

# **PARTNERSHIP DEVELOPMENT SCRUTINY COMMITTEE AGENDA**

**Wednesday, 11<sup>th</sup> May 2022 at 7.15pm**

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

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**Members of the Partnership Development Scrutiny Committee are requested to  
attend this meeting to transact the business set out in the Agenda.**

Councillor J Abbott  
Councillor J Baugh  
Councillor G Courtauld (Vice Chairman)  
Councillor Mrs M Cunningham (Chairman)  
Councillor A Hensman

Councillor T McArdle  
Councillor Mrs J Pell  
Councillor Mrs J Sandum  
Councillor Mrs L Walters

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](mailto: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](mailto: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.

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.

### **Public Attendance at Meetings:**

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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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**Documents:** Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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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](mailto:governance@braintree.gov.uk)

- 1 Apologies for Absence**
- 2 Member Declarations**
  1. To declare the existence and nature of any interests 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.
  2. To declare the existence and nature of any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Committee or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote on any particular matter.
- 3 Minutes of the Previous Meeting**

To approve as a correct record the minutes of the meeting of the Partnership Development Scrutiny Committee held on 17<sup>th</sup> November 2021 (copy previously circulated).
- 4 Public Question Time**

(See paragraph above)
- 5 Scrutiny Review into 'Enforcement Procedures at Braintree District Council' - Draft Scrutiny Report** **5 - 24**
- 6 Scrutiny Review into 'Litter Management across the Braintree District' - Introduction to Terms of Reference and Work Programme 2022/23** **25 - 31**
- 7 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.

## Agenda Item: 5

<b>Report Title:</b> Scrutiny Review into 'Enforcement Procedures at Braintree District Council' – Draft Scrutiny Report	
<b>Report to:</b> Partnership Development Scrutiny Committee	
<b>Date:</b> 30 <sup>th</sup> March 2022	<b>For:</b> Noting
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> Jessica Mann, Governance and Members Officer	
<b>Enquiries to:</b> Jessica Mann, Governance and Members Officer <a href="mailto:Jessica.mann@braintree.gov.uk">Jessica.mann@braintree.gov.uk</a>	

### 1. Purpose of the Report

- 1.1 To finalise the draft report for the Scrutiny Review into 'Enforcement Procedures at Braintree District Council' prior to its submission to Cabinet and Full Council.

### 2. Recommendations

The Partnership Development Scrutiny Committee is asked to:

- 2.1 Review the draft report and finalise the content and draft recommendations to ensure that they are in keeping with the Terms of Reference of the Scrutiny Review and the evidence gathered.
- 2.2 Authorise the Chairman to finalise the draft report, prior to its submission to Cabinet and Full Council, and to give authority to Governance Officers to make any necessary administrative changes to the report.

### 3. Summary of Issues

- 3.1 Members of the Partnership Development Scrutiny Committee were tasked with conducting a Scrutiny Review into the topic of 'Enforcement Procedures at Braintree District Council.' The topic of 'Enforcement' was originally submitted as a potential topic by Councillor T Everard with the intention of developing a more integrated approach towards enforcement across the Council's services, as well as stronger links with external 'enforcement' agencies (e.g. Essex Highways, Essex Police, etc).

- 3.2 The initial views of Management Board were that the topic had the potential to be extremely broad; as such, the scope of the topic would need to be clearly defined (e.g. whether the focus of the topic was on a specific service within the Council or multiple services).
- 3.3 When deliberating the topic proposal, the Chairmen of the Council's four 'Scrutiny' Committees (the Scrutiny Chairmen) recognised that a Scrutiny Review into the topic of 'Enforcement' could also be conducted in the form of a knowledge gathering exercise; for example, Members could identify the enforcement agencies that the Council partnered with (e.g. Trading Standards, Essex County Council, RSPCA etc) for the purpose of enforcement, as well as explore the powers it had in order to conduct its own enforcement procedures. The relationships between the Council and its 'enforcement' partners could also be explored. It was also suggested that the Committee might wish to examine the new enforcement powers granted to the Council during the Covid-19 Pandemic and any new enforcement powers that the Council had exercised more recently (e.g. High Court Injunctions, Search Warrants, etc), as well as any hindrance to employing them in future.
- 3.4 Further to these considerations, the Scrutiny Chairmen jointly agreed that it would be most appropriate to allocate the topic of 'Enforcement Procedures at Braintree District Council' to the Partnership Development Scrutiny Committee (then the Partnership Development Group) for the purposes of Scrutiny Review.
- 3.5 The Terms of Reference for the Partnership Development Scrutiny Committee (the Committee) are as follows:-
- Driving forward existing partnerships;
  - Helping to bring partnership working into the Council's mainstream work;
  - Bringing together partners within the public sector for the benefit of the community;
  - Developing an approach to future partnership working with both the public and the private sector, and;
  - To receive the Annual Report of the Community Safety Partnership.
- 3.6 The first evidence gathering session of the Committee was held on 27<sup>th</sup> January 2021, with the final session held on 17<sup>th</sup> November 2021.
- 3.7 Once all the available evidence streams had been examined and conclusions drawn, the Partnership Development Scrutiny Committee were asked to make their recommendations to Cabinet and Full Council. The recommendations of the Committee are set out in the main body of the report.

#### **4. Options**

4.1 There two options available for Committee to consider:

- 1) Agree to finalise the draft report, subject to any minor amendments before its submission to Cabinet and Full Council.
- 2) OR Explore the topic of 'Enforcement Procedures' in further detail.

4.2 If Members are minded to proceed with Option 2, Members should have regard to the Terms of Reference and the timescale for completion of the Scrutiny Review within the current Civic Year.

#### **5. Next Steps**

5.1 To review the draft report and make any final amendments to the contents before it is finalised and submitted to Cabinet and Full Council.

#### **6. Financial Implications**

6.1 Any financial implications arising from the recommendations to Cabinet will be considered as part of the Cabinet's response.

#### **7. Legal Implications**

7.1 There are no legal implications arising from this report.

#### **8. Other Implications**

8.1 There are no matters 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 Equalities and diversity issues are considered fully in the Council's key projects. Where appropriate, an equality impact assessment is prepared and considered for any key projects identified. There are no adverse impacts identified within the contents of the report.

## **10. List of Appendices**

- 10.1 There are none attached to the main report.

## **11. Background Papers**

- 11.1 Minutes and Agendas of Committee Meetings:-

[27<sup>th</sup> January 2021](#)

[31<sup>st</sup> March 2021](#)

[12<sup>th</sup> May 2021](#)

[21<sup>st</sup> July 2021](#)

[13<sup>th</sup> October 2021](#)

[17<sup>th</sup> November 2021](#)

[11<sup>th</sup> May 2022](#)



**PARTNERSHIP DEVELOPMENT SCRUTINY COMMITTEE**  
**SCRUTINY REVIEW INTO ENFORCEMENT PROCEDURES AT BRAINTREE**  
**DISTRICT COUNCIL 2021/22 (DRAFT SCRUTINY REPORT)**

**EXECUTIVE SUMMARY**

Members of the Partnership Development Scrutiny Committee were tasked with conducting a Scrutiny Review into the topic of 'Enforcement Procedures at Braintree District Council.'

For information, the Terms of Reference for the Partnership Development Scrutiny Committee are as follows:-

- Driving forward existing partnerships;
- Helping to bring partnership working into the Council's mainstream work;
- Bringing together partners within the public sector for the benefit of the community;
- Developing an approach to future partnership working with both the public and the private sector; and
- To receive the Annual Report of the Community Safety Partnership.

The topic of 'Enforcement Procedures' was originally suggested by Councillor T Everard as the potential subject of a Scrutiny Review under the Annual Scrutiny Work Programme for 2020/21. In his accompanying comments, Councillor Everard explained that he felt the Council needed to have a more integrated approach towards its delivery of 'enforcement' which encompassed all services, with procedures linked to those of external 'enforcement' agencies such as Essex Highways and Essex Police.

Upon their examination of the 'enforcement' topic, Management Board commented on the wide scope of the subject and the need to clarify which areas a Scrutiny Review would focus on; for example, if it would be more suitable for a Committee to focus on specific services (e.g. Planning, Licensing, etc), or conduct a broader spectrum Review. A potential line of enquiry was to approach research into the topic in the form of a knowledge gathering exercise, rather than a detailed 'scrutiny' enquiry by identifying which agencies the Council partnered with (e.g. Essex County Council, RSPCA, etc) in order to undertake enforcement action, and what powers the Authority had to undertake its own enforcement procedures. The relationships between the Council and its various 'enforcement' partners was also an area for potential exploration as part of a Scrutiny Review, as well as 'enforcement' from a performance perspective.

The Chairmen of the Council's four 'Scrutiny' Committees then discussed the topic of enforcement and its merits should it be taken forward as part of a Scrutiny Review in further detail with support from Governance Officers. Initial observations were that a Scrutiny Review should address a specific areas of enforcement, such as Planning;

however, it was later acknowledged that due to the ongoing impacts of the Covid-19 pandemic, services across the Council were experiencing unprecedented and unique pressures, both in terms of resource capacity and workload. Therefore, in order to avoid placing extra pressure on a specific service, Members instead agreed to conduct a broader Review of the Council's services.

After further deliberation, it was agreed to assign the topic of 'Enforcement Procedures' to the Members of the Partnership Development Scrutiny Committee for the purposes of a Scrutiny Review from the perspective of the Council's partnership arrangements.

In order to facilitate the Scrutiny Review into 'Enforcement Procedures,' Members of the Partnership Development Scrutiny Committee sought to address the following questions:-

- What new enforcement powers were provided to the Council in light of new regulations arising out of the Covid-19 Pandemic?
- What partnerships does the Council have in place in order to strengthen its enforcement activity?
- How does the Council utilise intelligence that it holds or receives from third parties in order to work with its partners to implement enforcement (e.g. Community Safety Partnership Annual Report, Planning and Licensing Enforcement, Complaints procedures, NEPP, etc)?
- Under the Council's original enforcement powers, what new approaches have the Council exercised over the past 12 months to strengthen the actions it takes, and which partners were involved? Future barriers (e.g. High Court Injunctions, Search Warrants, Dangerous Building Warrants, etc)?
- Going forward, how can the Council (BDC) improve its relationships with its partners in order to further strengthen its enforcement activities, and how could this be achieved (e.g. see litigation criticisms, management of complaints, crossover enforcement between BDC, Chelmsford City Council, and Colchester Borough Council)?

As the topic of enforcement encompassed such a wide area of work, with a number of enquiries potentially stemming from this, it was agreed that the focus of the Scrutiny Review should be on aspects of enforcement which had the greatest impacts on the Authority (e.g. financial implications). Furthermore, it was not within the remit of the Partnership Development Scrutiny Committee, nor the Terms of Reference to ascertain whether there was an enforcement 'problem' to be fixed within the District; the main purpose of the Review was for the Committee to explore the powers and relationships that allowed the Council to implement enforcement action.

Over the course of the Scrutiny Review, Members of the Committee took part in five evidence gathering sessions:-

- 27<sup>th</sup> January 2021
- 31<sup>st</sup> March 2021
- 12<sup>th</sup> May 2021
- 21<sup>st</sup> July 2021
- 13<sup>th</sup> October 2021
- 17<sup>th</sup> November 2021

A number of officers from the Council's internal services were invited to attend evidence gathering sessions of the Committee in order to support the findings of the Scrutiny Review and help identify any further lines of enquiry that Members wished to explore. The "invitees" included officers from the Council's Environmental Protection, Licensing, Operations, Planning, Landscapes, Community Services and Council Tax and Debt Recovery teams.

### **INPUT FROM ENVIRONMENTAL PROTECTION AND LICENSING**

At the meeting of the Partnership Development Scrutiny Committee on 31<sup>st</sup> March 2021, two officers from the Council's Environmental Service, Mr Colin Batchelor (Environmental Health Manager, Environmental Protection) and Mr Daniel Mellini (Environmental Health Manager, Food, Health and Safety and Licensing) were invited to attend and speak to Members about their individual roles and experiences of partnership working on enforcement matters.

#### **Environmental Protection**

As well as environmental protection, members of staff in the team also dealt with matters concerning public health and housing. The principle role of staff was to investigate complaints, which were largely in regard to various statutory nuisances such as noise, light, air pollution and housing issues (e.g. accumulation in properties). 'Enforcement' functions within the team included the issuing of formal warning letters, abatement notices, prohibition notices and civil penalty notices, and prosecution action such as the seizure of equipment or cancellation of permits. Other functions included the undertaking of works in default on properties. In terms of staffing levels, the team was relatively small in comparison with the amount of work that it covered, and the demand on the team had increased in response to the Covid-19 pandemic, particularly in regard to the amount of complaints received which often required lengthy investigations.

There was an extensive range of partners that the Environmental Protection team liaised with on the subject of enforcement, although due to the often sporadic nature of the work involved, some of these partnerships were stronger than others. One of the more successful external partnerships was with the Essex Countrywide Traveller Unit (ECTU), who acted on behalf of the Council with regard to unauthorised encampments. Other such partnerships included that of the Police, and the Fire Service, who were a consultee on the subject of HMOs; the Environment Agency (EA) on issues concerning drainage; Anglian Water regarding failures in water quality standards on mains supplies, as well as the Drinking Water Inspectorate; and DEFRA on the subject of air quality standards. There was also a number of professional network teams based at Essex County Council that officers in the Environmental Protection team liaised with on a regular basis in respect of issues

such as contaminated land (e.g. Pollution Group). The team also acted as a primary consultee for the Planning and Licensing Teams upon the receipt of new applications, and made representations where necessary if potential environmental issues were identified.

Occasionally, members of the team were also required to liaise with social workers and mental health based hubs when engaging with particular individuals. The Environmental Protection team also attended Court on an ad-hoc basis with regard to matters such as warrants for entry to a property. Through the DFGs process, members of the Environmental Protection team also had a positive relationship with a number of Occupational Therapists based at the County Council who made referrals to officers for grants. Furthermore, the team also liaised infrequently with Stansted Airport on issues such as noise pollution from aircraft.

In terms of improvements to partnership working, there were a number of partnerships that the Environmental Protection team liaised with on an ad-hoc basis only (e.g. police in order to access a specific property or a locksmith). Ultimately, the work patterns and priorities of the team and its external partners were not always in line with one another and as a result, engagement with those partners was not always expeditious. With regard to prosecutions, delays in the legal process could be attributed to a number of factors, such as a high volume of cases being heard by the Court, or a lack of resources by the other partners involved.

### Licensing

There was a degree of crossover and partnership working between the Licensing and Environmental Protection teams. The Licensing team in particular was involved heavily with the Authority's response to the Covid-19 pandemic; for example, a large number of new businesses had requested registration by the Local Authority, and there had been a marked shift from fixed business premises to home working (e.g. cake baking businesses, small-scale manufacturers, etc). There had also been a notable increase in the number of complaints, enquiries and outbreak work received in relation to Covid-19 issues. Funding was subsequently secured towards the implementation of a dedicated Covid-19 response team that was in addition to the regular services provided by the Licensing team.

On the subject of successful partnership working, the Environmental Protection team had provided much internal support to Licensing in respect of Covid-19 response work and the need to interpret the abundance of new regulations and guidance as they emerged. The Council had been granted new powers in respect of breaches of Covid-19 restrictions, including directions, which colleagues based at Essex County's Council's Public Health division had administered on the Authority's behalf through enforcement action such as prosecutions and issuing of notices. As well as reliance on longstanding partnerships within the Council, such as with Planning and the Revenue and Benefits service, the Licensing team had also joined with a number of new partners both within and external to the organisation in response to the pandemic. For instance, a new internal relationship had been formed with the Economic Development team at the Council, who were heavily involved in communicating and engaging with local businesses, and also with staff within the Street Scene Enforcement team. In respect of external partners, the Licensing team

regularly consulted with a number of statutory consultees, such as Essex Police, as well as with more recently formed partners like that of the Home Office (e.g. in respect of immigration controls).

One of the major partners for the team was that of Essex County Council and other neighbouring Local Authorities, with colleagues from across parties meeting regularly to share ideas and intelligence where needed. Such meetings had increased exponentially in response to the pandemic, as seen with the Health Protection Board Tactical Command Group (TCG). The Licensing team occasionally worked with partners such as the North Essex Parking Partnership (NEPP) in regard to issues in relation to traffic overflow. Other partners included the Fire Service, on issues such as Pavement Permits and public accessibility around this, the Health Protection Agency (HPA) and Public Health England (PHE) in terms of infectious diseases. In respect of safeguarding, the team worked with colleagues in Community Protection around vulnerable adults and children. Partnerships were also in place with other Licensing Authorities on issues such as cross-border enforcement with regard to taxis, and assisting colleagues at Trading Standards with facilitating their work in the District which the Council would not necessarily get involved with (e.g. underage sales of alcohol).

Over the years, the team had also cultivated a relatively strong working relationship with the local Licensing function at Essex Police, which had become even more robust in response to the pandemic. The work carried out between the Police and the Council included joint patrols, the sharing of intelligence and planning for future operations (e.g. around the easing of restrictions and the impacts on businesses). Other joint projects were in regard to scrap metal, violence reduction during night time hours and taxi operations. Other elements of general partnership working within the Licensing team revolved around the receiving and sharing of intelligence from miscellaneous sources; for example, in respect of dog breeding and associated complaints.

With regard to improvements to partnership working, the success of many of the working arrangements within the Licensing team could be attributed to the fact that these had been developed and improved upon over a sustained period of time. Nonetheless, there were occasional barriers to partnership working due to the differing work patterns and priorities of partners that were external to the Council. In terms of 'gaps' in partnership working, there were not any dedicated Health and Safety officers within the Licensing team who could focus on work such as the inspection of premises or investigation of accidents within the office.

### Building Control

Although no officers were available to attend the meeting from Building Control, information had been supplied to Governance Officers previously by the Head of Environment (then Mr Lee Crabb) about the team's partnership arrangements in terms of enforcement functions. This information was then circulated to Members of the Committee in advance of the meeting.

The Building Control team was comprised of three Surveyors (at the time that the information was received, two of these posts were vacant). Each Surveyor was

individually responsible for checking compliance. It was explained that Building Control was the process by which Building Regulations were enforced. Officers were required to work to a set of standards for the design and construction of buildings which were primarily established to ensure the safety of those people who use buildings through regulations for fire, electrical and structural safety. The building regulations helped to ensure that new buildings, conversions, renovations and extensions (domestic or commercial) would be safe, healthy and high-performing. The Surveyors were also responsible for dealing with dangerous structures and demolitions.

The Building Control Surveyors had a general duty to enforce the building regulations and would seek to do so by informal means wherever possible. If compliance was not achieved through informal enforcement, there were two formal enforcement powers that the Surveyors could utilise if appropriate:-

- Firstly, if a person carrying out building work contravened the Building Regulations, the Local Authority may prosecute them in the Magistrates' Court, where an unlimited fine might be imposed (Sections 35 and 35A of the Building Act 1984). Prosecution was possible for up to two years after the completion of the offending work. This action would usually be taken against the person carrying out the work (i.e. the builder, installer or main contractor).
- Alternatively, or in addition, the Local Authority might serve an enforcement notice on the building owner requiring alteration or removal of work which contravened the regulations (Section 36 of the 1984 Act). If the owner did not comply with the notice, the Local Authority possessed the power to undertake the work itself and recover the costs of doing so from the owner.

On the subject of partnership working, the Building Control team will often work with teams based in other Local Authorities in order to share intelligence. The team will also work alongside Trading Standards in order to pursue 'rogue' builders.

## **INPUT FROM OPERATIONS**

At the meeting of the Partnership Development Scrutiny Committee on 12<sup>th</sup> May 2021, two officers from the Council's Operation's service, Mr Steve Wilson, Operations Manager, and Mr Stuart Thompson, Assistant Manager (Street Scene) were invited to attend in order to contribute towards the Committee's evidence gathering.

### **Street Scene Protection**

The main role of the Street Scene Protection team was to investigate both criminal and civic environmental offences in support of the Council's overall corporate aims and objectives under 'Enhancing our Environment', with the primary aim of ensuring the Braintree District was clean, tidy and well maintained. The team also undertook an important role in investigating and enforcing offences under the Anti-social Behaviour, Crime and Policing Act 2014.

The team consisted of seven officers and was divided into four main areas that covered different locations across the District, with an element of cross-border working. Each of the four areas within the team had its own designated Street Scene Protection Officer whose responsibilities encompassed a variety of issues, such as:-

- Fly Tipping;
- Littering;
- Stray Dogs;
- Dog Fouling;
- Abandoned Vehicles;
- Commercial Waste offences (unauthorised collection, transporting and dumping);
- Graffiti;
- Noise nuisance (excessive dog barking);
- Smoking in smoke free vehicles; and
- Dogs not under proper control.

The Covid-19 pandemic had had a significant impact on the work of the Operations department as a whole, but this was particularly so with regard to the enforcement team; for example, new enforcement powers had been issued by the Government in terms of what enforcement staff could carry out and how compliance should be managed against the backdrop of Covid. Although the Council's Environmental Health team (EH) had overall responsibility for the management of Covid related issues, the Street Scene Protection team had worked continuously throughout the pandemic to support EH with the new enforcement requirements (e.g. street patrols, visits to businesses and the sharing of intelligence). Services such as the green waste collection had been suspended, there had been a subsequent increase in the amount of environment offences (e.g. bonfires). One of the most notable challenges for the Street Scene team were interviews conducted under caution, and the installation of noise equipment at premises due to social distancing measures.

In respect of internal partnership working, there was much crossover with the work of the Street Scene Protection team and that of the EH team. The EH team would deal with statutory nuisances such as those associated with noise, whereas the Street Scene team would deal with non-statutory nuisances alongside their EH colleagues. The Street Scene team also worked closely with staff in the Licensing team, especially in relation to enforcement matters regarding dog breeding businesses and scrap metal dealers, and also with the Community Safety team on matters such as the serving of notices. More recently, partnership working with the Homeless and Housing team had also increased, with much of this in relation to issues such as rough sleepers and associated complaints. It was acknowledged that whilst cross working between the various departments worked reasonably well, there would be a degree of merit in giving consideration to full or partial integration of the various sections to develop a more cohesive and seamless service approach that covered all enforcement activities.

With regard to external partnership working, the Street Scene team had a strong working relationship with Essex Police, particularly with the local community teams, rural crime unit and the 'Op-Rap' team, who dealt with issues such as County Lines.

There were also a number of housing associations within the District that the team worked with, notably Eastlight Community Homes Ltd, with whom the Council had a close working relationship; for example, monthly meetings with area managers took place at Eastlight, who now had processes in place where they could utilise antisocial behaviour legislation to escalate action against incidents by way of a written warning. If the issue continued, Eastlight would then compile a report for the Street Scene team, who would then consider serving a notice to the individuals involved.

In addition to having regular contact with a number of authorities across Essex, Essex County Council (ECC) in particular was an organisation that the team worked closely with in regard to enforcement matters, such as commercial waste licences. The team also maintained a positive working relationship with local RSPCA Inspectors (e.g. on the subject of warrants). There was also an element of joint working with authorities such as the 'Cleaner Essex' group on shared intelligence, cross-border enforcement and joint investigations, as well as with the Environment Agency (EA) on the subject of environmental crime.

### **INPUT FROM COMMUNITY SERVICES – COMMUNITY SAFETY PARTNERSHIP (CSP)**

The remit of the Partnership Development Scrutiny Committee included the receipt of the [annual report of the Community Safety Partnership \(CSP\)](#). Prior to the meeting of the Committee on 21<sup>st</sup> July 2021, it was identified by Governance Officers that the report presented an opportunity for Members to partake in another evidence gathering session for the Scrutiny Review into 'Enforcement,' given the number of partnerships involved with the CSP. Mrs Tracey Parry, Community Services Manager, was therefore in attendance at the meeting in order to present the report and provide additional information to the Committee in respect of the Council's 'enforcement' partnership arrangements under the CSP for 2020/21.

Due to the unprecedented impacts of Covid-19, many of the CSPs were required to concentrate their time and resources on dealing with issues relating to the pandemic; as such, a number of the usual activities provided by the Partnership were unable to be undertaken, particularly those that relied on face-to-face engagement or were within education settings and had to be either postponed or redesigned.

The key achievements of the CSP in 2020/21 included:-

- The formation of a new Local Exploitation Group aimed at the provision of early intervention to vulnerable young people at risk of Child Sexual Exploitation (CSE) or Criminal Exploitation (CE) before it could escalate to a 'high risk' level. The Local Exploitation Group had emerged in response to a notable increase in the number of cases being heard at the Mid Essex Missing & Child Exploited (MACE) meetings during the course of the pandemic.
- The CSP had continued to fund the purchase of four more mobile cameras. Through the sharing of intelligence between the Council's enforcement team, Essex Police and local housing associations, mobile cameras were deployed



within areas where it was believed that criminal or anti-social behaviour was occurring. To date, useful evidence had been used by police intelligence officers to disrupt the suspected supply of Class A drugs by known gang nominals from London; target prolific shoplifters; identify and deter identified individuals from causing anti-social behaviour; and to assist in gathering evidence to put in place enforcement action such as Community Protection Notices, Criminal Behaviour Orders and Closure Orders.

The Braintree District Community Safety Hub (the Hub) had switched to virtual meetings on a monthly basis in response to the pandemic. Despite these changes, the Hub had continued to maximise the benefits of collaborative working with a variety of partners, which included: housing associations; social care workers; mental health teams; the community and voluntary sector; and improved information sharing and closer working practices in order to combat key issues that had been identified as part of the CSP Action Plan, the Police, Fire and Crime Commissioner's (PFCC) Police and Crime Plan, and from emerging crime trends and patterns. There had also been a notable shift in the way in which the Hub responded to the issues identified; for instance, with the improved information sharing from multiple sources and partners, alternative responses to enforcement were being given consideration. For example, where cases related to individuals, there was the opportunity for the Hub to consider any other support options that could be implemented for a particular individual which could, potentially, eradicate patterns of anti-social behaviour.

With regard to the effectiveness of partnership working, best practices were often shared as part of the CSP and 'Safer Essex,' which enabled all parties to look at what had worked well and to adapt and/or tailor processes accordingly. Regular reviews of crime statistics were conducted with the local policing team, which enabled any trends to be monitored over a specific period of time. The Police also provided crime statistics and perception ratings regularly, and regular questionnaires were circulated to the District's residents by the Council, which included questions around safety and wellbeing, allowing data to be collected and monitored. Furthermore, it was reported that as the Community Services Manager, Tracey Parry met regularly with partners from other District Authorities and CSPs, whilst other representatives from the Council attended 'Safer Essex' meetings. There was also elected representation from the Council on the Essex Police, Fire and Crime Panel, the discussions of which pertained to more strategic issues.

Although the budget for the CSP was a modest one, its partnership working arrangements meant that it had excellent links with organisations such as secondary schools and partnerships throughout the District (e.g. the Behaviour and Attendance Partnership, Essex Youth Service, Children's Society, etc) who often had access to their own funding, of which the CSP could potentially contribute towards in order to fund new programmes and schemes, or simply work alongside.

The CSP was keen to involve more local partners from the community and voluntary sector within its line of work, such as representatives from Adult Social Care. Whereas previously involvement from mental health partners was low, NHS mental health services had now increased their representation within the CSP. Furthermore, there were specific officers in the Housing team who also fed into the CSP. Overall,

the CSP had a large number and variety of partners within the Hub, although it was willing to engage with other potential partners as well if opportunities arose to do so.

In regard to 'barriers' to partnership working, these tended to be centred around the smaller housing associations and the more limited amount of resources that they had to deal with issues such as anti-social behaviour (ASB) and attend local meetings of the CSP partners. Furthermore, enforcement action was not always the most appropriate response to take in order to alleviate issues due to individual circumstances and backgrounds, and it was through active communication with CSP partners and sharing of information that allowed a wider picture to be established.

### **INPUT FROM COUNCIL TAX AND DEBT RECOVERY**

At the meeting of the Partnership Development Scrutiny Committee on 27<sup>th</sup> January 2021, Members had indicated that they would be keen to examine enforcement action taken by the Council Tax and Debt Recovery teams due to non-payments, and the partners that would be involved with this. Mrs Rachel Penn, Assistant Recovery Manager, was therefore invited to attend the meeting in order to speak with Members about her role and experiences of partnership working on matters relating to Council Tax debt.

There were five officers within the Council Tax Recovery team who each dealt with elements of enforcement, such as billing and recovery processes. There was one officer whose role was divided between that of a Collections Officer and Welfare Officer. The Welfare Officer was in regular communication with bodies such as the Citizen's Advice Bureau, Step Change and Food Banks, and also submitted cases for Hardship Funds where customers met with the necessary criteria.

For the purposes of Council Tax, the Council used the Magistrate's Court at the appropriate stage of recovery action. A Liability Order would then be passed to the Enforcement Agent (previously known as a Bailiff). High Court Sheriffs could only be utilised through a County Court. It was stressed that the Enforcement Agents used by the Council were all certified with the necessary training to conduct their roles in accordance with the introduction of the Taking Control of Goods (Fees) Regulations 2014 (the Regulations 2014). Although in most incidences the Council would need to contact the Court in order to arrange for an Enforcement Agent to become involved with the recovery of a debt, specific legislation could be used by the Council in some circumstances which allowed it to utilise an Enforcement Agent directly.

An Enforcement Agent was one form of recovery action that the Council could undertake through partnership working in respect of Council Tax and Non-Domestic Rates. Charging Orders and Bankruptcy were examples whereby the Court was used directly as a partnership to undertake enforcement action. The Enforcement Agency acted upon the Council's instructions in order to implement enforcement action on a debt by working directly with the customer in order to make payment either in full or under an arrangement. If the debt was returned, the Authority would then explore alternative recovery action available to the Council under the Regulations 2014. Where an Enforcement Agent was unable to collect the required debt from a customer, the matter would be returned to the Council, who would then explore alternative means of debt collection. In exceptional circumstances, the

Council did have a provision for 'write-offs' of debt; however, ultimately, the Authority had a statutory duty to collect Council Tax and Non-Domestic Rates and would therefore employ proportionate measures to deal with non-payments.

Other examples of partnership working was with the Essex Revenues Partnership Group, the Group through which the Council was able to examine the collection statistics of other Authorities. In addition to this, ideas were regularly shared between Authorities as to how improvements could be made to debt collection methods. Before the emergence of the Covid-19 pandemic, one such method that the Council had adopted was to allow some Recovery Officers to conduct door-knocks on properties in order to engage the customer. In such circumstances, the Council would try to encompass as many organisations as possible to try and assist customers with repaying debts. The team also shared intelligence with the Department of Work and Pensions (DWP) and an external company called LOCTA., Furthermore, there was an Essex-wide agreement with Vigilant Applications Ltd (via Pan Essex), which drew comparisons between the data sets of each Local Authority in Essex in relation to household composition, with the primary aim of minimising Council Tax fraud.

## **OTHER CONSIDERATIONS**

### **Responses from Emma Goodings – Planning and Landscape Services**

During the course of the Scrutiny Review, a specific query was raised by Councillor Mrs Sandum in respect of the Landscape Services team which regarded the potential for any additional partnerships to be acquired in order to strengthen enforcement proceedings. In light of this, Governance Officers made contact with Ms Emma Goodings, Head of Planning and Economic Development, to request that a written statement be provided in order to give Members of the Partnership Development Scrutiny Committee a general overview of 'enforcement' within Planning, as well as respond to the query raised by Councillor Mrs Sandum.

A list of the questions raised and the responses that were subsequently provided by Ms Goodings were presented to Members at the meeting of the Committee on [17<sup>th</sup> November 2021](#).

In viewing the responses, Councillor Mrs Cunningham, Chairman of the Partnership Development Scrutiny Committee acknowledged the work of Planning Enforcement Member Reference Group (MRG), whose work complimented that of the Committee's and addressed areas of work explored by the Committee throughout the duration of its Scrutiny Review. As per her request, Councillor Mrs Cunningham had received sight of the MRG's draft report; however, the report was not a publically accessible document as it was still under consideration by the MRG and had yet to be viewed in any other public forum.

### **Additional Responses from Environmental Health and Licensing**

Following the meeting of the Partnership Development Scrutiny Committee on 31<sup>st</sup> March 2021, the Chairman, Councillor Mrs Mary Cunningham, submitted a number of queries for Mr Colin Batchelor (Environmental Health Manager) and Mr Daniel

Mellini (Environmental Health Manager, Food, Health and Safety and Licensing). The queries were in relation to specific elements of the presentations that had been provided by Mr Batchelor and Mr Mellini on the partnership working arrangements around enforcement within their respective teams.

Responses from both officers were subsequently received and presented to Members for their information at the meeting of the Committee on [13<sup>th</sup> October 2021](#).

### Key Performance Indicators (KPIs)

During the later stages of their Scrutiny Review, Members raised a query around how the Council, as an organisation, measured the success of its enforcement functions. Reference was subsequently made to the Key Performance Indicators (KPIs) which appeared in the Council's quarterly performance reports which were presented to meetings of the Cabinet. Governance Officers thus agreed to conduct some research into how KPIs are recorded by the organisation in order to determine whether any of the data collected was in relation to enforcement procedures.

Mrs Tracey Headford, Business Solutions Manager, was able to confirm that the KPIs recorded within the quarterly performance reports related to the priorities within the Annual Plan and not to specific enforcement matters, although data was occasionally received which regarded individual cases. Instead, services at the Council tended to record their own targets against enforcement in order to monitor performance.

Members recognised that much of the enforcement undertaken at the Council was reactive and in response to issues as they emerged, and that much detail had already been received from officers during meetings of the Committee throughout the year on the different enforcement arrangements and partnerships that were in place. In order to support the findings of their Scrutiny Review further, Members sought any additional information from services that could be provided in relation to their own bespoke 'enforcement' performance targets, even if such data was only recorded on an ad-hoc basis (e.g. any statistics against particular cases that could be shared).

Data in relation to 'enforcement' targets was subsequently collected from the following services: Planning, Operations, Revenues and Environmental Protection. Overall, the responses received indicated that whilst some services did record some performance data in relation to enforcement (see "Operations – Street Scene Protection"), other services did not. For example, in Environmental Protection, the issuing of notice and similar 'hard' enforcement issues were recorded as being undertaken but there were no numerical performance targets assigned to these.

## **RECOMMENDATIONS OF THE SCRUTINY REVIEW**

Following the conclusion of their Scrutiny Review into Enforcement Procedures, the general consensus of the Committee Members was that there was a misconception about the role of enforcement at the Council, and that 'enforcement' as a function was in fact widespread across the Authority's services. Based on the evidence gathered over the course of the Scrutiny Review, the Committee were in agreement that the Council's enforcement procedures and associated partnership arrangements were effective overall, although there were a few areas identified where the Committee felt that improvements could be made.

Members would therefore like to make the following recommendations:-

### **Recommendation 1**

**Services that regularly work with multiple partners in relation to enforcement should review their webpages and/or directories on the Council's website and ensure that information was up to date, robust and able to signpost both partners and residents alike to the appropriate services effectively. This would allow current and new potential partners to work with the Authority, or across multiple services, more effectively.**

*Members acknowledged that one of the Council's key partners were members of the public, and that allowing them quick and easy access to required information was of high importance. Effective signposting in this respect would minimise time spent by residents and Council employees alike trying to identify the appropriate services to direct 'enforcement' related queries to (e.g. should residents wish to report issues such as noise nuisances vs. anti-social behaviour), as well as strengthen the Council's overall enforcement activity. Council services should also explore alternative methods of signposting in order to ensure that the organisation meets with the various needs of customers (e.g. text messages for customers in lieu of verbal updates for those who are hard of hearing).*

### **Recommendation 2**

**The Council should consider appointing a group of 'Authorised Officers' who have ample knowledge across services who could assist teams by signposting officers to the necessary contacts during enforcement proceedings.**

*It was noted by Members from the evidence gathered that there was much internal partnership working across teams for enforcement related matters (e.g. collaboration between Street Scene Protection team and Environmental Health during cases of statutory nuisances). The presence of a few officers who could offer effective signposting would help to improve cohesion across departments during such instances by allowing teams to share intelligence with one another where needed (e.g. about complaints, historic cases or an individual's circumstances) or directing officers to the appropriate contacts (e.g. outside agencies, such as those that comprise the Community Safety Partnership (CSP)).*

### **Recommendation 3**

**With regard to the Revenues and Benefits Service, the Council should arrange for there to be a Member's Development Evening under the umbrella of 'Enforcement' in order to give all Members the opportunity to learn more about the Authority's Council Tax procedures and the support that was available for residents who were perhaps experiencing difficulties with paying bills.**

*The Committee agreed that prior to the evidence gathering session with Mrs Rachel Penn on 13<sup>th</sup> October 2021, their knowledge of the Council Tax service and the different levels of support that was available to assist residents facing financial difficulties was limited. As many residents often approached their Ward Members with Council Tax related queries and concerns, it was felt that a Member's Development Evening would serve to improve Members' knowledge of the service and allow them to signpost residents to the appropriate officers and levels of support more effectively in future.*

### **Recommendation 4**

**Through the Cabinet Member for Environment and Place, the Council should contact the Cabinet Member at Essex County Council (ECC) for Communities by way of a letter in order to request that local partners, such as housing associations and social services, be encouraged to attend meetings of the Braintree District Community Safety Partnership (CSP).**

*With regard to the enforcement, the CSP was in a positive position due to elements of partnership working on issues such as ASB, nuisances and community safety, as well as 'informal protocols' across Council services and housing associations such as Eastlight Community Homes Ltd. It was acknowledged that 'barriers' to more effective partnership working in respect of the CSP tended to be centred around smaller housing associations and the more limited resource capacity they had to assist the CSP with issues such as ASB and attend local meetings. Other partners such as social services had reduced their levels of attendance in response to the Covid-19 Pandemic. It was recognised that such partners were able to bring added value to the CSP through the provision of localised intelligence and experience of smaller scale enforcement matters. Increased attendance from local housing associations and other partners in meetings of the Braintree District CSP on a regular basis should therefore be encouraged, and the benefits of their participation emphasised.*

### **Recommendation 5**

**Council Services that utilise enforcement should explore enhancing their partnership arrangements with neighbouring Local Authorities and expand this to incorporate the private sector as well in order to improve relationships going forward and strengthen their own enforcement activities.**

*The subject of partnership working with neighbouring Local Authorities on enforcement matters is not one that the Committee was able to explore in great detail; however, over the course of the evidence gathering sessions, reference was*

*made by a number of officers to the benefits of this type of partnership working, and the Committee wished to emphasise this. For instance, best practices were often shared between local CSPs as part of the 'Safer Essex' partnership, which allowed the partners and agencies involved to compare practices and look at what worked well in order to make improvements to strategy delivery. In other areas of the Council, partnership working had increased exponentially in response to the Covid-19 Pandemic; for example, in Licensing, officers attended regular meetings of groups such as the Health Protection Board Tactical Command Group (TCG), which was comprised of representatives from Local Authorities across Essex, the MHCLG and the Police in order to share intelligence and work collaboratively in order to address issues such as resource capacity. The Committee would therefore like relevant Council services to examine areas of enforcement where the work could be improved through enhanced partnership working with neighbouring Local Authorities and potential future working with members of the private sector if this was of benefit.*

## **Recommendation 6**

**The Committee requests that the relevant Council services, where possible, record performance indicators (or KPIs) against their enforcement activities (where these were not already recorded). It is also recommended that services explore how other neighbouring Local Authorities record performance indicators against their enforcement activities (if this is done) in order to compare different approaches.**

*The recording of performance indicators will help the organisation to measure the success of its partnership working arrangements more effectively in regard to enforcement activities (e.g. response time to complaints, days taken for enforcement action to be implemented, etc). However, it is recognised that for many services, enforcement action, where required, is in response to issues as they emerge and not undertaken on a regular basis. On the subject of Planning, it will be useful for the Committee to receive feedback from the Member Reference Group (MRG) as to what performance data is likely to be recorded in future. In terms of the approaches of other Local Authorities who record performance indicators against their enforcement activities, the Committee feels that it would be of use for the organisation to explore different approaches for comparison purposes (i.e. to identify best practices, such as expected response times to enforcement matters).*

## **Recommendation 7**

**Members of the Partnership Development Scrutiny Committee would like to be involved in the update of the Council's Tree Strategy when this process takes place in 2022. The Feering and Kelvedon Wildlife Group might also have some useful input into the Tree Strategy alongside the Committee's.**

*The Committee acknowledges that tree preservation is a much wider issue, and that the Planning Enforcement team can only take action on those trees which are either protected via a Tree Preservation Order (TPO), or are part of a planning application. The legislation requires the removal of a tree to be "...expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area."<sup>1</sup>*

*However, the Committee believes that any action that the Council can take to discourage trees from being cut down unnecessarily, and to advise on retaining trees and hedgerows on development sites wherever possible, would be very valuable. It would also be useful for Members to hear about the work that the Landscape Service team do to engage with volunteer groups and others across the District on the subject of tree preservation.*

<sup>1</sup> <https://www.legislation.gov.uk/ukpga/1990/8/section/198>

## **LINKS TO MINUTES AND AGENDAS OF MEETINGS**

- [27<sup>th</sup> January 2021](#)
- [31<sup>st</sup> March 2021](#)
- [12<sup>th</sup> May 2021](#)
- [21<sup>st</sup> July 2021](#)
- [13<sup>th</sup> October 2021](#)
- [17<sup>th</sup> November 2021](#)
- [11<sup>th</sup> May 2022](#)

## **ACKNOWLEDGEMENTS**

Members of the Partnership Development Scrutiny Committee would like to thank the following individuals for their contribution to the Scrutiny Review:-

- Mr Colin Batchelor, Environmental Health Manager
- Mr Lee Crabb, Head of Environment
- Ms Emma Goodings, Head of Planning and Economic Growth
- Mrs Tracey Headford, Business Solutions Manager
- Mr Daniel Mellini, Environmental Health Manager (Food, Health & Safety and Licensing)
- Mrs Tracey Parry, Community Services Manager
- Mr Paul Partridge, Head of Operations
- Mrs Rachel Penn, Assistant Recovery Manager
- Ms Julie Rigby, Revenue and Benefits Manager
- Mrs Nicola Ridgewell, Recovery and Revenues Manager
- Mr Stuart Thompson, Assistant Manager (Street Scene)
- Mr Steve Wilson, Operations Manager



<b>Report Title:</b> Scrutiny Review into 'Litter Management across the Braintree District' – Introduction to Terms of Reference and Work Programme 2022/23	
<b>Report to:</b> Partnership Development Scrutiny Committee	
<b>Date:</b> 11 <sup>th</sup> May 2022	<b>For:</b> Noting
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> Jessica Mann, Governance and Members Officer	
<b>Enquiries to:</b> Jessica Mann, Governance and Members Officer <a href="mailto:Jessica.mann@braintree.gov.uk">Jessica.mann@braintree.gov.uk</a>	

## 1. Purpose of the Report

- 1.1 To outline the Terms of Reference (TOR) for the Scrutiny Review into '*Litter Management across the Braintree District*,' which have been agreed by the Chairmen of the four 'Scrutiny' Committees together with the support of Governance Officers and Management Board. The report also outlines the anticipated Work Programme 2022/23 for the Partnership Development Scrutiny Committee.
- 1.2 To ensure that the Scrutiny Review into '*Litter Management across the Braintree District*' is completed within a stipulated timeframe and that it is in compliance with the Council's procedural rules for Scrutiny.

## 2. Recommendations

- 2.1 Members are asked to:-
- 2.2 Agree the Terms of Reference for the Scrutiny Review into '*Litter Management across the Braintree District*' (Appendix 1 to the report);
- 2.3 Note the anticipated Work Programme of the Committee for 2022/23 (Appendix 2 to the report), and;
- 2.4 Consider the steps they wish to take next in order to commence the Scrutiny Review.

## 3. Summary of Issues

- 3.1 In January 2022, all Members were invited to participate in the Call for Topics submission process for potential inclusion as the subject of a Scrutiny Review for 2022/23.

- 3.2 Following the conclusion of the Call for Topics process, feedback was provided by Management Board as to which topics they felt it would be most appropriate to bring forward for the purposes of Scrutiny Review. The topics which were ultimately selected for Scrutiny Review were agreed based upon their perceived merit and value to the organisation as the subjects of such Reviews.
- 3.3 Using the initial feedback received from Management Board, extensive discussions then took place between the Chairmen of the four respective Scrutiny Committees and Governance Officers in order to establish the key areas of focus for each topic that Members might explore as part of a Scrutiny Review.
- 3.4 Together with support from Governance Officers and Management Board, the Chairmen have now agreed upon a set of draft Terms of Reference for each proposed Scrutiny Topic. The proposed Terms of Reference are included within the main body of the report as part of **Appendix 1**.
- 3.5 It was agreed that the topic of '*Litter Management across the Braintree District*' would be allocated to the Partnership Development Scrutiny Committee for the purposes of Scrutiny Review. The topic was originally submitted by Councillor J Abbott as a means of improving coordinated working with partners to deter and manage littering, debris and unauthorised advertising along the trunk roads through Braintree District.
- 3.6 In conducting their Scrutiny Review (SR) into the topic of 'Litter Management,' Members should be mindful that there are a number of directions in which a SR might proceed; however, in line with the Terms of Reference for the Partnership Development Scrutiny Committee, the SR will need to focus on how the Council engages with its partners and the effectiveness of these arrangements (e.g. volunteer groups).
- 3.7 In addition to the Terms of Reference for the Scrutiny Review, Members are also asked to note the timetable of meetings set out in the anticipated Work Programme for the Committee in **Appendix 2**.

#### **4. Options**

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

#### **5. Next Steps**

- 5.1 Further to the report, the Partnership Development Scrutiny Committee is asked to consider the next steps they wish to take next in order to commence the Scrutiny Review.

#### **6. Financial Implications**

There are no financial implications arising from this report.

## **7. Legal Implications**

There are no legal implications arising from this report.

## **8. Other Implications**

- 8.1 Due to the District Elections in May 2023, the Scrutiny Review (including the subsequent Scrutiny Report and any ensuing recommendations) will need to be completed by March 2023.

## **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/will not have a disproportionately adverse impact on any people with a particular characteristic. *(Describe the specific equality and diversity implications of the proposal, any adverse findings and the proposed mitigation).*

## **10. List of Appendices**

- 10.1 Appendix 1 – Terms of Reference.
- 10.2 Appendix 2 – Work Programme 2022/23.

## **11. Background Papers**

None.

## **INTRODUCTION TO TERMS OF REFERENCE (TOR) AND WORK PROGRAMME 2022/23 - 'LITTER MANAGEMENT ACROSS THE BRAINTREE DISTRICT'**

During the course of their initial 'scrutiny' topic discussions, the Chairmen of the four Scrutiny Committees jointly agreed that the proposed topic of '*Litter Management across the Braintree District*' ('Litter Management') should be allocated to the Partnership Development Scrutiny Committee as the primary topic for the purposes of Scrutiny Review. The topic had originally been submitted by Councillor J Abbott in response to concerns that had been raised regularly by Members previously and as a means of improving coordinated working with the Council's partners in order to deter and manage littering, debris and unauthorised advertising along the trunk roads through Braintree District.

The Chairmen subsequently agreed that there were a number of avenues which might be explored as part of a Scrutiny Review into the 'Litter Management' topic, including timing and cost implications, how the Council engages with its partners (e.g. Highway Authority (HA), volunteer/community groups, etc), the effectiveness of the Council's partnership arrangements, previous litter deterrent campaigns that had been undertaken to raise awareness and engage more widely with residents, and how the Council is dealing with/responding to the current issues across the District.

In terms of witnesses and key contacts for the Scrutiny Review, a number of potential contacts were identified within the organisation who could attend future Committee meetings in order to support Members' evidence gathering. Key contacts in this respect included Officers in the Marketing and Communications Team, Operations Team and the relevant Cabinet Member portfolio holders. Outside of the organisation, contacts neighbouring Local Authorities and Government Agencies (such as Essex County Council (ECC) and Highways England) and charities (e.g. Keep Britain Tidy) were also identified as possible invitees who could feed into the Committee's evidence gathering at a later stage.

**TERMS OF REFERENCE (TOR)****'Litter Management across the Braintree District'**

Committee:	Partnership Development Scrutiny Committee
Scrutiny Review Topic:	Litter Management across the Braintree District
Key Questions for Scrutiny Review (SR):	<p>1. What past campaigns/exercises have been arranged by the Council in order to improve the management of litter across the District? What were the benefits/costs of these?</p> <p>Notes: Could look at past exercises such as the “Don’t be a tosser” campaign, who was involved etc.</p> <p>2. What are the cost/resources implications of litter management activities for the Council?</p> <p>Notes: E.g. staffing levels required. Could examine implications of recent investment in £20k - £30k of new signage and bins across the District over the last 18 months.</p> <p>3. Who are the Council's Partners in respect of litter management, and how effective are these arrangements?</p> <p>4. How does the Council engage with its Partners when undertaking new campaigns and activities?</p> <p>5. Going forward, how could the Council improve coordinated working with partners in order to help ensure that we both deter and manage littering, debris and unauthorised advertising along trunk roads?</p> <p>Notes: E.g. could look at litter management exercises undertaken by other Local Authorities, successes/failures, etc.</p>
Key Contacts/resources	Operations Team, Marketing and Comms Team, Local Authorities and Government Agencies (ECC and Highways England) and Charities (e.g. Keep Britain Tidy)
Overall Observations	<p>There are a number of directions in which a Scrutiny Review (SR) might proceed; however, SR will need to focus on how the Council engages with its partners and the effectiveness of these arrangements (e.g. volunteer groups).</p> <p>Due to the District Elections in May 2023, the SR needs to be completed by March 2023.</p>

**Partnership Development Scrutiny Committee – Work Programme 2022/23**

In addition to the Terms of Reference of the Scrutiny Review, Members are also asked to note the timetable of meetings below and future work programme for 2022/23.

<b>Council AGM – 25<sup>th</sup> April 2022</b>
<p>Partnership Development Scrutiny Committee – 11<sup>th</sup> May 2022</p> <ul style="list-style-type: none"> <li>• Outline and agree Terms of Reference for Scrutiny Review into new topic 'Litter Management across the Braintree District.'</li> <li>• Note Work Programme for 2022/23.</li> </ul> <p>Reports to Governance: 26<sup>th</sup> April 2022 Agenda Publication: 3<sup>rd</sup> May 2022</p>
<p>Partnership Development Scrutiny Committee – 13<sup>th</sup> July 2022</p> <ul style="list-style-type: none"> <li>• Scrutiny topic evidence gathering/research (content to be agreed/confirmed).</li> <li>• Review Work Programme for 2022/23.</li> </ul> <p>Reports to Governance: 28<sup>th</sup> June 2022 Agenda Publication: 5<sup>th</sup> July 2022</p>
<p>Partnership Development Scrutiny Committee – 28<sup>th</sup> September 2022</p> <ul style="list-style-type: none"> <li>• Scrutiny topic evidence gathering/research (content to be agreed/confirmed).</li> <li>• Review Work Programme for 2022/23.</li> </ul> <p>Reports to Governance: 13<sup>th</sup> September 2022 Agenda Publication: 20<sup>th</sup> September 2022</p>

Partnership Development Scrutiny Committee – 9<sup>th</sup> November 2022

- Scrutiny topic evidence gathering/research (content to be agreed/confirmed).
- Review Work Programme for 2022/23.

Reports to Governance: 25<sup>th</sup> October 2022

Agenda Publication: 1<sup>st</sup> November 2022

**New Year - 2023**

Partnership Development Scrutiny Committee – 8<sup>th</sup> February 2023

- Discuss/finalise draft recommendations and Scrutiny Report before submission to Cabinet.

Reports to Governance: 17<sup>th</sup> January 2023

Agenda Publication: 24<sup>th</sup> January 2023

Partnership Development Scrutiny Committee – 29<sup>th</sup> March 2023

- Scrutiny topic/content to be confirmed.

NOTE: Committee is asked to be mindful of Council Elections in May 2023, the preparation for which will be underway from early March.

Reports to Governance: 14<sup>th</sup> March 2023

Agenda Publication: 21<sup>st</sup> March 2023