

Minutes

Council Meeting



11th December 2023

These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A recording of the meeting is available on the Council's YouTube Channel at <http://www.braintree.gov.uk/youtube>

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Apologies	Councillor L Jefferis	Yes
Councillor D Abram	Yes	Councillor J Martin	Yes
Councillor M Ault	Until 9.17pm	Councillor S Mason	Yes
Councillor J Ayten	Yes	Councillor A Munday	Apologies
Councillor J Baugh	From 7.23pm	Councillor I Parker	Yes
Councillor J Beavis	Yes	Councillor J Pell	Apologies
Councillor J Bond	Yes	Councillor G Prime	Yes
Councillor K Bowers	Yes	Councillor S Rajeev	Yes
Councillor L Bowers-Flint	Yes	Councillor R Ramage	Yes
Councillor G Butland	Yes	Councillor F Ricci	Yes
Councillor J Coleridge	Yes	Councillor P Schwier	Yes
Councillor G Courtauld	Yes	Councillor G Spray	Yes
Councillor M Cunningham	Yes	Councillor M Staines	Yes
Councillor T Cunningham	Yes	Councillor B Taylor	Yes
Councillor C Dervish	Yes	Councillor W Taylor	Yes
Councillor T Diamond	Yes	Councillor M Thorogood	Yes
Councillor J Edwards	Yes	Councillor P Thorogood	Yes
Councillor C Finch	Yes	Councillor R van Dulken	Yes
Councillor M Fincken	Yes	Councillor T Walsh	Yes
Councillor D Garrod	Yes	Councillor L Walters	Yes
Councillor M Green	Yes	Councillor E Williams	Yes
Councillor J Hayes	Yes	Councillor T Williams	Yes
Councillor P Heath	Yes	Councillor J Wrench	Yes
Councillor D Holland	Yes	Councillor B Wright	Yes
Councillor A Hooks	Yes		

26 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor Staines declared a non-pecuniary interest on items on the Agenda as a member of Parishes against the incinerator, UNESCO world heritage bid for Finchingfield and as an owner of a leisure community business in Coggeshall.

Councillor T Walsh declared a non-pecuniary interest in Agenda Item 8 'Cycling Strategy Year Two' as an active member of the North Essex Greenways Cycling Group.

27 **MINUTES**

DECISION: That the Minutes of the meeting of Full Council held on 4th September 2023 be approved as a correct record and signed by the Chairman.

28 **QUESTION TIME**

INFORMATION: There was one question asked. The question related to matters which were not on the Agenda for discussion.

'The Greenway North Essex Project'

Statement read by Mr Peter Kohn
Councillor Spray Cabinet Member for Planning and Infrastructure, responded to the statements.

29 **PRESENTATION BY ESSEX POLICE TO BRAINTREE DISTRICT COUNCIL - COMMUNITY SAFETY ACCREDITATION SCHEME (CSAS) - LONG SERVICE AWARD**

INFORMATION: The Chairman welcome Inspector Phil Jackson and PC Dan Ricketts from Essex Police who were attending to present the Council with a long Service Award in respect of the Community Safety Accreditation Scheme. The Chairman invited Inspector Jackson and PC Dan Ricketts to come forward to make their presentation, which the Chairman accepted on behalf of the Council.

30 **PRESENTATION OF THE ESSEX PLAYING FIELDS AWARDS**

INFORMATION: The Chairman invited Councillor T Cunningham, Cabinet Member for Transformation, the Environment and Customer Services, to present the Essex Playing Field Awards. Officers Robin Jarvis, Andy Potter, Phil Shears and Roger Grace were invited to join Councillor Cunningham on the main floor of the chamber in order to accept the awards on behalf of all staff within the Operations Team at the Council.

Councillor Cunningham expressed his delight at the Operation Team's achievement of the award and his appreciation on behalf of all Members for the hard work of the staff involved in maintaining such high standards across the District each year.

31 **ANNOUNCEMENTS/STATEMENTS FROM THE CHAIRMAN AND LEADER OF THE COUNCIL**

INFORMATION: The following announcements/statements were made: -

Chairman of the Council - Announcements

The Chairman announced that since the last meeting of Full Council in September she had attended 36 engagements. The Chairman added that she kicked off the Christmas festivities with the light switch-on at George Yard during the big Christmas market held on 25th November. It was great to see the town so busy with so many happy faces.

The Chairman also hosted an Autumnal Supper at Braintree Museum back in October which was very well attended and received. Guests enjoyed a tour of the museum followed by a warming supper supplied by the Booking Hall Café, a Braintree themed quiz and a raffle with proceeds going to the Salvation Army.

The Chairman added that she was looking forward to her Christmas Service being held at St Peters Church on the 12th December at 6.15pm.

Leader of the Council – Announcements

The Leader advised Members that since his last update to Full Council on 4th September, the Home Office's plans for housing asylum seekers on the Wethersfield site had continued, and it was understood that there were now approximately 560 people located on the site.

The Leader added that Members would be aware of the recent judicial review legal proceedings the Council had pursued against the Home Office, challenging them on their decision to use the site as an asylum accommodation centre.

The Council were initially given permission by the High Court to proceed with the challenge, alongside two other judicial reviews brought by a private resident and West Lindsay District Council in relation to the Home Office plans for the RAF Scampton Site. At that time the High Court was satisfied that the Council had an arguable case, and that there were key issues that needed to be fully considered through the Judicial Review. The final hearing for all three judicial reviews took place over two days on Tuesday 31st October and Wednesday 1st November.

The Leader added that the High Court delivered its judgement on Wednesday, 6th December 2023 and the Council was disappointed to see that Mrs Justice Thornton had determined that the Home Office had acted lawfully when making the decision to use the site for this purpose, and dismissed all three Judicial reviews, on all grounds advanced.

Since March the Council had worked tirelessly on behalf of its communities to legally challenge the Home Office's decision to use the Wethersfield site as a centre for asylum accommodation and hold them to account.

Following the judgement, the Council had sought permission from the High Court to appeal the decision, and this had now been granted. As a result, the Council would now reflect on the detail contained within the judgement and consider the Council's position.

There was a report going to Cabinet on 18th December, which considered how the Council would manage the funding it had received from the Home Office in respect of the site. Any management of the fund would need to ensure that the funding was allocated in accordance with the Funding Instructions. It was the Council's proposal that there would be a number of schemes, which would include a Community Fund. Applicants would be able to make bids for grants from the Fund. Officers were considering what criteria would be set for the Community Fund to ensure that it complied with the Home Office Funding Instruction. This work was happening alongside development of the other schemes and the Leader hoped to be able to provide a further update following the Cabinet meeting later this month.

The Leader added that having lost the judicial review, the Council would be required to pay the costs incurred in the proceedings by the Home Office and the Secretary of State for Defence. At the moment these costs were unknown. However, the costs of all legal proceedings to date were currently in the region of £234k. The Council was not able to use the grant funding it has received from the Home Office to recover these costs, and this was therefore a cost that has had to be met by Council taxpayers across the whole of the Braintree District.

In the meantime, Officers were continuing to meet with the Home Office and the County Council, health, police and fire services as part of the Multi-Agency Forum to raise questions and concerns about the asylum accommodation, to ensure there was minimal impact on residents that lived nearby and local services whilst supporting asylum seekers coming into the District.

The Leader advised that the Council would continue to keep residents and Members updated and would continue to update the Wethersfield page on the Council's Website and other communication channels where appropriate.

32 **MOTION BY COUNCILLOR JO BEAVIS – DEVELOPMENT OF A COMMUNITY DELIVERY PLAN FOR 2024-2028**

INFORMATION: Consideration was given to a Motion submitted by Councillor Beavis. Appropriate Notice of the Motion had been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Council's Constitution.

The Motion:

'Following the engagement process and publication of the Council's Corporate Strategy 2024 – 2028, and aligning with the MTFs 2024-28, the Council will develop a Community Delivery Plan 2024 – 2028.

This new Plan will facilitate the delivery of specific local projects and improvements to benefit residents and communities fairly across the whole of Braintree District.'

Members were advised, that in accordance with Council Procedural Rule 12.20 of Chapter 2 of the Council's Constitution, Councillor Butland had proposed an amendment to the Motion. This proposal had been seconded by Councillor T Cunningham.

As the Proposer of the original Motion, Councillor J Beavis had accepted the amendment in advance of the meeting. The amended Motion had therefore become the Substantive Motion as follows:-

The Substantive Motion:

'Following the engagement process and publication of the Council's Corporate Strategy 2024 – 2028, and aligning with the MTFs 2024-28, the Council will consider developing a Community Delivery Plan for 2025 – 2028.

This Plan could facilitate the delivery of specific local projects and improvements to benefit residents and communities fairly across the whole of Braintree District.

In order to establish whether such a plan would provide added value Council requests the Cabinet to set up an all-party Member Working Group to examine the concept with particular, but not exclusive, reference to the following issues:-

- 1) The likely level of officer and financial resources needed by the Authority to prepare and execute such a plan;
- 2) The linkage with the Corporate Strategy, the MTFs, the Local Plan, neighbourhood Plans, and existing Community Grant schemes;
- 3) The way and extent to which local communities could be involved in developing such a plan, recognising the diverse nature of the District;
- 4) The way in which partner organisations responsible for issues such as Health, Social Care, Community Safety, the Environment, Transport and Sustainability should be involved;
- 5) How "fairly" should be determined, for example geographically, by reference to the Index of Multiple Deprivation, or by Community Groups.'

There followed a discussion on the Motion.

On being put to vote the Substantive Motion was declared **CARRIED.**

Councillor Coleridge abstained from the vote.

A webcast of the full debate can be viewed here
<https://www.youtube.com/watch?v=3ITglegDwnA>

33 **QUESTIONS TO THE LEADER AND CABINET**

INFORMATION: The Chairman reminded Members that at the Annual General Meeting of this Council, it was agreed that Questions to the Leader and Cabinet would be brought forward, in the meeting.

It was noted that the Agenda as published, placed this item as the last item on the Agenda for this evening meeting. In order to ensure that the Order of Business was followed as agreed, the Chairman used her discretion to reorder the Agenda and therefore moved item 18 – ‘Questions to the Leader and Cabinet’ up the Agenda and took this item immediately after the Motion, scheduled as Item 8 on the Agenda.

The Chairman reminded Members that they may only ask one question of the Leader and the Cabinet on matters which relate to the functions of the Leader, the Cabinet, the powers and duties of the Council or matters pertaining to the District which have taken place since the last meeting of Full Council held on 4th September 2023.

Questions must be succinct and could not be asked in parts and supplementary questions were not permitted. It was added that Members may not make statements before asking their questions.

Members were then given the opportunity to put their questions to the Cabinet. A webcast of the questions and the responses from the Leader of the Council and Cabinet Members is available on the Council’s website and its YouTube channel at <https://www.youtube.com/watch?v=3ITglegDwnA>

The main topics were as follows:-

- Councillor Thorogood raised a question on the Council’s recycling waste strategy in respect of the amount of contaminated waste being rejected and how to better educate people on recyclable waste.
- Councillor T Williams requested an update on the progress of the Witham Community Centre.
- Councillor Finch raised a question on the possibility of introducing a monthly subscription option for residents to encourage the take up of the green waste collection service.
- Councillor Edwards requested an update on the plans for the future of the Christmas light switch on event in Braintree.
- Councillor Jefferis raised concerns on the asylum seekers at the Wethersfield site not having appropriate winter clothing, and whether there were any organisations locally that could provide some additional winter clothing.
- Councillor Taylor asked a question in respect of graffiti and what more the Council could do to help tackle the issue in the District.

- Councillor Ault raised a query in relation to Finchingfield bridge and asked for the Leader's support in obtaining an emergency traffic regulation order for implementing a weight restriction on bridge.
- Councillor Parker requested further information on the implementation of the safer streets programme that had been secured by the Police and Crime Commissioner in Halstead.
- Councillor Walsh raised a question in relation to whether there had been any investigation into a potential increase of fly tipping or waste misuse following the adoption of the green bin collection subscription service.
- Councillor Courtauld requested an update on how monies given to the foodbank was helping rural communities.
- Councillor Mason raised a query on the difficulties faced by blue badge holders when trying to park in Braintree.
- Councillor Ramage asked a question around staffing and what the Council was doing to encourage officers to come back into the office.

34 **CYCLING STRATEGY YEAR TWO**

INFORMATION: Members were asked to consider the report which detailed the progress of the Cycling Strategy following the adoption of the strategy in 2021.

Members were reminded that in September 2021 Braintree District Council had adopted the Cycling Strategy with the aim to help make cycling and walking in the Braintree District safer, more convenient, and desirable. As a result, the Cycling Steering Group was established to develop the Council's Cycling Strategy and associated Implementation Plan. The aims of the group had evolved to monitor and support the programme of targeted interventions, conducting a 'health check' on the progress of the Cycling Strategy.

It was added that the Cycling Strategy Working Group supported the development of the Cycling Implementation Plan in raising the profile of cycling and walking for Braintree District. The group worked to increase the number of people cycling in the District and make cycling a safe, convenient, and pleasant mode of transport, through the delivery of projects set out in the Council's Implementation Plan. This took into account the needs of all cyclists from beginner to regular and provided opportunities and encouragement for everyone to cycle.

Members were advised that the Council was partnering with Essex County Council as the Highways Authority, to continue to encourage and prioritise cycling within the District. Through a number of campaigns and projects the Braintree District was supporting better physical and mental health, and reducing its' impact on the environment, as well as congestion on the District's roads.

It was noted that the Council's draft Cycling Implementation Plan 2022 had 41 actions identified to progress across 5 key themes. Details of these could be found in the main report.

It was added that an annual summary report would be produced for the Cycling Portfolio Holder that summarised each year's Action Plan performance from 1st October to 31st September. This report would also include an updated Action Plan.

DECISION: That Council agreed:

1. To note the progress made against the Cycling Strategy and Implementation Plan.
2. To approve the draft Implementation Plan 2023/24.
3. To delegate authority to Cabinet Member for Planning and Infrastructure to approve future Annual Cycling reports.

35 **LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2024-25**

INFORMATION: Members were asked to consider the report which sought approval for a revised Local Council Tax Support Scheme (LCTS) for working age claimants for 2024-25 and the transitional protection arrangements for migration of existing claimants to the new LCTS scheme.

Members were advised that a Local Council Tax Support Scheme was introduced from April 2013, when it replaced the Council Tax Benefit scheme administered on behalf of the Department for Works and Pensions (DWP). At that time the Government had placed a duty on billing authorities to create a local scheme for working age claimants, whilst claimants of pension age would continue to be dealt with under regulations set by Central Government.

It was added that Braintree District Council was required to review its Local Council Tax Support Scheme (LCTS) annually and to either maintain the Scheme or replace it. The Council's LCTS scheme for working age was originally developed against a backdrop of reduced funding from government, with the funding for schemes later amalgamated into the overall local government finance system for which a separate allocation was no longer observable. Pension age claimants, subject to their income, could receive up to 100 percent support towards their council tax. The Council had no power to change the level of support provided to pensioners.

Members were advised that the Council's LCTS scheme had broadly adopted the previous means-tested Council Tax Benefit scheme as the basis for awarding support. Due to the reduction in funding from Central Government, the scheme was initially based on requiring a minimum level of contribution to Council Tax of 20% which was later increased to 24% from April 2016. No further changes had been made to the scheme other than administrative updates and changes to reflect Universal Credit.

Since the LCTS scheme was first introduced there were a number of issues that now needed to be addressed to ensure that the scheme continued to provide effective support to low-income households; ensure that the application process for claimants

was easy and efficient; and also, that the Council could administer the scheme in the most efficient manner.

It was proposed that an alternative approach to the LCTS scheme for working age claimants be taken from 2024-25. A redesign of the scheme was proposed which focuses on the following key objectives:

- To increase the level of support provided to those households on the lowest incomes including increasing the maximum level of support available to 77% which would mean that over three thousand households would receive more support.
- To replace the current means tested scheme with a simplified banding scheme which would make the application process for claimants much easier and providing immediate notification of entitlement. The new scheme would also help to avoid claimants falling into arrears through constant re-billing and reset of their instalment plans.
- Administration of the scheme by the Council would be easier and more efficient and would help maintain Council Tax collection performance.

Members were advised that the proposed LCTS working age scheme was set out in more detail in Appendix A of the main report and that the Council would ensure that in publicising the scheme more user-friendly guides would be made available.

DECISION: That Council agreed:

1. To approve the Local Council Tax Support Scheme for working age claimants as set out in Section 4.
2. To approve the transitional protection arrangements for migration of existing claimants as set out in Section 5.
3. To agree the allocation of £50,000 from the Cost of Living Fund to provide extra funding to be awarded on a case-by-case basis for existing claimants suffering exceptional hardship as a result of the introduction of the new LCTS working age scheme.

36 **MEDIUM TERM FINANCIAL STRATEGY 2023-24 TO 2026-27**

INFORMATION: Members were asked to consider the report which sought agreement for a budget virement (transfer) between Treasury Management investment income and service staff pay budgets and agreement of a budget for the Council's own legal costs relating to challenges brought against the Home Office in relation to their proposed use of the Wethersfield site for the accommodation of asylum seekers.

Members were advised that the Cabinet received a report on the Medium Term Financial Strategy 2023-24 to 2026-27 (MTFS) at its meeting held on 25th September 2023. The report included an update on the in-year budgetary position for 2023-24 as projected at Quarter 1. This identified an estimated overspend on staffing costs once the staff pay award, due to be implemented from April 2023, was agreed. The report also identified an overachievement of income from Treasury Management due to the increases in interest rates and higher cash balances held for investment which could

fund the additional in-year staff pay cost. The Cabinet therefore recommended that an in-year budget virement (transfer) of up to £600k be approved by full Council at its next meeting.

The MTFs update also identified that since the approval of the 2023-24 budget, the Council had become involved in a number of legal challenges against the Home Office, following their decision to use the Wethersfield site for the provision of asylum accommodation. In order to deal with these unexpected legal costs, it was deemed necessary to agree that a budget was provided of up to £300k to reflect the estimated legal costs to be incurred by the Council in bringing these challenges, and that such increase should be funded from the General Fund unallocated balances. The budget would be for the Council's own legal costs, accepting that there may be third party costs awarded against the Council should it not be successful.

It was noted that the recommendations set out in the report would help the Council to deliver its Corporate Objectives of being a high performing organisation that delivered excellent and value for money services by demonstrating that it actively manages its in-year budget position and to ensure that financial controls were effective.

DECISION: That the Council considered and approved the following as recommended by the Cabinet at its meeting held on 25th September 2023 (Minute 25 refers):

1. To agree a one-off virement in 2023-24 of up to £600k from Treasury Management investment income to staff pay budgets to reflect the estimated additional cost of the annual staff pay award.
2. To agree a budget of up to £300k to reflect the legal costs estimated to be incurred by the Council in bringing the numerous legal challenges against the Home Office in relation to their proposed use of the Wethersfield site for the accommodation of asylum seekers.

Councillor Mason abstained from the vote.

37 **TREASURY ANNUAL REPORT 2022-23**

INFORMATION: Members were asked to receive and note the Treasury Management Annual Report for 2022/23.

It was reported that Braintree District Council had adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (CIPFA Code) which required the Council to approve a treasury management strategy prior to the commencement of the financial year; receive at least one mid-year report; and then receive an annual report after the financial year-end.

It was added that the Treasury Management Strategy for 2022/23 was approved by full Council at its meeting held on 21st February 2022 and that a mid-year report was presented to full Council on the 12th December 2022. The Annual Report for 2022/23 was reviewed at the Governance and Audit Scrutiny Committee at their meeting held on 24th August 2023, where no changes were recommended.

Members were advised that the recommendation set out the report would help the Council to demonstrate that it was achieving its corporate objectives of being a high performing organisation that delivered excellent and value for money services; and was delivering better outcomes for residents and businesses and reducing costs to taxpayers.

DECISION: That the Council received and noted the Treasury Management Annual Report for 2022/23.

38 **TREASURY MANGEMENT MID-YEAR REPORT FOR 2023-24**

INFORMATION: Members were asked to receive and note the Treasury Management Mid-Year Report for 2023/24.

It was reported that Braintree District Council had adopted the Code of Practice for Treasury Management in Public Services published by the Chartered Institute of Public Finance and Accountancy (CIPFA), which required the Council to receive at least one mid-year report on its treasury management activities. It was noted that the mid-year report should be considered by the Governance and Audit Committee prior to its submission to Full Council.

Members were advised that the Treasury Management Strategy for 2023/24 was approved by full Council at its meeting held on 20th February 2023. Full details of the mid-year report for 2023/24 was included in the report at Appendix A.

DECISION: That the Council received and noted the Treasury Management Mid-Year Report for 2023/24.

39 **DISPENSATION UNDER SECTION 85 OF THE LOCAL GOVERNMENT ACT 1972**

INFORMATION: Members considered the report which sought approval for dispensation from Section 85 of the Local Government Act 1972 in relation to a Member's absence due to ill health and the requirement for Braintree District Council to approve a dispensation where a Member was unable to attend a meeting of the Council over a six-month period.

Members were advised that Councillor Pell had been unable to attend meetings of the Council due to ill health. Councillor Pell's last attendance at a qualifying meeting under Section 85 of the Local Government Act 1972 was the meeting of Full Council held on 17th July 2023. Section 85 states that if a Member fails over a period of six consecutive months from the date of their last attendance to attend any meeting of the Council they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council.

It was reported that qualifying meetings included attendance as a Member at a meeting of any Committee or Sub-Committee of the Council or at a meeting of any Joint Committee, Joint Board or other body discharging functions of the Council. It

also included attendance as a representative of the Council at a meeting of, for example, an outside body.

It was added that under Section 85 of the Local Government Act 1972 such dispensations for Members were a responsibility of full Council. Therefore, unless the Council agreed the recommendation as set out in the report, Councillor Pell would automatically cease to be a Member of the Council on 12th January 2024, if she was unable to attend a qualifying meeting in the interim period.

Members were advised that it was possible that similar situations could occur again, and it was therefore proposed that in the event of there not being a timely meeting of full Council to consider a dispensation request, that a flexible mechanism be introduced via a delegated authority to the Chief Executive to consider such requests, which would avoid the need to call an extraordinary meeting of full Council to deal with the issue. This delegation would only be exercised following the agreement to the extension being obtained from all Group Leaders and was subject to the Chief Executive reporting dispensations agreed under this delegation to the next appropriate meeting of full Council.

DECISION: That full Council agreed:

1. To approve a dispensation for Councillor Jackie Pell from attending meetings of the Council by reason of illness for a six month period commencing on the date of this meeting.
2. That any future dispensations under Section 85 in relation to Councillor Jackie Pell, in the event of there not being a timely meeting of full Council to consider the matter, be delegated to the Chief Executive, having obtained the agreement of all Group Leaders prior to giving such approval.

40 **CHANGE TO THE CABINET PORTFOLIOS**

INFORMATION: Members were asked to note changes made to the Cabinet Member portfolios since their implementation on 25th May 2023.

It was reported that in late September, Braintree District Council were informed that Essex County Council were in the process of amending their Cabinet Member Portfolios. A number of the Council's Cabinet Members were also appointed as Cabinet Members at Essex County Council. Accordingly, in order to ensure that Cabinet Members at the Council were not prevented from undertaking their role as a result of a conflict of interest, the Leader of the Council made some changes to the portfolio held by the Cabinet Member for Transformation, the Environment and Customer Services.

The revised portfolios were set out in Appendix A of the main report, however it was noted that with effect from 5th October 2023, Car parks and Highway provisions would be contained under the Leaders Portfolio. It was added that the Leader would also now be the Council's representative at the North Essex Parking Partnership (NEPP) Joint Committee.

Members were advised that the Council's website and Constitution had been updated to reflect these changes, and Colchester City Council, as Lead Authority for NEPP had been informed of the change to the appointment to the NEPP Joint Committee.

DECISION: That Council noted the changes to the Cabinet Member Portfolios as set out in the report.

41 **GOVERNANCE AND AUDIT COMMITTEE ANNUAL REPORT**

INFORMATION: It was reported that in accordance with its Terms of Reference, the Governance and Audit Committee were required to report to the Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose and to publish an annual report on the work of the Committee.

Members were reminded that the purpose of an Audit Committee was to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment, and the integrity of the financial reporting and governance processes. By overseeing both internal and external audit, it made an important contribution to ensuring that effective management arrangements were in place. The Governance and Audit Committee performed the functions of an Audit Committee, and as such was a key component of the Council's governance framework, providing independent and high-level resource to support good governance and strong public financial management.

The Annual Report of the Governance & Audit Committee summarised the Committee's work and achievements relating to its Audit role for 2022/23. It was intended to:

- Reassure the Council and other stakeholders that the Committee was undertaking its responsibilities properly and in a way which allowed it to exercise effective oversight;
- Demonstrate to the District's residents and other stakeholders the importance that the Council placed on good governance, openness, and probity in public life. The report set out the contribution the Committee made to achieving those aims. The Committee's meetings were open to the public and its reports were available on the Council's website.

It was added that to provide ongoing assurance over the Council's internal controls and systems, the Committee meetings in 2022/23 were attended by the Chief Executive, Corporate Director, Head of Finance, the Audit Insurance & Fraud Manager, the Financial Services Manager, and Committee Services, as well as representatives from BDO, the Council's External Auditor. Other Council officers attend the Committee meetings as required. Operating effectively, the work of the Governance and Audit Committee would enhance corporate awareness of the need for internal control and implementation of agreed audit recommendations, increase public confidence in the objectivity and fairness of financial and other reporting, reinforce the importance and independence of internal and external audit and other similar review processes, and

provide additional assurance through its processes of independent and objective review.

Councillor Wrench, Chairman of the Governance and Audit Committee expressed his thanks to those Officers and Members who had supported the work of the Committee by presenting, discussing, and challenging reports, and engaging in training and improvement activity to develop the knowledge and skills needed for this key area of the Council's arrangements for effective governance.

DECISION: That the Council noted the review of the Governance and Audit Committee 2022/23 Annual Report.

42 **AWARD OF CONTRACTS FOR NEW COMMERCIAL VEHICLES**

INFORMATION: Members were presented with the report which informed the Council that it had become necessary to use the Special Urgency Provision set out in Braintree District Council's Constitution.

Members were reminded that the Council's arrangements set out that Cabinet were responsible for taking Key Decisions. In doing so it was necessary that the Council gave 28 days' notice of that decision. This was achieved through the publication of the Council's Decision Planner.

It was reported that, in accordance with paragraph 13.11, the Monitoring Officer, in consultation with the Chief Executive, had agreed that a matter of urgency had arisen in connection with the work of the Cabinet, and that it required a decision to be taken before the next available meeting of Cabinet. Accordingly, authority to take the urgent Key Decision was invested in the Leader of the Council, Councillor Graham Butland.

Members were advised that on 2nd June 2023, the Council published its Decision Planner, which included the intention to take the decision relating to the Award of Contracts for Vehicle Replacements (2023/24). The Council had a number of commercial vehicles, which were either due to come to the end of their serviceable life, were no longer fit for purpose and were too expensive to maintain. Accordingly, the Council commenced a procurement exercise via a number of Frameworks. Initially tenders were received in September 2023 for the first 13 vehicles which included Compact/Truck Mounted Sweepers and RCVs.

Since that time, the Council had been informed that the suppliers would not be prepared to hold their prices until the contracts could be awarded following the consideration by Cabinet. Suppliers had indicated that there would be a 3% increase on their tendered price. If the Council delayed the decision until the conclusion of all active procurement exercises for all proposed replacement commercial vehicles, with a combined report being taken to Cabinet, this would result in the Council incurring a price increase in the initial award of approximately £72k for the first wave of 13 commercial vehicles. In accordance with paragraph 15.17 (Special Urgency relating to key Decisions), the Chairman of the Corporate Scrutiny Committee, having considered the matter, agreed that the taking of the decision was urgent and

could not reasonably be deferred. Notice of the use of the Special Urgency Provision was published on the Council's website and at its offices.

Accordingly on 17th November 2023, the Leader of the Council approved the following decisions:

- To approve the award of contracts (3 No) for Compact Sweepers, Truck Mounted Sweepers, and Refuse Collection Vehicles for the total contract value of £2,399,724.30.
- To delegate to the S151 Officer the decision to determine the most appropriate method of financing the vehicles in line with the Council's treasury management practices.

A copy of the decision report had been published on the Council's website and was circulated to all Members on 17th November 2023.

DECISION: That full Council agreed to note the decision taken by the leader of the Council on 17th November 2023 relating to the Council's purchase of Commercial Vehicles.

The meeting commenced at 7.15pm and closed at 9.36pm.

Councillor D Garrod
(Chairman)