consultation and stakeholder group identified that there was a preference for a mixed-use hall that combined sports facilities and the ability to use the space for different activities, alongside other flexible space which could be used to provide meeting rooms.

Current Position

- 3.7 A design for the Community Centre, that meets the requirements of the community and the relevant Section 106 contributions funding criteria, has been completed. This design was costed in March 2022 and the total cost of the project is estimated to be in the region of £4,039,733. This is in excess of the £1,568,895 of S106 funding currently secured to support the project.
- 3.8 It is not possible to build an asset that both meets the community's requirements and the criteria for the use of all the S106 funds within the quantum of those Section 106 funds, therefore it will be necessary for the Council to make a contribution to the costs of the Project should Cabinet wish to proceed. The contribution needed from the Council is currently calculated to be £2,270,838 (taking into account the proposed inclusion of the Conrad Road Section 106 contribution). The current funding breakdown can be seen at Table 1 below.

Table 1

	£
Section 106 Conrad Road	200,000
Other Section 106 contributions	1,568,895
The Council's capital contribution	2,270,838
	4,039,733

- 3.9 It is proposed that the Council's capital contribution is met from the balance of unallocated New Homes Bonus, including from amounts receivable in 2022/23.

- 3.10 The provision of the community centre has been a long standing commitment made to the community of Witham and links to the Councils Bouncing Back Together strategy 2021-2023 by delivering on the promise to:
- Grow the district in a sustainable way supported by health, leisure and community facilities
 - Build on the strengths of our communities and what they can do to support themselves and help each other
 - Help people to make positive lifestyle choices, increasing their physical and emotional wellbeing
- 3.11 The proposed operating model for the new community centre would be for a local third sector organisation to operate the facility. This model has been successfully utilised across other community centres in the district and there are organisations that are interested in taking on the role. This would reduce the ongoing revenue costs of the facility to the Council to a minimum, and the operator would keep any revenues to cover these and any costs of their own. A further benefit of this arrangement would be that VAT costs related to the construction of the centre could be reclaimed. It is proposed that an agreement with an operator is put into place ahead of construction commencing. It is expected that there would remain a requirement on the Council to meet any future capital re-investment required, such as planned maintenance.
- 3.12 When the Centre is leased to an external organisation, depending on the final structure of the lease the Council will likely retain responsibility for the main structure and replacement of building services (e.g. boilers) and would undertake annual inspections to ensure that the building is being maintained to a good standard and that statutory compliance matters (such as legionella, fire risk, health and safety etc.) are being satisfied by the lessee. The Council's building insurance costs will be recharged to the tenant.
- 3.13 Should any lease arrangement cease at any point during the useful life of the asset, the operating costs would fall to the Council until the point at which a replacement could be found. Whilst these costs would be dependent on the final design specification and activities held within the Centre, it is estimated that the annual running costs could be in the region of c£41,000, and would include:
- Operational management of the premises including staffing.
 - Administration of the lettings/hirings.
 - Repairs and maintenance – including the main building, services and the car park.
 - Utilities (gas, electricity and water) – actual costs dependent upon the tenant's consumption.
 - Business rates, if applicable.
 - Building, contents, public liability and other insurances.
 - Statutory compliance matters such as legionella, fire risk, health and safety certificates, gas and electrical systems services and safety certificates etc.

- Cleaning and caretaking services.
- IT infrastructure.
- Trade waste collection.
- Licences.
- Sinking fund for building improvements and renewals.

- 3.14 In progressing the Project, the Council will need to look to undertake a number of procurement exercises, to identify:
- a. A design and technical consultants and to undertake necessary surveys and seek and secure planning permission,
 - b. A construction company for the build of the Community Centre; and
 - c. Associated contracts for furniture, fixtures and equipment, considered reasonable and necessary for the successful delivery and operation of the Community centre.
- 3.15 As part of the Council's procurement strategy, it will in the first instance look to see if there are any Frameworks available through which the Council would be able to call off the required contracts for the above Contracts. If a Framework is not available then the Council will look to run a full procurement exercise. Both approaches will be supported by a full specification and set out the award criteria to ensure that the Council is able to achieve value for money and ensure that any contracts awarded are within budget.
- 3.16 At the end of the procurement process, in order to enable the Council to move forward with the Project, ensuring there is no un-necessary delay, Cabinet is asked to delegate authority to the Corporate Director (Growth), in consultation with the Cabinet Member for Housing, Assets and Skills, to approve the Procurement routes and ultimately award the respective contract to the successful bidder at the conclusion of the procurement process, provided that the successful bid is within the approved budget.

4. Options

- 4.1 The Council is constrained by the Section 106 Agreements and the covenants, entered into when accepting the transfer of the land, as outlined in 3 above.
- 4.2 The available options are therefore:
- 4.2.1 Do nothing; i.e. do not proceed with the project.

If alternative projects cannot be found which comply with the requirements of the Section 106 agreements then this would result in the Council needing to repay some of the £1,768,895 S106 contributions (including the Conrad Road contribution). It would result in an adverse local reaction and fail to provide the required community facility for these new developments and Witham as a whole.

- 4.2.2 Accept the recommended development option, provide the necessary capital contribution and deliver the Centre as currently planned.

This will require the allocation of additional Council funds, which could be used for an alternative purpose.

There is scope for contributions from future other residential developments in Witham to provide further Section 106 contributions to be used for the Maltings Lane Community Centre, given that Section 106 agreements can be drafted so that the Council can use future contributions to reimburse capital expenditure that the Council incurs in the delivery of the building. If secured, this would reduce the capital contribution required of the Council.

- 4.2.3 Postpone the delivery of the Centre until further Section 106 or other funding becomes available to reduce the capital contribution required of the Council.

Due to time limitations applied to some of the existing Section 106 contributions, any delay in the delivery of the Maltings Lane project could endanger the use of existing Section 106 monies and therefore decrease the Section 106 available for the project, resulting in an increased requirement from the Council's capital resources.

Given current construction cost inflation, any delay to the delivery of the project is likely to see the total cost of the project increase requiring a greater call on the Council's capital resources.

5. Next Steps

- 5.1 If Cabinet decide to proceed, the matter will be referred to Full Council, for consideration of inclusion within the Council's Capital Programme and for allocation of an approved budget. This will be presented to the meeting of Full Council on 20th June 2022.
- 5.2 To ensure timely delivery of the Project and to minimise the risk of further cost inflation, further works to progress the Project to final design and specification stage, including the development of an application for planning permission, will be developed at risk ahead of the Full Council meeting. The costs of the full final project development (including final architects design works to stage 3, surveys, cost consultants, and engineer assessments) and taking through to planning permission application, is estimated to be c£325,000. These costs would be capitalised if and when the project progresses and are included in the above project capital cost sum (of £4,039,733).

6. Financial Implications

- 6.1 The shortfall, between the estimated total scheme costs, and the available Section 106 financial contributions, is summarised in the confidential appendix to this report.
- 6.2 To proceed with the project will require a capital contribution from the Council's own resources, which it is proposed is funded from unallocated New Homes Bonus.

- 6.3 Allocating funding towards this project will reduce the available capital resources for other projects.
- 6.4 Recovery, of VAT on development costs, will be dependent upon a formal Agreement to Lease with an organisation able and willing to operate the new centre. As this is likely to a charitable or community organisation, the lease rental will be limited to a “peppercorn” i.e. a nominal sum.
- 6.5 An assessment of revenue costs has been undertaken by the Council’s Asset Management Service. This has indicated estimated annual costs to the Council of c£5,000 per annum if the facility is managed by an external community partner. There would be ongoing liability to the Council for capital reinvestment. If a commercial operator was secured, and based on experience with other community centres, this might generate a rental income to the Council, with a lease on full repairing terms.
- 6.6 In the event that the Council manages the facility directly, the revenue costs have been assessed at c£41,000 per annum. This excludes any income generation. The Council has not managed the operation of community centres for many years and therefore relevant experience is not currently retained in-house, and figures are based on arrangements for existing community centres.
- 6.7 The preferred option would be to seek management by a third party, but until such a tenant is identified, there remains a risk to the Council, if it were to proceed with building the centre without first securing a tenant, related to the annual revenue costs that are currently unbudgeted and would, if necessary, need to be included as a committed growth item within the Council’s annual budget setting process. Future capital maintenance will also be required and incorporated into the Council’s annual planned maintenance provision.

7. Legal Implications

- 7.1 In progressing with this Project the Council will have regard to the parameters of the Section 106 Agreements. The proposals are in line with the permitted use of that identified by those agreements.
- 7.2 The Council will ensure that in undertaking any procurement exercise that it does so in accordance with the Council’s Procurement Procedure Rules, the Constitution and all relevant legislative provisions.
- 7.3 The Council must ensure that the Project has received Council approval of the inclusion within the Capital Programme and the associated budget, before it awards any contracts.

8. Other Implications

- 8.1 A decision not to proceed is likely to generate an adverse local reaction and reputational damage. A decision to provide the level of contribution required may be challenged given the financial pressures on other services and projects.

9. Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 It is considered that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The building has been designed to be fully accessible and will be available for use by all sections of the local community.

10. Risks

- 10.1 The procurement activity to secure a construction partner for the Centre is estimated to be undertaken in the autumn of 2022, subsequent to planning permission being sought. Given the current cost price inflation being experienced within the construction sector and its supply chain, there is a risk that the final cost of the Centre may exceed the £4,039,733 requested in this report. There is also a general risk that contract prices received result in the scheme cost exceeding the capital budget allocated. This could result in either additional capital being required from the Council, or potential abortive cost if the project is not deemed financially viable to proceed.
- 10.2 The proposed building as currently designed may not provide enough lettable space or operating opportunities to secure a tenant. This is being mitigated through engagement with potential Centre operators through the established community consultation group.
- 10.3 As identified above, any lessee may withdraw at some point due to lack of income generation activity or other operational difficulties. If a replacement tenant could not be found then the operation of the centre would fall back to the Council. This could result in annual operating costs estimated at c£41,000 becoming the Council's responsibility. An assessment of this risk is set out in the Financial Section above; however, this is a 'best estimates' based on existing community centre financial arrangements.
- 10.4 Failure to progress the project may lead to an adverse local reaction given the depth and range of community engagement on the project over several years.

- 10.5 Failure, to secure a lessee, would mean that the Council would not be able to recover input VAT, increasing the TSC by approximately 20%, unless an option to tax is made, in which case supplies from the centre would have VAT added which would impact on the prices charged to users of the facility. A decision on opting to tax would need to be taken in the first financial year of construction. It is therefore important that either an agreed tenancy or heads of terms are in place prior to construction if an election to tax is not made.

11. List of Appendices

Confidential Appendix

12. Background Papers

- 12.1 Community Halls in the Braintree District – Report on current provision and policy guidance Report dated 28th July 2015
- 12.2 Section 106 Agreement – Maltings Lane – Planning Ref. No. 12/01071/OUT
- 12.3 Section 106 Agreement – Land off Forest Road – Planning Ref.No.15/00799/OUT & 17/01092/FUL
- 12.4 S106 Agreement – Land adj. to Lodge Farm – 15/00430/OUT S106 Agreement – Land at Conrad Road – 19/00026/FUL
- 12.5 [Report and minutes of the Planning Committee – 9th November 2021 – Land at Wood End Farm – 19/01896/OUT](#)