

CABINET AGENDA

Monday, 18th December 2023 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
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<http://www.braintree.gov.uk/youtube>

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

Leader of the Council

Deputy Cabinet Member to the Leader
Deputy Cabinet Member to the Leader

Councillor G Butland
Councillor B Taylor
Councillor R van Dulken

**Transformation, Performance and
Delivery**

Resources and Performance
Transformation, the Environment and
Customer Services
Deputy Cabinet Member

Councillor K Bowers
Councillor T Cunningham (Deputy Leader)

Councillor P Schwier

Connecting People, Places and Prosperity

Economic Growth and Inward Investment
Planning and Infrastructure
Deputy Cabinet Member

Councillor F Ricci
Councillor G Spray
Councillor J Coleridge

Supporting Communities

Housing, Health and Wellbeing
Stronger Communities
Deputy Cabinet Member

Councillor L Bowers-Flint
Councillor M Cunningham
Councillor C Dervish

Invitees: Councillors J Beavis, L Jefferis and J Pell are invited to attend as Group Leaders

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

D GASCOYNE
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 may ask questions or make a statement to the Cabinet on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the meeting is 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). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

The Leader has discretion to extend the time allocated to registered speakers and to amend the order in which they may speak.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

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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 may send these to governance@braintree.gov.uk

PUBLIC SESSION		Page
1	Apologies for Absence	
2	Declarations of Interest	
	To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3	Minutes of the Previous Meeting	
	To approve as a correct record the minutes of the meeting of the Cabinet held on 27 th November 2023 (copy previously circulated).	
4	Public Question Time	
	Only Registered Speakers will be invited by the Chairman to speak during public question time. Please see the agenda notes for guidance.	
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12	Exclusion of the Public and Press	
	To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	

Report Title: Procurement of Light Commercial Vehicles and Associated Infrastructure Works for Electric Vehicles	
Report to: Cabinet	
Date: 18 th December 2023	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2023/26
Report Presented by: Councillor Tom Cunningham, Deputy Leader of the Council and Cabinet Member for Transformation, the Environment and Customer Services	
Enquiries to: Samir Pandya, Operations Strategy and Policy Manager samir.pandya@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To seek delegated authority to award a contract(s) for the replacement of light commercial vehicles and determine the most appropriate financing option; and approve funding for the associated infrastructure works at the Braintree District Council (the Council) depot to operate electric vehicles.

2. Recommendations

- 2.1 To approve the funding in the sum of £180,000 from the Climate Change Reserve Fund for the associated infrastructure works at the depot for the electric vehicles.
- 2.2 To delegate authority to the Deputy Leader of the Council and Cabinet Member for Transformation, the Environment and Customer Services, in consultation with the Corporate Director, Operational, to award all associated contracts for the purchase of 29 Light Commercial Vehicles (LCVs) of which 13 will be electric vehicles, at the conclusion of the procurement exercise and provided this is within the approved budget.
- 2.3 To delegate authority to the Corporate Director, Operational, to award all necessary contracts for the associated infrastructure works at the Councils Depot, at the conclusion of the procurement exercise provided this is within approved budgets.
- 2.4 To delegate authority to the S151 Officer to determine the most appropriate method of financing the vehicles awarded under 2.2 above, in line with the Council's treasury management practices.

3. Summary of Issues

- 3.1 The Council has traditionally had a Vehicle Replacement Programme (VRP) over a rolling 7-year period. Vehicles that require replacement have been

procured and funded in a variety of ways including outright purchase (Capital), Lease or Contract Hire. The exact method of financing is carefully considered by the Council to secure the best option(s) available in terms of value for money.

- 3.2 In November 2022, the Council appointed LINK Group (a qualified and experienced vehicle finance company) to review the Council's Commercial Vehicle Replacement Strategy and make recommendations to enable the Council to transition its existing commercial fleet to new Ultra Low Emission Vehicles (ULEVs) where operationally practical and financially viable to do so.
- 3.3 To support this work, a corporate Project Team (the Team) was established to oversee the project which included representatives from Operations, Environment, Finance and Procurement. The Team was overseen by a Project Board comprising a Corporate Director, the Head of Operations and representatives from the Team.
- 3.4 One of the key recommendations from Link Group was that the Council should continue to review its VRP on an annual basis considering the latest ULEV technology available and assess the whole-life costs of each vehicle. This is to ensure that any decision regarding new vehicles is taken in accordance with 3.2 above. It also reflects the fact that currently ULEVs are more expensive than conventional diesel operated vehicles: in some cases, the technology is still evolving and so adopting a complete ULEV replacement programme may not represent best value for money to the taxpayer, albeit ULEVs would contribute to the Council's target of achieving net zero by 2030.
- 3.5 The Council undertook a mini competition earlier this year under Lots 2 & 3 of the Halton Housing Framework Agreement for the replacement of 29 LCVs. However, a number of manufacturers on this framework had closed their order books due to a lack of capacity for increased manufacturing. The Council was informed that manufacturers were due to reopen their books in mid-October and so the deadline for tenderers to submit their bids was extended to 31st October 2023. Two tenders were returned, one of which was non-compliant as it was an incomplete response and the second failed to achieve the minimum quality scores required so was also considered non-compliant. The Council therefore needs to re-tender for the LCVs.
- 3.6 On 17th November 2023, the Leader of the Council took an urgent decision for the award of 13 commercial vehicles as part of the VRP, following the successful conclusion of that particular procurement exercise. The urgent decision was necessary to ensure that the Council did not incur additional expenditure, of £72,000, as the result of the manufacturers refusing to hold their prices so as to enable the Council to complete its governance processes. As a result, in order to ensure that the prices provided as part of the tender process are secured as soon as possible, and to future proof the Council's decision making in this matter, it is necessary to delegate the awards of the relevant future contracts to the Cabinet member for Transformation, Environment and Customer Services.

- 3.7 To facilitate the start of the transition to ULEVs (electric), new infrastructure is required at the depot including a sub-station supplied by UK Power Networks (UKPN) to provide sufficient power to accommodate 12 new chargers. The Council has received an initial indication that this works will cost in the region of £130,000 (plus VAT) for the work which can be completed within 6 months of receiving an order, subject to approval of the budget. The remaining costs will be approx. £50,000 and includes the charging units, groundwork for the sub-station that will be subject to a separate procurement exercise. It is proposed that the funding for the infrastructure works is met from the current Climate Change Reserve Fund and this report seeks approval for this funding.

Procurement Process

- 3.8 The Council will commence a further procurement exercise through a mini competition for the LCVs under an appropriate framework which is likely to be one owned and managed by either The Procurement Partnership Limited (TPPL) or the Crown Commercial Services (CCS). The latter is the largest public procurement organisation in the UK. It is currently anticipated that the price/quality weighting will be 70%/30% in favour of price, but this is to be considered and agreed prior to procurement and to ensure that it adheres with the rules of the eventual chosen framework.
- 3.9 For the infrastructure works, the Council is currently considering all available procurement routes, that will ensure the Council are able to deliver the works in accordance with the Council timescales. Thereafter, the 12 charging units will be openly competed through a TPPL Dynamic Purchasing System (DPS) with pass/fail quality criteria and 100% price weighting.
- 3.10 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:
- A sustainable environment and a great place to live, work and play.
 - A high performing organisation that delivers excellent and value for money services.
 - Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

4. Options

- 4.1 **Option 1 – Not to grant the use of delegated powers.** This is not recommended as it will not allow for the Council to make decisions on the award of contracts in a timely manner. This could expose the Council to a significant price increase or result in the Council considering engaging its urgency provisions under the Constitution.
- 4.2 **Option 2 – Approve the use of delegated powers (Recommended option.)** This would ensure that the Council is able to award the contracts for all or some of the 29 commercial vehicles in a timely manner, ensuring that the Council is able to secure the best price and avoid the risk of price increases being incurred.

5. Next Steps

- 5.1 Subject to Cabinet approving the recommendations within the report, the Council will:-
- Retender the contract(s) for the 29 LCVs including 13 ULEVs (electric).
 - Commission UKPN to supply the sub-station to power the new ULEVs (subject to budget approval).
 - Invite tenders for the Electric Charging Units (subject to budget approval).
- 5.2 At the conclusion of the procurement exercises, the Cabinet Member for Transformation, Environment and Customer Services, will undertake the decision to award in line with the delegations set out in this report. That report will be published in line with the Councils normal practice.

6. Financial Implications

- 6.1 Vehicles: The 29 LCVs have an estimated capital cost of £1.25 million (subject to tender).
- 6.2 Infrastructure: The cost of the infrastructure works is split as follows:
- I. UKPN (sub-station) £130,000
 - II. ULEV (electric) infrastructure works ground works and charging units - £50,000 (subject to procurement)
- 6.3 Consideration of the optimum funding option is made upon delivery of the vehicles based on treasury management considerations at that time. This could include entering into leases (see 7.4 below), contract hire, or other forms of borrowing. It is recommended to delegate the funding decision to the S151 Officer to consider prevailing interest rates and other treasury management matters.
- 6.4 Where lease arrangements are used, the Council conducts a separate tender exercise to obtain the lowest financing interest rate and leasing premium. A purchase agency arrangement is entered into which facilitates the Council purchasing the vehicles as agents of the lessor. Ownership title of the vehicles remains with the lessor and the Council is contracted to return the vehicles at the end of the contract period. Alternatively, leases can usually be extended, or the vehicles purchased from the lessor.
- 6.5 Historically, the Council has set aside funding to purchase new vehicles known as the Vehicle Replacement Reserve (VRR). The current reserve of £253,175 is available to meet the cost of replacing vehicles in the VRP up to and including 31st March 2026. As part of the 2024/25 annual budget setting process, provision has been made in the Medium-Term Financial Strategy to increase the base budget funding as follows, subject to Cabinet and Council approval in February 2024.

2026/27 +£195,000 p.a.
2027/28 +£215,000 p.a.

Total +£410,000 p.a.

- 6.6 The level of budgetary provision in the VRR for future replacement vehicles will need to be kept under review as service requirements change and to take account of inflationary increases, higher vehicle costs and interest charges on lease arrangements, etc.

7. Legal Implications

- 7.1 The procurement exercise will be conducted in accordance with the Councils Constitution, Procurement Procedure Rules and all relevant legislative provisions. The Council is intending to use a legally compliant Framework which is open to the public sector to use. In doing so the Council will ensure that it adheres to the requirements of the relevant framework Agreement.

8. Other Implications

- 8.1 There are no other implications arising from the recommendations in 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 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10. List of Appendices

- 10.1 None.

11. Background Papers

11.1 LINK report.

11.2 Urgent Decision: Award of Contracts for vehicle Replacements.

Report Title: Policy for Household Waste & Recycling Collections	
Report to: Cabinet	
Date: 18 th December 2023	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2023/20
Report Presented by: Councillor Tom Cunningham, Deputy Leader and Cabinet Member for Transformation, the Environment and Customer Services	
Enquiries to: Paul Partridge, Head of Operations paul.partridge@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To consider the Braintree District Council (the Council) policy for the Household Waste and Recycling Collections that supports the Council's waste minimisation, recycling and climate change objectives.

2. Recommendations

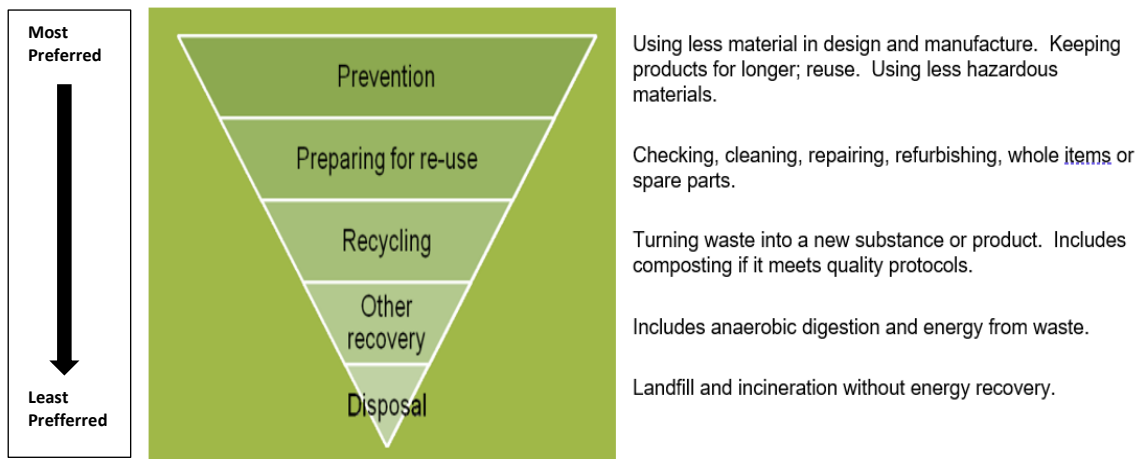
- 2.1 To approve the policy for Household Waste and Recycling Collections including the non-collection of side (excess) waste as set out at Appendix 1; and
- 2.2 To agree to implement the side waste element of the policy from 1 April 2024 to give householders time to adapt to the change following a 3-month communications campaign.

3. Summary of Issues

- 3.1 The service standards for household waste collection were last updated in 2014 and various aspects of the service have changed in the intervening years including:-
- Bulky Waste (Special Collection) Service brought back in-house.
 - The collection of small items of WEEE (waste from electrical and electronic equipment) included free of charge with Special Collections.
 - The introduction of bring banks for food and drinks cartons.
 - The type and quality of recyclable materials that are accepted by the reprocessors (Suffolk County Council contract) and the income derived from the sale of recyclates.
 - Requirement to source a clinical waste collection service.
 - The growth in digital communications which has changed the way the Council interacts with its customers.
 - Introduction of a subscription-based garden waste collection service from March 2024.

- The impact of new area-based collection routes on meeting missed bin targets prompting a change in the deadline for reporting missed collections.
- 3.2 Most of these changes have already been assimilated within the service, with residents being notified at the time via press releases, social media, the Council's website and other communication channels. However, the draft policy includes some new proposals which have the potential to impact all customers, as follows:-
- (1) The introduction of a subscription-based garden waste collection service from 4 March 2024, as approved by Cabinet earlier this year.
 - (2) A requirement to report missed collections by noon the day following the scheduled collection to reflect area-based working (currently there is no deadline). This is because as the crews move on to other areas, it becomes more difficult for them to return and collect. This will maximise opportunities for the Council to meet its published service standard of returning to collect missed waste within 2 working days.
 - (3) Cessation of the collection of side waste which is explained in more detail below.
- 3.3 In addition to the above, the Council has a contract in place for the disposal of recyclable materials and the processing plants are imposing ever tighter restrictions on the quality of the materials they will accept. In some cases, this has resulted in whole vehicle loads being rejected owing to high levels of contamination. The Council has always provided guidance on what materials are accepted for recycling, but some households still present items that are deemed 'contaminants'. The policy clarifies the Council's expectations and makes it clear that contaminated waste will not be collected, nor will the crews return to collect this waste.
- 3.4 The elements of the policy relating to side waste reflect a renewed demand for waste reduction in recent years which has been driven by a number of factors including:-
- Climate Change
 - New waste legislation (Simpler Recycling)
 - High volumes of residual waste being generated
 - Cost/affordability of the collection, treatment and disposal of waste
 - Challenging recycling targets
 - Development of a new Waste Strategy for Essex

This has resulted in a move towards a more circular economy which aims to keep resources in use for as long as possible. The waste hierarchy model below shows the preferred options for managing waste, placing prevention and re-use ahead of recycling, with disposal as the least preferred option.



Climate Change

- 3.5 The climate crisis is one of the most significant issues facing the world today. We have seen a rapid global rise in greenhouse gas emissions and increasing global average temperatures over the last century, with devastating consequences for many of the world's population. This prompted the Council to declare a Climate Change Emergency in July 2019 and agree a target for the organisation to become carbon neutral as far as practical by 2030. This was reinforced in the Council's Climate Change Strategy 2021 – 2030 which was published in August 2021.
- 3.6 Government statistics for 2019 '*Greenhouse Gas Emissions in the UK*' show that waste management is responsible for 4% of emissions, with energy supply, transport and business responsible for 21%, 27% and 17% respectively. The emissions come not only from waste as it breaks down in landfill sites, but also from the extraction and processing of natural resources used to manufacture consumer products and then transport them from source to point of sale. Buying fewer and more sustainable products and recognising the value of those we already have will help reduce emissions and avoid unnecessary waste.
- 3.7 The Government aims to achieve net zero by 2050 and has set challenging targets to help deliver this.

New Waste Legislation

- 3.8 The Environment Act 2021 sets out a legal framework for setting long-term, legally binding targets for environmental improvement including waste packaging reforms designed to reduce the amount of unnecessary and unrecyclable packaging materials used by manufacturers/producers/retailers and incentivise more sustainable use of resources. It also includes measures to standardise the materials that can be collected for recycling to make it easier for households to maximise recycling and avoid unnecessary waste. Whilst the resources and waste reforms are currently delayed until October 2025 and beyond, the Council is already working to many of the waste minimisation and recycling standards set out in the new legislation.

The Waste Hierarchy and Circular Economy

- 3.9 Reference has been made to Waste Hierarchy and the Circular Economy above, but the principle behind this is to extract maximum value from virgin resources and keep them in use for as long as possible i.e. through repair, repurposing, reuse, recycling and recovery.

Cost/Affordability of the Collection, Treatment and Disposal of Waste

- 3.10 Managing waste is an expensive business and the less the Council produce, the greater the financial saving that can be achieved both in collection and disposal costs. Processing and treating just the residual element of waste in Essex this year will cost the Essex taxpayer £40million. Avoiding unnecessary costs has become increasingly important given the cost of living/business crisis, but this is only achievable if households make different choices to significantly reduce the amount of waste they generate.

Development of a New Waste Strategy for Essex

- 3.11 Over the past 18 months or so the Council has been working with other Members of the Essex Waste Partnership (EWP) on the development of a new Essex Waste Strategy to replace the previous version produced back in 2007.
- 3.12 The new strategy, which the Council will be asked to consider and formally adopt in 2024/25, commits the EWP to working together to minimise the impact that waste management has on the environment. It embraces the key principles of the circular economy and will support residents to encourage changes in attitudes and behaviour to help them reduce their waste and recycle more.

Recycling Performance/Targets

- 3.13 In October 2022, the Council approved a Motion to work with its partners and, in particular, Essex County Council (ECC), through a review of the Essex Waste Strategy, to (1) progressively reduce the amount of residual municipal waste collected; and (2) increase the recycling target (for collected dry recycling, food waste, green waste, etc, bring bank materials and ECC Recycling Centre materials) to at least 75% of municipal waste by the year 2030.
- 3.14 In adopting this policy, the Council recognised the challenge of such an ambitious target and agreed that, before engaging with external partners, a cross party working group would be established to bring forward any viable and costed proposals for consideration by Full Council once relevant regulations and statutory guidance had been issued.
- 3.15 The Braintree District currently recycles c.50% of household waste, but recycling performance has remained fairly static in recent years and clearly there is a lot more to do if the Council is to achieve such challenging recycling targets. An increase in the recycling performance will only be

achieved if the volume of residual waste can be reduced along with an increase in waste recycled.

Volume of Waste

- 3.16 The table below shows the tonnages of residual and recyclable waste generated across Essex in 2022/23.

Authority	(1) Household Residual Waste	(2) Household Reuse and Recycling	(3) Household Composted
Basildon	42762	17153	15623
Braintree	28988	12537	14522
Brentwood	17695	5617	4869
Castle Point	17328	7282	7713
Chelmsford	31941	15502	18788
Colchester	28862	15231	14988
Epping Forest	23271	13594	14754
Harlow	16941	7579	3510
Maldon	10644	6283	7220
Rochford	14218	7845	10671
Tendring	31134	10111	9461
Uttlesford	16073	9234	6406
TOTAL	279857	127968	128525

- 3.17 The tonnage collected in the Braintree District compares unfavourably with other Councils in Essex. To illustrate this, Colchester City Council has more residential properties than the Braintree District, yet our residual waste equates to 463.58 kgs of waste per household compared to just 332.31 kgs in Colchester City. Last year, the Braintree District generated the fourth highest volume of residual waste in Essex.
- 3.18 The table below shows the out-turns for the two authorities over the past 5 years and clearly demonstrates that Braintree District households are generating consistently more waste per household than their counterparts in Colchester which has 24,323 (38.9%) more residential properties.

Authority	Colchester CC	Braintree DC	+/-
No. of Households	86,853	62,530	
2022/23	28,862	28,988	+126t
2021/22	30,363	30,790	+427t
2020/21	31,213	31,273	+ 60t
2019/20	27,373	27,215	-158t
2018/19	27,266	26,854	-412t

- 3.19 Colchester City Council operates a waste limitation policy whereby crews do not collect any side waste presented alongside wheeled bins and they also restrict households on black sack collections to a maximum of 3 sacks (180L) per fortnight. All excess waste is stickered and left.

Side Waste – Use of Enforcement Powers

- 3.20 The term ‘side waste’ refers to excess waste in bags or boxes or loose waste that is presented either alongside or on top of the black wheeled bin/s.
- 3.21 This Council has always discouraged side waste through a process of education and intervention, as well as through promotional campaigns over the years in partnership with Love Essex and other partners around waste minimisation and recycling initiatives. However, this relaxed (informal) approach has not delivered a substantive change in people’s behaviour and a more robust approach is needed to help the Council and its residents reduce their residual waste to meet recycling targets and waste minimisation objectives.
- 3.22 It is proposed that the Council ceases the collection of all side waste, from 1st April 2024. The change will be communicated through an extensive comms package so that residents understand the importance of minimising residual waste. The Council’s Waste Minimisation and Recycling Team will support this message through their normal promotional and educational activities.
- 3.23 Enforcement of No Side Waste will only be used as a last resort and will not be used as a mechanism for generating income to the Council.
- 3.24 The policy at Appendix 1 reflects the changes outlined earlier in this report and sets out how the Council will deliver its Household Waste and Recycling Collection Service, the service customers can expect to receive, and how together the Council can achieve a behavioural change in the way it manages waste in the Braintree District.
- 3.25 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:
- A sustainable environment and a great place to live, work and play;
 - A high performing organisation that delivers excellent and value for money services;
 - Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

4. Consultation

- 4.1 Consultation has taken place with staff in those service areas likely to be affected if and when the policy is implemented. For example, the crews will be required to obtain photographic evidence of and sticker side waste; there may be greater demand for guidance on how to reduce waste; there may be an increase in requests for larger bins; the Customer Services Centre is likely

to see an increased number of contacts/complaints from those whose waste has not been collected.

- 4.2 The Policy was considered by the Corporate Policy Development Committee on 30th November 2023. The Committee did not make any specific recommendations in respect of the Policy for Household Waste & Recycling Collections. However, they did acknowledge the complexity of waste minimisation and recycling and the need to maintain effective communication with the District’s residents and businesses, to help improve their understanding and awareness of what can and cannot be recycled. In addition, they also acknowledged the importance of continuing to work with local schools in the District, to enable children to learn about being sustainable, the local environment and how they can help the planet by reducing, reusing and recycling waste.

5. Options

- 5.1 **Option 1: No Change.** The Council would continue with its informal approach to dealing with side waste. This option is not recommended as it will not enable the Council to achieve its Waste Minimisation, Recycling and Climate Change objectives.

Pros
<ul style="list-style-type: none"> No impact on customers.
Cons
<ul style="list-style-type: none"> No reduction in volume of residual waste generated. Cost of collecting excess waste is not sustainable or affordable. Increased disposal costs. Contrary to Council’s waste minimisation, recycling and climate change objectives. Inability to meet existing and future ambitious/challenging local and national waste reduction and recycling targets. Different interpretation of service standards by both staff and customers.

- 5.2 **Option 2: (Recommended):** Approve the policy for the Household Waste and Recycling Service as set out at Appendix 1. This option is recommended as it supports the Council’s Waste Minimisation, Recycling and Climate Change objectives.

Pros
<ul style="list-style-type: none"> Supports the Council’s strategic approach to managing waste in the Braintree District. Creates capacity within the service (by reducing waste) to absorb growth. Clarity for customers and staff about the Council’s household waste collection operation and service standards. Reduction in the amount of residual waste generated.

- Increases volume of household waste recycled.
- Improved service efficiency.
- Better value for money to the taxpayer.

Cons

- May initially prompt complaints about waste being 'missed' or not collected.
- Some residents may struggle to manage their waste.
- May divert side waste to Household Waste & Recycling Centres rather than encourage behavioural change.
- Potential for some waste to be fly-tipped.

6. Next Steps

- 6.1 The policy (if approved) will be published on the Council's website.
- 6.2 The Council's Marketing & Communications Team will develop a campaign to communicate the more significant changes and ensure that residents fully understand why we cannot collect side waste.
- 6.3 It is acknowledged that householders who have been in the habit of regularly presenting side waste will need time to change their behaviour to avoid generating more waste than they have bin capacity. It is therefore proposed that the campaign will run at least 3 months in advance of implementing the new side waste element of the policy from 1st April 2024.
- 6.4 The Waste Minimisation and Recycling Team will continue to offer support and guidance where required to help residents reduce their waste during the transitional period.

7. Financial Implications

- 7.1 There will be a positive financial impact arising from (i) the No Side Waste policy and (ii) requirements around avoiding contamination of recyclable waste, as follows:-
- Increased Recycling Credits if more waste recycled
 - Reduced disposal costs (ECC) if less waste goes to landfill
 - Increased income from sale of materials owing to improved quality of recyclates (fewer loads rejected).

However, it is not possible to quantify the impact as it is dependent on behavioural change and subject to volatility of the recyclate markets.

- 7.2 The costs associated with the introduction of this policy are covered within existing operational budgets.

8. Legal Implications

- 8.1 Recurring incidents of side waste will be pursued under the litter provisions contained within S.87 of the Environmental Protection Act 1990 which states that a person is guilty of an offence if they throw down, drop or otherwise deposit any litter in any place to which this section applies and leaves it.
- 8.2 S.87 applies to any place in the area of a Principal Litter Authority which is open to the air, except where the public does not have access to it (with or without payment). A place on land shall be treated as 'open to the air' notwithstanding that it is covered if it is open to the air on at least one side.
- 8.3 The current level of penalty is £100 reduced to £75 if paid within 10 days and the maximum fine for this offence is £2,500. However, as part of an Action Plan to crack down on anti-social behaviour, the Government has made provision for local authorities to increase the level of penalty up to a maximum of £500 for littering with effect from 31st July 2023. Officers are recommending an increase to £200 reduced to £150 if paid within 10 days, to be determined under the Council's scheme of delegation.

9. Other Implications

- 9.1 Households that receive wheeled bin collections have limited black bin capacity based on the size and circumstances of their household. However, there are approximately 1,700 households that have remained on black sack collections and, although they are allocated a finite number of black sacks per annum, residents may purchase their own additional supplies of sacks in order to dispose of a larger quantity of waste via the Council's Waste Collection Service. These households will be encouraged to reduce their waste where it becomes evident that excessive quantities are being presented for collection.

10. Equality and Diversity Implications

- 10.1 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.
- 10.2 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).

- 10.3 The Equality Impact Assessment indicates that the proposals in this report will have a disproportionately adverse impact on people with a particular characteristic.
- 10.4 All households have the potential to be impacted by the side waste policy, particularly larger families, people with disabilities, older people, those with certain medical issues and pregnant women. The Council acknowledges that these households may generate additional non-recyclable waste and makes provision for additional bin capacity to be granted where our criteria is met.
- 10.5 Residents with mental health conditions may need help in understanding the changes in service provision and, in these situations, the Council's staff will work with residents to offer guidance and support as needed.
- 10.6 People with poor eyesight may require advisory literature in larger print and this can be made available on request.
- 10.7 Some residents may have difficulty understanding the policy if English is not their first language. To ensure that all publicity and information concerning the policy is accessible to all ethnic groups, the Council will provide a translation or printed material in another language on request.
- 10.8 Additional non-recyclable waste can be generated during religious festivals e.g. Christmas and the collection crews have and will continue to adopt a flexible approach to side waste during these periods.
- 10.9 Entrenched habits may make it difficult for some residents to avoid generating any side waste. The Council appreciates that it may require behavioural change and will give ample advance notice to residents to enable them to adapt to the change. The Waste Minimisation & Recycling Team will be available to offer advice on managing waste if required.
- 10.10 Residents who do not drive will not have the option of taking any excess waste to the Household Waste & Recycling Centre. However, if full use is made of the recycling facilities available, there should be no need for anyone to have to make such journeys.
- 10.11 Clause 9 of the draft policy relates to collections from communal bin stores where access is restricted owing to fly-tipped waste. It places the onus on the managing agents/landlords to ensure there is clear access to the bins on collection days. Where access is not possible, our crews will not return until the next scheduled collection unless the agents/landlord pay for a return visit. This may inconvenience their tenants, but it is within their control to ensure that the bin stores are used correctly. The Council provides a separate collection of bulky items of household waste, with a 25% discount for those in receipt of means tested benefits. Alternatively, items can be disposed of at a Household Waste & Recycling Centre free of charge.
- 10.12 Clause 18 of the draft policy relates to failed collections caused by indiscriminate parking and limits the number of return visits made by the crew

to attempt collection. In these circumstances, the crews place cards on the windscreens of offending vehicles asking the driver to park with more consideration. The Council may also write to households in the near vicinity asking them and their visitors to leave access clear on collection days.

11. List of Appendices

11.1 Appendix 1: Policy for Household Waste and Recycling Collections.

11.2 Appendix 2: Proposed procedure for dealing with side waste.

12. Background Papers

12.1 Declaration of Climate Change Emergency (Full Council on 22 July 2019)

12.2 Climate Change Strategy 2021-2030 (published August 2021)

12.3 Essex Waste Strategy 2024

12.4 Council Motion to work with partners to reduce waste and increase recycling (approved at Full Council on 10 October 2022)

12.5 Environment Act 2021

12.6 Government Statistics: 2019 UK Greenhouse Gas Emissions: Summary

12.7 Corporate Policy Development Committee - 30th November 2023 - [Agenda and Minutes](#)

Household Waste & Recycling Collections

Policy and Procedures

2 October 2023

1. Legislative Powers

Braintree District Council is a Waste Collection Authority under the terms of the Environmental Protection Act 1990 (EPA) and has a statutory duty to collect household waste from all domestic properties under Section 45 of the Act.

The term “household waste” is defined in Section 75(5) of the EPA 1990 as being waste from:

- a domestic property, that is to say, a building or self-contained part of a building which is used wholly for the purposes of living accommodation.
- a caravan.
- a residential home.
- premises forming part of a university, school or other educational establishment.
- premises forming part of a hospital or nursing home which are used to provide a care home service.

Section 45A (3) of the EPA 1990 requires Waste Collection Authorities to collect at least two types of recyclable waste together or individually separated from the rest of the household waste.

Section 46(4) of the EPA gives the Council specific powers to stipulate:

- The size and type of collection containers
- The materials or items which may or may not be placed within the containers
- The collection point for waste materials

The frequency of collections is currently a matter for local authorities to determine. While section 45 of the EPA 1990 imposes a duty on Waste Collection Authorities to collect household waste, there is no provision in this Act or associated secondary legislation that imposes an explicit frequency of collection on authorities.

Section 45(3) of the EPA 1990 provides that ‘no charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State.’

Local authorities have powers under section 46A of the EPA 1990 to issue written warnings and penalties for failure to comply with requirements relating to household waste containers.

Paragraph 4 of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012 (SI 2012/811), as amended, provides for these exceptions. It includes (among other things):

- Household waste that is generated from certain non-domestic properties such as universities, hospitals and prisons.
- Waste that weighs more than 25kg or that cannot fit into the bin provided.
- Asbestos.
- Garden waste.

This policy sets out the service standards that apply to the provision of household waste collections in the Braintree District.

2. Provision of Containers

Type of Waste	Standard Container Provided Per Household
Food waste	23L kerbside bin.
Garden waste	180L green bin (additional bins provided on request on a chargeable basis).
	Biodegradable sacks from March 2024 for households not on wheeled bin collections.
Refuse	180L (or optional 140L) black bin.
Refuse (if property not suited to bins)	Black sacks - 2 rolls of 26 sacks delivered to households (including flats) p.a. No additional supplies provided.
Mixed Recycling	Clear sacks – 3 rolls of 26 sacks delivered to each household p.a. Additional supplies available on request.

3. Type of Container

Where the Council considers it impractical for residents to use the standard containers it provides owing to access or storage issues, a site assessment will be made to determine if an alternative can be offered. This will be based primarily on health and safety or access grounds.

Residents living at properties which, in the opinion of the Council, are unable to accommodate wheeled bins will be offered a black sack collection service for general household waste and, from March 2024, a biodegradable sack collection for garden waste if they wish to subscribe to that service. Residents will be expected to participate in the other elements of the recycling service.

4. Type and method of collection

Type of Waste	Method of Collection
Food waste	Green kerbside bin
Dry Mixed Recycling	Clear sacks (unrestricted quantity)
Garden Waste	Green wheeled bin *
General rubbish	Black wheeled bin (or black sacks if bins unsuitable)
Glass bottles/jars	Bring banks at various sites across the District
Food/drink cartons	Some bring banks (mainly at larger supermarkets)
Textiles/shoes/handbags	Some bring banks
Bulky household waste	Up to 6 or max. 12 items collected from outside premises
Clinical waste arising from self-treatment in the home	Subject to medical condition but could include sacks or sharps containers.
Small electrical items	Up to 4 items collected free of charge with any booking for a Special Collection. There are also collection points at all libraries in the District.

* Subscription-based service only from March 2024 using 180L green wheeled bins. Households on black sack collections will need to purchase biodegradable sacks from the Council if they wish to receive this service, the cost of which includes collection and disposal.

5. Frequency of collections

The Council operates an alternate-weekly collection of refuse/recycling and garden waste and a weekly collection of food waste, the collection dates for which are publicised on the Council's website.

The non-chargeable garden waste service will be withdrawn at the end of November 2023 and replaced with a subscription-based service from March 2024 which will operate throughout the year with a two-week suspension over Christmas/New Year.

On Bank Holiday weeks, collections are normally a day later than usual with Friday's collection being completed on the Saturday. However, there may be exceptions to this rule (including some advance collections), particularly over Christmas/New Year and other festive periods, and residents are advised to check our website for changes.

6. Collection point

Collections are made from the front boundary of each property (where it meets the public highway) unless otherwise agreed with or designated by the Council.

Where properties do not have pavements or a kerb adjoining their boundary, bins/sacks may be presented at the inner boundary of the property where they are visible from the road.

7. Private/Unadopted Roads

Where possible, the Council will endeavour to collect from the boundary of properties via private/unadopted roads (unless directed otherwise) if safe for the collection vehicle to do so.

However, if conditions are not suitable, for example, narrow access, unkempt verges, overhanging trees, weak road surface, potholes, lack of turning point (if no-through road) etc., the Council will require that waste is presented for collection on the pavement or verge nearest to the public highway to which the collection vehicle has access.

The Council reserves the right to review existing arrangements and may designate an alternative collection point in the event of access issues.

8. Presenting waste for collection

It is the householder's responsibility to place their refuse and recycling at their designated collection point by 7am on the day of collection and no earlier than the evening before. All waste should be contained within the bin with the lid shut and sacks should be tied securely to prevent littering and contents getting wet.

The crews will empty the bins and return them with the lids shut to their original collection point after emptying. Food bins will be laid down.

At the earliest opportunity following collection, the householder should retrieve their bin/s and store them within the curtilage of their property until the next scheduled collection. Bins must not be left on the pavement, highway or other public area or right of way as this can constitute an obstruction.

9. Flats/communal bin stores

Flats usually have a communal bin store/area from where we will collect waste on a weekly basis. Some management companies/social landlords provide bulk bins for the convenience of their tenants which we will empty (subject to access), however, these are managed and maintained privately.

The removal of fly-tipped waste (e.g., bulky waste) from bin stores is the responsibility of the management company/landlord, although the Council can provide a clearance service on a chargeable basis on request.

The collection crews will not collect where fly-tipped waste prevents access to bulk bins and recycling sacks and, in these circumstances, the onus will be on the managing agents or landlord to clear the offending items to facilitate access. The Council will collect on the next scheduled collection day following clearance unless the managing agents/landlord wish to pay for a return visit before that date.

10. Business Premises with Domestic Dwellings attached

By law, the collection of commercial (business) waste attracts a charge and so separate bins must be used for domestic and business waste. Disposing of business waste in a domestic waste stream is a criminal offence which could leave the business owner liable to prosecution. Any domestic bins found to contain business waste will not be emptied and the Council may take enforcement action if appropriate.

11. Assisted collections

An assisted collection service is available to residents who are unable to put out their waste and recycling owing to ill health, infirmity or disability and who have no other person aged 16 yrs or over resident at the property who can assist. In these circumstances the collection crew will collect bins/sacks from an agreed location on the property and return bins to that point after emptying.

The link below will take you to a simple application form that needs to be completed before this service can be authorised.

<https://www.braintree.gov.uk/bins-waste-recycling/assisted-collections/1>

We ask householders to notify us of any change in their circumstances. However, the Council reserves the right to review these arrangements from time to time and

may withdraw this service if circumstances have changed such that assistance is no longer deemed necessary.

12. Clinical waste

Clinical waste is any waste from healthcare activities that could pose a risk to public health or the environment if not disposed of correctly. The Council engages a contractor to provide a collection service for residents who are self-treating at home. It is the responsibility of the householder to notify the Council that they require a collection.

Responsibility for disposal of waste arising from treatment by NHS workers in the home rests with the NHS.

Some clinical waste is hazardous and poses a risk of infection, so it requires specialist receptacles for storage which are available from your healthcare provider. You must never put hazardous waste into your normal household bins. This waste includes any medical instruments that could cause punctures or cuts, or anything that could be harmful to others such as needles, sharps, waste arising from infectious diseases, swabs, and wound dressings.

Non-infectious waste may be offensive in nature but has no identified risk of infection such as incontinence wear/pads, colostomy bags and catheters. If the waste is not infectious, it should be double-bagged and put into your household waste bin.

13. Bulky waste (Special Collection) service

A chargeable collection service is available to all residents for bulky items of household waste such as household and garden furniture and equipment, white goods, carpets, etc. There is a two-tier charge based on up to 6 items and a maximum of 12 items and we will also take up to 4 small waste electrical items/appliances at no extra cost with any booking. A list of items that we do and don't collect as part of this service can be viewed on the Council's website.

Items must be left in an accessible location outside the property by 7am on the day of collection and only those items listed at the time of booking will be removed.

The service operates by area on weekdays only and we will confirm your collection date at the time of booking.

14. Ad-hoc Services

(1) Amenity Collections

The Council provides a commercial service to town and parish councils who, from time to time, arrange local collections of household waste within their area. Prices are available on request. The Council does not collect POPs (Persistent Organic Pollutants) waste as part of this service. Examples include but are not limited to:

- Sofas, sofa beds and futons.
- Armchairs.
- Padded kitchen and dining room chairs.
- Padded stools and footstools.

- Home office chairs.
- Bean bags, floor, and sofa cushions.

(2) Christmas Tree Recycling Service

In the New Year, the Council will collect real Christmas Trees from designated collection points free of charge. Details are available on the Council's website.

15. Recycling 'bring banks'

The Council provides c.90 local bring banks across the District, primarily for the collection of glass bottles and jars, although some sites also include facilities for food/drinks cartons and textiles/clothes/shoes (the latter being owned and maintained by third parties).

These sites are inspected, and the banks emptied regularly to maintain sufficient capacity for materials. As with the kerbside collections of recyclables, it is important to deposit the correct materials in the right banks to avoid loads being rejected by the processing plant.

Residents must not leave items on top of or around the containers as this constitutes fly-tipping and can result in enforcement action being taken and a fine incurred.

16. Disruption to service

The crews endeavour to keep to scheduled collections but occasionally this may not be possible owing to inclement weather, road closures, vehicle breakdowns or other reasons outside of the Council's control. Where delays arise, residents are asked to leave their waste at their normal collection point and crews will work as quickly as possible to catch up. Regular service updates will be posted on the Council's website and via social media.

17. Missed collections

The crews aim to return and collect missed waste within 2 working days of receiving a report where the crew has overlooked a collection.

Residents are required to report missed collections after 3pm on the day of collection (to allow for any delays), but in any event **no later than 12 noon on the next working day after collection** and should leave their waste container/s at their normal collection point to facilitate access.

The collection crews will not return to collect waste in the following circumstances:-

- The waste is not at the normal collection point when the crew call.
- The waste is not household waste.
- The containers are too heavy to be lifted/tipped.
- The waste has been stickered as 'contaminated'.
- The waste is excess (side) waste.

- The bin is unauthorised.
- The contents are compacted or frozen inside the bin.
- The bin has no subscription sticker and there is no valid subscription in force (garden waste only w.e.f. March 2024).

Missed bin reports may be verified by the crew records including photographs taken at the time of their visit.

18. Restricted Access

When a collection cannot be made due to access being restricted by parked vehicles, the crew will inform their manager/supervisor. Two further attempts will be made to complete the collection over the next 2 working days, but if access is still not possible, the crew will not return until the next scheduled collection. A postcard will be left on the windscreens of the offending vehicles asking the driver to park elsewhere on collection days to avoid causing an obstruction and inconvenience to residents.

Where there are repeated access problems, the Council may seek the following solutions:-

- on-street parking restrictions
- change of collection time/day
- change of collection point

19. Contamination

Black bins found to contain waste which is not household waste (e.g., vehicle parts, hazardous waste, builder's rubble, concrete, commercial/business waste, etc.) will not be emptied. Householders must make alternative arrangements for the proper disposal of this waste.

Bins/sacks must not be contaminated with incorrect materials: only deposit waste in a container that the Council has provided for that particular type of waste. This is particularly important to ensure that we maximise the amount of waste that can be recycled.

Where any container (including clear sacks) includes items that are not accepted, the waste will be left by the crew and the container stickered to explain why. In these circumstances, the onus is on the resident to either remove the contaminants and re-present the waste on the next scheduled collection day or take it to their local Household Waste & Recycling Centre.

Information on what the Council can/can't collect is available to view on our website.

20. Spillages

The crews are required to clear any spillages for which they are responsible and may request Street Cleansing staff to attend if necessary. For this reason, we ask that residents do not place liquids (oils/paint etc.) in their bins.

Any spillages that occur in advance of collections are the responsibility of the householder to clear.

21. Excess waste or side waste

For the purpose of this policy, the term 'side waste' refers to excess waste in bags or boxes or loose rubbish that is presented either alongside or on top of the black wheeled bin/s.

The Council will only collect waste contained in council-issue wheeled bins or sacks (including garden waste sacks from 2024) for which the appropriate charge has been paid where appropriate. Waste placed alongside or on top of bins will not be collected as this does not support our waste minimisation objectives or encourage residents to reduce and recycle as much of their waste as possible. In these circumstances, the crews will photograph and sticker the side waste, empty the bin and leave the side waste in-situ.

Given the environmental impact of disposing of waste, we require residents to manage their waste and keep this to a minimum wherever possible. Residents are also expected to participate fully in the recycling elements of the service to ensure that they have adequate capacity within their residual waste bins. Residents who generate additional waste will need to take this to their nearest Household Waste and Recycling Centre or store it within the curtilage of their property and present it for collection on their next scheduled collection day.

EXCEPTIONS

The Council may exercise its discretion to remove side waste, for example over Christmas/New Year when households traditionally generate more waste than is normal.

Side waste will also be removed if it arises because of prolonged delays in collecting caused for example by restricted access, road closures or during periods of inclement weather (icy conditions/floods, etc.)

We recognise that larger households and those with special (medical) needs may require additional bin capacity despite fully recycling, and the Council makes provision for this as set out in para. 22 below.

22. Additional bin capacity

Requests for additional bin capacity for general household waste will be assessed using the following criteria:-

- The number of people living at the property on a permanent basis providing every effort is made to maximise recycling.

- Medical circumstances that generate additional waste e.g., incontinence pads.
- Larger households with children using nappies day and night.
- Other exceptional circumstances at the discretion of the Council.

In all cases, residents will be required to complete an application form (available on-line or via Customer Services) and applications will be assessed on a case-by-case basis.

It is the responsibility of the householder to let us know of any changes in their circumstances that may affect their eligibility for extra bin capacity. The Council reserves the right to review these arrangements from time to time and may withdraw this service if extra bin capacity is no longer deemed necessary.

Additional garden waste bins are available on a chargeable basis and, from 4 March 2024, on a subscription basis only. There is a separate charge to purchase a bin and an annual fee/subscription to empty each bin.

23. Damaged/lost/stolen containers

Requests to provide a replacement wheeled bin for refuse or garden waste owing to damage can be made on-line or via the Customer Services Centre on 01376 552525.

Wheeled bins damaged or accidentally tipped into the collection vehicle will be replaced free of charge. If a householder deliberately damages their bin/s, a charge may apply.

Garden waste bins: N.B. From March 2024, damaged garden waste bins will only be replaced if a subscription fee has been paid. A charge may apply.

Where a bin has been stolen, the Council will replace the bin free of charge if the theft has been reported to the Police and a Police Incident reference number is obtained.

We aim to provide new or replacement bins within 10 working days of receiving a request.

24. Subscription-based Garden Waste Service (commencing March 2024)

From 4 March 2024, the Council will offer a subscription-based garden waste collection service only. This requires residents to buy both a 180L green bin (one-off cost) and pay an annual subscription to have the bin emptied. *Existing bins may be used until such time as they are no longer serviceable and need replacing.*

Additional bins may be purchased but a separate subscription is required for each bin to be emptied.

The service will operate all year round, except for a two-week period over Christmas/New Year.

The Council will collect unwanted bins free of charge from households who do not wish to take out a subscription, providing they are empty and are left for collection at the normal collection point on the agreed date. Requests to have a bin collected should be made on-line. **Residents should not use their garden waste bin once the winter suspension starts unless they intend to subscribe to the new service, as it will not be emptied.**

Households who have relinquished their bins and then decide they would like to use the garden waste service will need buy a bin from the Council.

A sticker authorising collection will be provided for each subscription purchased, and this must be affixed to the rear of the bin underneath the handle. The bin must be positioned with the sticker facing towards the public highway when presented for collection so that it can be seen clearly by the crew.

It is the householder's responsibility to:-

- Look after the bins they own and store them within the curtilage of their property in between collections to minimise the risk of theft.
- Report any damage to the garden waste subscription sticker. Bins not displaying a sticker will not be emptied.
- Ensure that the sticker is clearly visible to the crew on collection day.
- Tell us if they move out of the District so that we can cancel the subscription.
- Tell us if they move within the District and wish to cancel or transfer their subscription to their new address so that we can update our records.
- Ensure that garden waste is only put into the garden waste bin or biodegradable sacks and not presented for collection in any other receptacle/s.

25. If you move house

Other than bins owned (purchased) by the resident, all bins should be left at the property ready for the new residents. The only exception to this is if residents are relocating to another property within the District and wish to transfer their garden waste subscription to their new address, in which case they should take their garden waste bin/s with them.

26. Looking after your bins

Residents are responsible for the storage and safe keeping of bins provided by the Council and for maintaining them in a hygienic condition.

Residents may personalise bins by affixing the number of their property but must not cover the Council's logo.

27. Enforcement

The Council aims to offer advice and guidance in the first instance to secure compliance with its Household Waste & Recycling Collection Service. However, we

recognise that enforcement powers may be necessary in some circumstances and, where this is necessary, we will exercise those powers in a transparent, reasonable, and proportionate way. Enforcement action may be taken if:-

- Waste is left on the public highway (pavement/road) on non-collection days.
- Waste is left in a place other than the designated collection point.
- There has been unauthorised use of another person's bin.
- Waste is persistently contaminated with incorrect materials.
- Excess waste is persistently presented alongside wheeled bins.

Some offences relating to the incorrect disposal of household waste - for example, littering and fly-tipping - are criminal offences and the Council will not hesitate to take formal action against the perpetrator/s where the source of the waste is established and seek to recover the full costs of clearing and disposing of the waste.

28. Complaints

We aim to deliver our services correctly first time but accept that things occasionally go wrong. We ask residents to let us know as soon as possible if this happens so that we can put it right.

If the issue is not rectified and a formal complaint is lodged, we will investigate and respond in accordance with the Council's formal complaints procedure.

<https://www.braintree.gov.uk/council/make-complaint>

Service Standards – Household Waste & Recycling Collections

Service	Target
Collection of refuse and recycling.	Alternately weekly from designated collection point on scheduled collection day
Collection of food waste	Weekly from designated collection point on scheduled collection day
Collection of garden waste (chargeable service)	Fortnightly from designated collection point on scheduled collection day where a subscription has been purchased.
Provision of garden waste subscription bin sticker	Within 10 working days of subscribing to the service.
Missed collections of any waste type (where the Council is at fault)	Collect within 2 working days of receiving a report
Notify residents of changes to collection days	<p>Planned Changes: Within 1 working day via re-text and the Council's website.</p> <p>Unplanned Changes: As soon as possible via the Service Update page of the Council's website.</p>
Replace damaged/missing bins (subject to authorisation by the Waste Management Team). <i>N.B. A charge may apply for the bin.</i>	Within 10 working days of receiving request.
Deliver appropriate bins/sacks to new housing developments	Within 10 working days of notice of occupancy (subject to refuse and recycling storage and collection points complying with Planning Regulations.)
Empty overflowing banks at Recycling Banks	Within 1 working day of receiving a report.
Determine applications for additional grey bin capacity and notify applicant.	Within 2 months of receiving application.
Determine applications for Assisted Collections and notify applicant.	Within 14 working days of receipt.
Annual supplies of black sack (for refuse)	Max. 2 rolls of 26 sacks (total 52) delivered to door nearest to public highway. No additional supplies provided.
Annual supplies of clear sacks (for recycling)	3 rolls of 26 sacks (total 78) delivered to door nearest public highway. Ad-hoc supplies delivered within 10 working days of receiving request.
Biodegradable sacks for garden waste (non-wheeled bin households only).	Delivered within 10 working days of receiving order.

Special Collections of bulky household waste (chargeable service)	Completed within 3 weeks of receiving request.
Clinical Waste Collections	Referral to external service provider within 5 working days of receiving a request.

PROPOSED PROCEDURE FOR DEALING WITH SIDE WASTE PRESENTED ALONGSIDE GREY WHEELED BINS

For the purposes of this procedure, the term 'Side Waste' refers to excess waste in bags or boxes or loose rubbish that is presented either alongside or on top of grey wheeled bin/s.

Households with wheeled bins are required to contain their residual waste within their grey bin/s and present them for collection with the lid shut. Any side waste presented will not be removed.

Where waste collection crews encounter side waste, the following procedure will apply during any 3-month period:-

- Step 1:** Bin emptied; **side waste removed as 'one-off'** and **standard letter sent** to householder asking them not to put out any side waste for collection.
- Step 2:** Bin emptied; **side waste photographed, stickered and left.** Customer Service Centre (CSC) notified via in-cab technology and **standard reminder letter sent to householder asking not to present side waste** for collection and offering advice/guidance on managing waste if required. Letter to explain consequences of continuing to present side waste.
- Step 3:** Bin emptied; **side waste photographed, stickered and left.** Address referred to Waste Minimisation & Recycling Team for **personal intervention** to engage with the resident and offer support.
- Step 4:** Bin emptied; **side waste photographed, stickered and left.** Address referred to **Street Scene Protection Team** to investigate as an unauthorised deposit of waste under S.87 of the Environmental Protection Act 1990 part IV which **may result in the issue of a fixed penalty notice.**
- Step 5:** In the event of **non-payment of an FPN** by the due date a **prosecution may be taken.**

Report Title: Award of Tender for the Design and Build of Skate Park Project	
Report to: Cabinet	
Date: 18 th December 2023	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2023/25
Report Presented by: Councillor Tom Cunningham, Cabinet Member for Transformation, the Environment and Customer Services and Deputy Leader	
Enquiries to: Jenny Beck, Project Manager – Strategic Investment jenny.beck@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To seek approval to award a contract for the design and construction of the skatepark refurbishment project for three skate parks at Ramsey Road, Halstead, Spa Road, Witham and Weavers Park, Braintree.
- 1.2 To seek Cabinet approval for the use of S106 monies to fund the refurbishment at Ramsey Road Park.

2. Recommendations

- 2.1 To approve the use of £281,133 of S106 monies for the improvements at Ramsey Road, planning reference 14/01580/OUT.
- 2.2 To award the design and build contract to Bendcrete Skateparks. The total contract value is £458,325. This is £185,535 for the capital funded projects at Spa Road and Weavers Park and £272,790 for the S106 funded project at Ramsey Road.

3. Summary of Issues

- 3.1 Braintree District Council (the Council) own and manage a number of parks and open spaces within the district. Many of these contain a range of play and sports equipment's and skate parks, In April 2021 the park at Ramsey Road was allocated S106 funds from Bloor Homes for the provision of public open space, with the specified purpose being for the provision of equipment and/or enhancement of facilities and future maintenance at Ramsey Road Recreation Ground off Ramsey Road, Halstead. This gives the Council the opportunity to modernise the skate park and extend the play area within this park area. In addition, the Council had also recognised that Spa Road and Weavers Park skate ramps were reaching the end of their serviceable life and allocated capital funds. Therefore, looking at these projects together as a complete package has allowed the Council to bring together a comprehensive programme of works to be delivered by a specialist design and build company.

- 3.2 The Council has undertaken extensive consultation in relation to all three parks. This included an online survey, two face to face consultation events at each park and the formation of a design user group. The consultation was open from 1st September 2022 to 14th November 2022 and was publicised through social media, on the Council website, banners on the parks and via letters sent to residents living close to the parks. The survey focused on how people used the park, whether they supported a refurbishment of the skate park and what improvements they would like to see. The overwhelming response was that the skate parks should be refurbished, along with improvements to the play opportunities at Ramsey Road Park.
- 3.3 The survey fed into the specification that was used to tender for the design and build contractor. There will be a further meeting to shape the final design based on views and opinions of the concept designs. This will be with the skate park users, representatives from the Town Councils and interested Ward Members.
- 3.4 The specification at Ramsey Road also included gym / calisthenic equipment and an extension of the play area to include accessible play equipment and some landscaping elements such as additional pathways.
- 3.5 Ingleton Wood were appointed in July to project manage the tender and construction of the project and formed part of the evaluation panel.
- 3.6 There is an agreed Capital budget of £200,000 that was approved in the February 2021 Budget report to Council for the refurbishment of Weavers Park and Spa Road. Accordingly, approval is being sought to allocate a further £281,133 from S106 monies that has been ringfenced to be used on Ramsey Road Park as part of planning application 14/01580/OUT. This will create a combined budget of £481,133 for this project. To date, the Council have already committed £18,325 for project management fees and £3,700 on consultation letters and communications.
- 3.7 A procurement exercise commenced in September 2023 for the design and build of three skate parks in the district in concrete to reduce future maintenance costs.
1. Ramsey Road Skate Park Redesign
 2. Ramsey Road Play Area Extension and Additional Features
 3. Weavers Park Skate Park Redesign
 4. Spa Road Redesign

3.8 The Procurement Timeline was as follows:

Issue ITQ	12 September 2023
Deadline to submit clarification questions	5pm, 5 October 2023
Deadline for BDC to respond to clarification questions	12 October 2023

ITQ deadline date	1pm, 2 November 2023
Evaluation period	3 to 8 November 2023
Anticipated Provisional Award	8 November 2023
Final Award and Call-off Contract execution	By 31 January 2024
Order to be placed	By 1 February 2024

3.9 The tender required suppliers to provide a concept design for each park, plus information regarding the delivery of the specification, details of the team involved, a programme of works and warranties and guarantees.

3.10 A total of 5 companies returned prices in line with tendering procedure. The Tender Evaluation process was in two parts: (1) Financial and (2) Quality with a 10% and 90% weighting respectively. The Financial part was only 10% as we went out to tender with the budget details and asked bidders to work to budget. The Financial element was evaluated by Ingleton Wood and the Quality element by Ingleton Wood, Strategic Investment, Health & Safety and Economic Development.

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

Bidder	Overall Score (Weighted)
Bendcrete Skateparks	91.65%
Supplier 2	61.68%
Supplier 3	61.63%
Supplier 4	60%
Supplier 5	39.19%

3.12 Following the evaluation, Bendcrete Skateparks received the highest combined score. Although Supplier 4 was the cheapest, they were the second lowest in terms of quality. Accordingly, Bendcrete Skateparks is recommended as the Council's preferred supplier for the project. Bendcrete Skateparks have been designing and building skate parks for over 24 years and have designed and constructed 450 skateparks, play areas, climbing parks and MUGAs in this time.

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

- A sustainable environment and a great place to live, work and play.

- 3.14 This project will deliver three parks that provide opportunities for children and adults to keep fit, socialise and enjoy outdoor activities. It provides activity for children to partake in, and the play area refurbishment at Ramsey Road includes accessible equipment, further extending play opportunities for children with additional needs.
- 3.15 The aim is for the majority of work to be completed by the beginning of the summer holidays and progress on construction will be regularly communicated to user groups, local ward members and both Town Councils.

4. Options

- 4.1 **Option 1:** The Council could choose not to award the contract to Bendcrete; however, it would mean that the Council could not proceed with the design and build of the skate parks, all of which are coming towards the end of their serviceable life. In addition, the park refurbishments have been widely publicised and there could be reputational damage if the Council did not progress this project. Part of the project is funded by S106 monies and if these are not used then the Council will have to return the funds to the developers. Skate park design and build has moved on considerably since these skate parks were built and it is important that the Council moves with the times. This is not the recommended option.
- 4.2 **Option 2:** To approve the allocation of the additional S106 funds of £281,133 to the project and to award the contract to Bendcrete Skateparks. This is the **RECOMMENDED** option.
- 4.3 Option 2 is the preferred option because it provides a good standard of concrete equipment for the budget and creates parks with lower maintenance requirements. The decision will allow the parks to be refurbished to a modern standard that is fit for purpose and meet the needs of users. They will provide a significant contribution to the health and wellbeing of users through recreational play.

5. Next Steps

- 5.1 Subject to the approval of the recommendation set out in this decision report, to award the contract to Bendcrete Skateparks.

6. Financial Implications

- 6.1 The total value of the tender is £458,325, which includes a 5% contingency of £21,825. Once approved, the S106 amount will be ringfenced to be used on Ramsey Road only. There is additional project management and consultation costs.
- 6.2 The cost of providing the Ramsey Road skate park and play area, including the 5% contingency, and a share of overall project management and consultation costs will utilise the full amount of the S106 funds.

7. Legal Implications

- 7.1 The Council has complied with the provisions sets out in the Constitution, Procurement Procedure Rules and all relevant legislative provisions in the completion of this procurement exercise.

8. Other Implications

- 8.1 None.

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 decision to award the tender has no adverse impact on any people with a particular characteristic.

10. List of Appendices

- 10.1 None.

11. Background Papers

- 11.1 Consultation Summary Report.

- 11.2 Construction Plan.

Report Title: Construction of Rose Hill Linear Park, Braintree	
Report to: Cabinet	
Date: 18 th December 2023	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2023/56
Report Presented by: Councillor Gabrielle Spray, Cabinet Member for Planning and Infrastructure	
Enquiries to: Grace Allman, Graduate Landscape Projects Officer grace.allman@braintree.gov.uk	

1. Purpose of the Report

- 1.1 This report aims to seek approval to allocate an additional £44,583.35 of Section 106 funding, to the previously approved sum of £108,978.24, for the purpose of a new linear park in a triangular area of land located behind The Yard, Braintree, Essex. The new park will include play equipment, a circular path, and public art.

2. Recommendations

- 2.1 To agree to the Project of a new park within in a triangular area of land located behind The Yard, Braintree, Essex and;
- 2.2 To approve the allocation of £44,593.35 from Section 106 funding secured through the P.0606 Agreement.
- 2.3 To approve the entering into the design and build agreement at the conclusion of the procurement process, provided it is within the project budget.

3. Summary of Issues

- 3.1 Braintree District Council (the Council) are in receipt of £153,571.59 secured through a combination of Section 106 agreements and capital funding, arising from the development off Manor Street/ Railway Street, and the development at Carier Business Park. The funding secured through the Section 106 Agreement (P.0255) does not have a specific deadline but does have a requirement that it will be spent as soon as possible, conversely the Section 106 Agreement P.0606 specifies that the funding must be spent by October 2024.
- 3.2 The intention is to create a new public open space within the waste land behind The Yard, Braintree, which will provide a new facility for the community living in the development at The Yard, and Manor Street.

Installing play equipment and public art will draw people to the area and encourage more time to be spent outdoors. The play equipment will encourage an active lifestyle, physically and mentally challenging the children using the space. Additionally, sowing wildflower seed throughout the entrance to the park will make use of an area of contaminated soil and create a vibrant space for the public to enjoy.

3.3 Planning permission is not needed for this work, due to the permitted development rights of the Council, and the original outline planning permission granted for the development in March 2000, which included 'Proposed mixed uses comprising residential, employment (B1), retail (A2 and A3), open space, landscaping, and associated ancillary development'.

3.4 The total budget for the project is £153,561.59. This has been achieved through a variety of funding sources.

(a) Pre-approved funding, totalling £108,978.24:

- £85,294.31- Section 106 (P0255) funding specified for '*one off payment for POS / Amenity Area contribution / commuted sums /Art*'
£24,033.84 from Braintree District Council Capital

(b) Seeking approval for the following funding, totalling £44,583.35:

- £44,583.35- Section 106 (P.0606) funding specified for 'The provision of equipped playspace at Rose Hill, Braintree or Trottersfield, Braintree'.

3.5 Consideration is currently being given to the correct procurement route for this requirement with a review of available frameworks. Should no frameworks be appropriate the intention would be to source this through a sub threshold open procedure to ensure effective competition. Responses will be individually assessed by a multi-disciplinary panel in line with the set evaluation criteria. This exercise will take place in February / March 2024.

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

- A sustainable environment and a great place to live, work and play;
- Residents live well in healthy and resilient communities where residents feel supported.

3.7 The above corporate objectives are achieved by the Rose Hill Linear Park project as the new public open space will encourage people to spend more time outdoors. The new play equipment will also draw people to the space, as well as challenge children mentally and physically, promoting a healthier lifestyle.

4. Consultation

4.1 Initial consultation was carried out with a steering group formed of residents local to the site in 2013. This consultation allowed for the creation of the design brief for the new public open space, highlighting the existing

problems with the site, such as vandalism, anti-social behaviour, gradients, dog fouling, and overgrown vegetation.

4.2 Another public consultation exercise in 2017 expressed local support for implementing a designed public space which included fitness/ play equipment and an element of public artwork.

4.3 These responses have help inform the Council's consideration of the space and prepare the procurement documentation.

5. Options

Option 1, do nothing.

5.1 This would cause the Council to risk losing the £44,583.35 secured through section 106 agreement P.0606 for the installation of play equipment in the Rose hill park. Also due to the public having been aware of the project for a long time, to not build the new park would generate a sense of disappointment in the nearby residents.

Recommending option 2, build a new open space.

5.2 This would enhance the local area by creating a new inclusive public space, including exercise /play equipment and public art. Creating an accessible route around the new park will improve the inclusivity of the space and encourage more of the local community to the area. Installing public art into the new park provides the opportunity to raise awareness of the sites history and become an attraction for those locally and outside of the district.

5.3 Option 2 is preferred, as it will meet the Section 106 agreement criteria; P.0606 states *the money be used for 'the provision of equipped play space at Rose Hill, Braintree or Trottersfield, Braintree'*. This option will also ensure that P.0606 is spent before the deadline of October 2024.

6. Financial Implications

6.1 The works (play equipment, surfacing, fencing, gates and are estimated to cost £142,600.00 (excluding VAT.); this figure has been calculated using SPONS (External Works and Landscape Price Book) 2022, and manufacturers' websites. This is within the total budget of £153,571.59.

6.2 The installation of a new play equipment will incur future maintenance costs for the Council, due to inspections needing to be carried out on equipment and artwork, the emptying of the bins included in the scheme, and the repair of equipment when out of the warranty period.

7. Legal Implications

7.1 There are no legal implications from the implementation of a new public open space within the land behind The Yard. The Council will enter into an

agreement with the awarded contractor which will clearly set out the project and all key milestones and performance indicators.

- 7.2 The procurement has been undertaken in accordance with all relevant legislative provisions and in accordance with the Council's Procurement Rules.

8. Equality and Diversity Implications

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

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

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

- 8.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

- 8.4 The new public space will include an accessible path which will make the space suitable for those with physical disabilities and provide activities for all ages by the inclusion of play equipment, artwork, and wildflower planting.

9. List of Appendices

- 9.1 None.

10. Background Papers

- 10.1 Section 106 Agreements.

Report Title: Wethersfield Grant Funding	
Report to: Cabinet	
Date: 18 th December 2023	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2023/67
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Cherie Root, Corporate Director cherie.root@braintree.gov.uk	

1. Purpose of the Report

- 1.1 This report sets out the details of the funding Braintree District Council (the Council) have received from the Home Office. The Asylum Large Sites and Vessel Grant (the Grant) has been received under the Asylum Pathfinder Large Sites Accommodation Programme.

2. Recommendations

- 2.1 To agree, that in relation to the Grant, the Cabinet delegates authority to the Leader of the Council, to approve:
- 2.1.1 The final Asylum Grant Funding Scheme or Schemes (the Scheme(s)), to be administrated by the Council;
- 2.1.2 Any criteria against which applications for the Scheme(s) will be determined; and
- 2.1.2 The decision-making process for the awards of funding under the Scheme(s).

3. Summary of Issues

- 3.1 The Large Sites Accommodation Programme was established by the Home Office to support local authorities arising from an operational site being located within their area and provides an upfront grant payment to the relevant local authority, with provision for further funding being provided as the site reaches key thresholds of capacity.
- 3.2 In October 2023, the Council received the Funding Instructions for the Asylum Large Sites and Vessel Grant (the Grant) from the Home Office. These Funding Instructions relate to the provision of asylum seekers located at RAF Wethersfield, Braintree, Essex.

- 3.3 The Funding Instructions confirmed that the Council would receive an initial upfront payment of £1,487,500 under the Grant, with further payments expected under the Grant on a quarterly basis thereafter. The Grant is calculated on the basis of £3,500 per bed space on site, and this payment therefore represents 425 of the overall capacity at Wethersfield, which is expected to contain a total of 1,700 bed spaces.
- 3.4 It is important to identify that £3,500 is not paid nor received by the Council each time an asylum seeker is allocated a bed space, it is not a per head funding. Rather the payment is triggered on the initial occupancy of the bed space. Accordingly, the Council only receives this funding once per occupied bed spaces. This is regardless of how many different individuals are allocated the bed space over the lifetime of the site. This means that the funding is essentially capped, and the Council will not receive more than the equivalent funding of 1,700 spaces under this current Scheme.
- 3.5 The Funding Instructions are detailed and contain a number of requirements and criteria which must be adhered to by the Council in its administration of the Grant. This funding cannot be used by the Council to close its budget gap, nor can it be used to cover any legal costs incurred in bringing the various challenges against the Home Office over the proposed use of the site. The Funding Instructions set out that the Grant must be used by the Council to address pressures on local services associated with the asylum accommodation, to support the outcomes of the large sites programme.
- 3.6 The Council is required to administer the Grant in accordance with the Funding Instructions, but also ensure that it is utilised to deliver the support necessary to those located at the site, and the communities impacted. Accordingly, the Council has been working with its partner agencies to understand the areas where the funding may need to be utilised.
- 3.7 The Council will need time to develop the Scheme, or potentially a number of Schemes, allow for applications against the Scheme(s) to be made to the Council and for funding awards to be approved. To ensure that this is done as soon as possible, it is recommended that delegated authority is provided to the Leader of the Council to approve the details of the Scheme(s), any award criteria under it, and the decision making process through which awards can be made.

4. Consultation

- 4.1 The Council is working with partner organisations and representatives from the voluntary sector, and those discussions will assist the Council in the preparation of the Scheme(s).

5. Next Steps

- 5.1 Following the finalisation of the Scheme(s), the award criteria and the decision-making process for funding awards, the Leader of the Council will be invited to consider the same and give his approval. Once obtained, the

Scheme(s) will be active and the Council will be able to administer the Scheme(s) appropriately, having regard to all the Grant requirements.

6. Financial Implications

- 6.1 The Funding Instructions apply to the 2023-24 financial year. The amount of grant that may be receivable by the Council is capped at the equivalent number of bed spaces available at the site. An initial amount of £1,487,500, based on 25% of occupied bed spaces, has been received and the maximum amount that could be claimed is £5,950,000, if full occupation is achieved before the end of the current financial year.
- 6.2 The Council will establish a Scheme or Schemes for using the funding for the purposes set out in the Funding Instruction. Once grant eligibility is established, there is no deadline by when funds must be spent, other than the site needs to still be operational. In determining a Scheme(s) for distributing grant funding the Council will need to take into account that at present there is no set period of operation for the site and no further commitment from the Home Office to provide additional funding beyond the current financial year.

7. Legal Implications

- 7.1 Following receipt of the Grant funding, the Council is obliged to take all steps to ensure that it does not breach the terms upon which the Grant was provided. To do so could result in all, or part of any future funding being withdrawn, and the Council having to repay any Grant received to date.

8. Equality and Diversity Implications

- 8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions. A full equality Impact Assessment will be undertaken in support of the finalisation of the Scheme, to ensure that the decision taken at that stage has full regard to the public sector equality duty.

9. List of Appendices

- 9.1 None.

10. Background Papers

- 10.1 Funding Instructions and associated documentation.

Report Title: Corporate Peer Challenge 2023: Report and Initial Response	
Report to: Cabinet	
Date: 18 th December 2023	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2023/65
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Suzanne Bennett, Corporate Director suzanne.bennett@braintree.gov.uk	

1. Purpose of the Report

- 1.1. The purpose of this report is to provide Cabinet with the finalised detailed report from the Peer Challenge team following the Local Government Association (LGA) Corporate Peer Challenge that was carried out in October 2023.

2. Recommendations

- 2.1. It is recommended that Cabinet:
- 2.1.1. Notes the LGA Corporate Peer Challenge: Braintree District Council Report (the Report), including recommendations, which can be found at Appendix A; and
- 2.1.2. Approves the development of an action plan that addresses the recommendations made in the Report, using current Braintree District Council (the Council) resources.

3. Summary of Issues

- 3.1. All Councils are expected to take part in the council assurance and peer support programmes that are provided by the LGA. A key part of that programme is the Corporate Peer Challenge and councils are expected to engage in a Peer Challenge approximately every five years.
- 3.2. The last Peer Challenge of the Council was carried out in 2013. Agreement was in place with the LGA for the next iteration of the programme but that fell in the early days of the Covid19 pandemic and was therefore put on hold.
- 3.3. The current Chief Executive and the Leader of the Council agreed that a Peer Challenge would be held in this calendar year. The recommendations of the report would then be used to help shape the priorities in the new Corporate Strategy that is being drafted for approval by Council in March 2024.

- 3.4. The agreed team of peers who carried out the review were:
- Cllr Sam Chapman-Allen - Leader of Breckland Council (Member peer)
 - Laura Taylor - CEO of Winchester City Council (CEO peer)
 - Tina Mustafa - Assistant Director: Neighbourhoods, Tamworth Borough Council
 - Cassandra Clements - Managing Director, East Suffolk Services, East Suffolk District Council
 - Aimee Wittams-Smith – LGA Peer Challenge Manager
 - Daniella Howell – LGA Programme Support Officer
- 3.5. The Peer Team spent four days on site at Causeway House during the second week of October and spoke to a wide range of stakeholders. Verbal feedback was provided to Cabinet members, senior managers and other officers at the end of the week.
- 3.6. The feedback was developed into a more detailed report by the peer team and this was received by the Chief Executive on 24 November 2023. This Report can be found at Appendix A.
- 3.7. This Report is required to be published on the Council's website within 12 weeks of the review, being 5 January 2024. The Report is published as part of the agenda for this Cabinet meeting and a separate copy of the Report will be made available in an easily accessible section of the website following the meeting of Cabinet.
- 3.8. The Council is now required to develop an action plan, and this too must be published on the website. The deadline for publication of the action plan is 8 March 2024 (five months after the review).
- 3.9. The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:
- A high performing organisation that delivers excellent and value for money services
- 3.10. The purpose of the Corporate Peer Challenge is to allow councils to gain insights and enhance performance across service areas and functions and the development of action plan will ensure that the recommendations of the LGA report are acted upon.

4. Options

- 4.1. It is a requirement of the LGA Corporate Peer Challenge process that an action plan is developed following the publication of the report. To not do so would mean that the value of the Peer Challenge would likely be lost.

- 4.2. The Council could choose to develop the action plan using external resources but this would result in additional costs being incurred. Additionally, an externally developed plan would risk not being deliverable as the planning will require a strong knowledge of the current operations, capabilities and capacities of the organisation.
- 4.3. It is on this basis that it is recommended that internal resource is utilised for the development of the action plan.

5. Next Steps

- 5.1. If Cabinet approves the recommendations in this report, a further report will be presented at Cabinet's meeting in March 2024. This will include the action plan for consideration and approval.
- 5.2. The peer team or some members of the team will revisit the Council 12 months after the review to consider progress on implementation of the action plan.

6. Financial Implications

- 6.1. If the action plan is developed using current resources there will be no financial implications for the authority. The Corporate Peer Challenge and associated activities were planned for at the start of the financial year.
- 6.2. Should Cabinet decide not to proceed on that basis it will be necessary to procure external support. The costs of external support have not been estimated at this time.

7. Legal Implications

- 7.1. There are no legal implications arising out of the recommendations set out in this report. However, should the Council fail to follow the processes engaged for the LGA Corporate Peer Challenge, then this could have reputational implications.

8. Equality and Diversity Implications

- 8.1. Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 8.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3. The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. Further consideration will be given to any associated impacts as the action plan is prepared.

9. List of Appendices

- 9.1. Appendix A - LGA Corporate Peer Challenge: Braintree District Council Report.

LGA Corporate Peer Challenge

Braintree District Council

10-13 October 2023

Feedback report





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1. Executive summary

A strong ambition to provide the best possible services to communities underpins the approach in Braintree District Council (BDC) and this ambition is complemented by the commitment of experienced members and officers, focused on serving residents and businesses effectively. Staff are committed to delivering high-quality services, though capacity risks exist in some areas. BDC performed well during the 'Bouncing Back Together' plan which ran to March 2023. 54 out of 66 projects were completed with eight more on track and making good progress at the time of the 2022/23 annual performance management report. A new Chief Executive working closely with the Leader enables the council to build on this success going forward. Priorities for improvement include transforming services through digitalisation, commercialisation, and shared services. Members and staff embraced the peer challenge process with openness and honesty, as a vehicle for learning and to drive improvement.

Effective collaboration and partnership working is a strength. BDC plays an active leadership role locally and regionally, such as the Chief Executive recently taking on the position of Lead Chief Executive for the East of England Local Government Association (EELGA), enabling representation of the district and North Essex Councils (NEC) at a regional level. The peer team spoke to public sector partners at all tiers of local government, in health, the police, business, external providers and the voluntary sector. It was evident that the council is regarded as an active and reliable partner across the board. Extending its activity to the local and regional levels allows BDC to position itself strategically as a district, recognising its role and responsibility within the wider context of governance and service delivery. BDC can further these successful efforts by considering the potential for strengthening its strategic partnering and commissioning with the voluntary sector who are keen to work more deeply with the council. This aligns with the broader goal of leveraging resources to meet the needs of the local community efficiently. Peers recommend strengthening connections with its town and parish councils which could enhance overall community delivery and collaboration, aligning with the council's broader commitment to a vision for the district as a whole, informed by its wider parish and village family.

BDC understands its financial challenges and its financial position in 2023/24 is stable, with reserves that were consistently bolstered during the last 3 years, the council has a strong awareness of its future budget deficits, which present a

challenge. For 2023/24, the budget required a £644,000 withdrawal from reserves and there is a budget deficit projected in coming years, with a £2m gap forecast by 2026/27 if no action is taken. BDC has developed a robust Medium Term Financial Strategy (MTFS) that aligns with its Treasury Management Strategy, allowing for responsible financial planning and management which is reflected in the council's high level of reserves compared to CIPFA benchmarking. Although the financial position is reasonable, like every council, there is a challenge facing BDC and it is necessary to address the £2m budget gap by 26/27. Peers strongly recommend developing and communicating a well-resourced transformation programme which seeks to balance the budget as a priority.

BDC has a strong track record of strategic investment in commercial assets to generate income streams. The council has a significant historic commercial property portfolio with a multimillion-pound rental income budget and risks related to yields are actively managed and actions taken to mitigate where appropriate. Since its 2013 Corporate Peer Challenge, BDC has clearly focused on a proactive approach, with notable initiatives like the Plaza, Horizon 120, and I-construct showcasing the council's commitment to diversifying its resources and assets for the benefit of its community, contributing to its overall financial health and resilience. Peers recommend maximising the use of council assets to be clear on their purpose – regeneration, social or commercial – to maximise income through capital investments. For example, the majority of Causeway House, the council's main office building, is not currently in use. Options for Causeway House are actively being considered alongside options for other office-space assets that are currently leased out but are coming up to lease renewal dates. In the local government context, the council recognises it is about ensuring that assets are leveraged for the greatest benefit, whether it be for regeneration, social good, or financial sustainability.

The council is developing a new Corporate Strategy to set strategic vision and priorities for the next phase of its improvement journey. BDC is now well placed and has an opportunity to engage stakeholders, communicate ambition, and achieve buy-in across the council and its partners. The Leader, Chief Executive and senior management team recognise the need to increase the pace and scale of delivery and change to achieve the objectives set out in its emerging Corporate Strategy. The council has demonstrated it can deliver transformative projects, such as its strategic investments and regeneration initiatives. Continuing this drive and momentum will

require strong leadership and alignment at all levels. Peers recommend that the council should leverage the Corporate Strategy development process to clearly articulate and share its vision, ambition and strategic priorities with staff, members, partners and communities. This will provide the foundation for driving greater pace of change.

The phrase 'the Braintree way' came up frequently in interviews with staff, which captured the commitment from officers to providing an excellent service for residents however it was also used to indicate that there may be some reliance on goodwill when it comes to capacity. Senior leaders recognise the devotion to the council from officers and are keen to ensure that they bring staff with them through the transformation journey they are about to embark on. There appeared to be some tension among officers around flexible working and its inconsistency across the organisation. The new Agile Working Policy presents an opportunity for managers to review old working arrangements from the COVID-19 era and check that the arrangements in their teams are the most effective to meet the team's performance goals and council needs. With a new Corporate Strategy and a new vision for the district in place, 'the Braintree way' may have to evolve or be refreshed as it aligns with its organisational development strategy and harnesses staff and resource potential.

Strong strategic leadership will be needed from the top tiers of management and Cabinet to turn the Corporate Strategy into clear direction for staff and transformational change for the council. Senior leaders should inspire the workforce around the vision and enable delivery through trust and empowerment. Peers recommend developing a workforce and organisation development strategy, combined with a change management strategy, which would equip the council with the focus and tools needed to successfully manage its people through significant change. Peers recommend that the council's risk appetite should be reviewed to ensure it is appropriately aligned with the change ambitions set out in the emerging Corporate Strategy. Essentially, translating the Corporate Strategy into tangible change actions will require unambiguous direction from strategic leaders, empowered staff, sustained partnerships, enhanced scrutiny and willingness to pursue innovation.

2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

2.1 Recommendation 1

Clearly develop and communicate BDC's vision supported by clear internal and external-facing leadership; linking refreshed values and strategic priorities to ensure organisational connectivity.

2.2 Recommendation 2

Maximise the council's leading role as a valued local and regional public sector strategic partner with others.

2.3 Recommendation 3

Establish the new 'corporate priorities', with an ambitious delivery plan with a golden thread through MTFS, strategies, processes and prioritisation. Support this by an evidence-based performance management programme.

2.4 Recommendation 4

Encourage innovation within the context of a mature approach to risk management.

2.5 Recommendation 5

Develop a well-resourced and SMARTer transformation programme that clearly identifies the roles of senior leaders to deliver corporate priorities and seeks to innovate and balance the budget, supported by an effective change management strategy.

2.6 Recommendation 6

Create a workforce and organisational development strategy that tackles issues around capacity, skills gaps, succession planning, health and wellbeing, and retention.

2.7 Recommendation 7

Maximise the use of council assets to be clear on their purpose – regeneration, social or commercial to maximise income through capital investments.

3. Summary of the peer challenge approach

3.1 The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:

- Lead Officer Peer: **Laura Taylor**, Chief Executive, Winchester City Council
- Lead Member Peer: **Councillor Sam Chapman-Allen**, Leader, Breckland Council
- Senior Officer Peer: **Tina Mustafa**, Programme Director & Assistant Director Neighbourhoods, Tamworth Borough Council
- Senior Officer Peer: **Cassandra Clements**, Managing Director, East Suffolk Services Limited
- LGA Peer Challenge Manager: **Aimee Wittams-Smith**, Regional Adviser
- **Daniella Howell** – LGA Programme Support Officer

3.2 Scope and focus

The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities and achieving improved outcomes for all of its communities? How is the Council utilising its place partnerships to understand local priorities, both within and across boundaries; and how are place partnerships working together to deliver outcomes? What steps has the Council taken to mitigate the impact of the cost of living crisis on communities?
2. **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities? What role is the Council playing in shaping the future of public services across the system?
3. **Governance and culture** - Are there clear and robust governance

- arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
 5. **Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve? Is the Council utilising partnerships to drive improvement? What programmes does the council have in train to ensure continual improvement is embedded?

3.3 The peer challenge process

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. The team then spent three and a half days onsite at Causeway House, during which they:

- Gathered information and views from 47 meetings, in addition to further research and reading.
- Spoke to 111 people including a range of council staff together with members and external stakeholders.

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and members.

4. Feedback

4.1 Local priorities and outcomes

There are examples of good public engagement and the use of data to inform policy such as the Economic Development Strategy, which supports the Local Plan. This kind of evidence-based policymaking is key in local government, alongside effective measurement of progress and success through comprehensive reporting and analytics. Equally, there are examples where there could be more robust use of data to inform policies, such as the EDI policy. Peers recommend making strategic use of data across the council, which can provide deeper insights into needs and enable effective targeted intervention. For example, informing the Leisure Strategy with data and further collaboration with Fusion Lifestyle, the external leisure provider.

The peer team heard that performance data is used to create dashboards, particularly at service level, however there is scope of improvement in aligning multiple systems to extract fuller and clearer data. The peer team understood from managers that there is a more transactional and operational approach to measuring performance. With a cohesive/single performance management and evaluation process, BDC could identify Key Performance Indicators (KPIs) and regularly review and update them with precision.

Braintree District is made up of three towns (Braintree, Witham, and Halstead) and a network of villages and smaller settlements, and it appeared to be generally recognised by officers and members that the four entities are “*so embedded in the residents, it gets embedded in the work*”. There is an opportunity to adopt a more unified vision for the entire district, providing a clear basis for developing council priorities. The need for a refreshed and widely communicated Corporate Strategy is apparent, to ensure a clear and coherent link between the council's vision, policies, and operations. Once the Corporate Strategy is embedded, strengthening relationships with the voluntary sector can enhance delivery and enable BDC to increase its understanding of, and engagement with, the wider community.

Increasing the skills base in the district is widely acknowledged as important for BDC, as in-district salaries are the lowest in Essex and only 25% of the population is qualified at NVQ4 and above whilst there is no higher education provision located directly in the district. Evidence collected by peers indicates that work on the ‘skills agenda’ declined during the pandemic, with schools stepping back from the Skills

Board, and now BDC are engaging in a wider Essex conversation on skills. The council is collaborating with the North Essex Economic Board (NEEB) to secure longer-term funding for green skills initiatives such as a skills centre for clean energy, building on the success of the 'I-Construct' Innovation Hub situated in the Horizon 120 business park in Great Notley. The council should set out clear plans to influence and achieve improved skills levels through further initiatives and consider where it could maximise the use of its assets to achieve this, whilst recognising the need for assets to have a sustainable financial position, for example by targeting the rental of its business spaces.

In response to the cost-of-living crisis, BDC has taken measures to address the impacts on its residents. The Leader and Cabinet initiated a cross-party committee to assess the situation and recommend interventions, and a cost-of-living partnership group involving key stakeholders was also established to understand what the impacts are and how successful interventions to date have been. In January 2023, the council created a Cost-of-Living Investment Fund using New Homes Bonus money, with a focus on improving food security and access to essential goods, aiding the community and voluntary sector in supporting vulnerable residents, and promoting physical and emotional well-being, particularly among young people facing barriers to leisure activities and sports club participation. Key projects underway include the 'Here to Help' initiative, winter resilience project, holiday activity programme extension, new distribution centre for a foodbank, new delivery service for a foodbank, extension of the sport for confidence service, energy advice and support line, energy grants, increased resources for employment support. In addition, a contribution of £25 per Council Tax bill was also made at the start of this financial year at a cost of £1.6m. This proactive response reflects the council's commitment to addressing the needs of its residents amidst the changing economic landscape.

Public Health concerns include the highest rate of excess winter deaths in Essex, levels of adult obesity exceeding the national average, and physical activity participation among adult residents behind both the national average and Essex's lowest figures. Braintree District has the fourth highest level of suicide in Essex at 12.4 per 100,000 residents, and suicide rates in Essex are higher than the national average. The council needs to evidence how it will seek to reduce this with partners through its new plan. The council is working with the Mid Essex Alliance on the development of health and wellbeing priorities to support its new LiveWell Strategy

and continues to work with partners including the Active Braintree Foundation, Fusion Lifestyle and the Braintree District Museum Trust to enable physical and emotional health and wellbeing support for residents. The council is also working with the Mid Essex ECC Childrens Commissioner to develop the Mid Essex Feel Well subgroup, focusing on collaborative approaches to supporting children, young people and parental health and wellbeing. Peers recommend using an evidence-based performance management evaluation programme to test the success of strategies like LiveWell.

The council has taken many positive steps to address climate change, it has declared a climate emergency and adopted a Climate Change Strategy and Action Plan which is currently being revised for 2023/24. BDC has made progress in decarbonising council-owned heritage assets, such as listed buildings, through measures like installing efficient boilers and LED lighting. It works with partners across the system on sustainability, but leadership could potentially champion and direct climate action more visibly and boldly. Performance reporting indicates all current projects are on track, such as increasing renewable energy and fuel security within the district and rewilding initiatives. Essex authorities are also working together to fund a new Biodiversity Net Gain officer and develop a cross Essex guidance document to support the implementation of Biodiversity Net Gain from November of this year. The recent Culture Peer Challenge at BDC found that the Housing and Communities team, in partnership with the Local Cultural Education Partnership (LCEP), has successfully engaged schools in climate change projects using arts and culture. There's also growing recognition of climate anxiety among children and young people, and creative interventions are suggested to support them and align with the LiveWell Strategy and Climate Change Strategy.

4.2 Organisational and place leadership

The council has had long-term political stability, with its current Leader in place for nearly two decades, providing continuity and strong political leadership. There are multi-party politics with 26 Conservatives, alongside Labour, Green, Independent and Halstead Residents Association councillors. The Joint Executive Team (JET) formed of members of the Senior Management Board and Cabinet meets fortnightly and provides a strong forum to tackle issues of corporate importance to achieve a joined-up leadership perspective. Whilst Cabinet is highly regarded internally and members are committed, engaged and embedded in their local communities, there is more to

do to ensure effective ownership of the transformation journey at a member level. This will ensure members are able to provide cohesive and strategic leadership to the organisation around the key priority areas. In terms of place leadership, there is an opportunity to forge a more impactful relationship with the Braintree Association for Local Councils (BALC) by setting out a plan for structured engagement. Although district councillors are on many parish and town councils, building on recent efforts by officers to cultivate relationships would prove beneficial to both the council and local communities.

BDC demonstrates a strong commitment to advancing its community through priority projects and significant investments such as Eastlight's £3m community programme, £71.5m on new facilities for place shaping, a significant spend on town centres, a £2m package of economic growth projects with NEEB, UKSPF, and the Horizon 120 business innovation and logistics park. Investments such as these demonstrate a clear commitment to shaping place for residents and businesses. Eastlight are keen to further build on their collaborative working relationships with the council and the Chief Executive should continue to foster this opportunity.

Collaborative engagement and partnership working are at the core of BDC's approach to addressing the diverse needs of its community and achieving positive outcomes for its residents. The council has developed mature partnerships across multiple sectors that enable impact at scale. For example, the Mid Essex Alliance with health agencies advances shared goals around public health, while collaborating with Essex County Council, the police, and neighbouring authorities combines resources to assess and address challenges that extend beyond district borders. The peer team heard from Eastlight social housing providers, and Fusion Lifestyle, a charity provider of BDC's leisure services. External stakeholders widely praise BDC for its dependability, proactivity and commitment when working together and collaborating over shared outcomes. The council actively participates in partnerships like the North Essex Economic Board (NEEB) to drive economic growth and is exploring future shared services with neighbouring authorities to enhance financial resilience. These partnerships align with the overarching objective of leveraging available resources efficiently to meet the diverse needs of the local community.

BDC has a clear *"passion for place."* The peer team's conversations with a wide range of partners clearly indicate that *"BDC is always 'can-do' rather than 'nothing we can do' or 'not my problem'"*. The council demonstrated strategic agility and effective

partnership working in responding to the complex situation at RAF Wethersfield. Stakeholders including health, police and Local Resilience Forum (LRF) partners praised the practical, resident-focused approach to the site's use. This balanced response highlights strong place focused leadership.

Beyond its range of successful partnerships, BDC is seen as a dynamic driver of change. The Chief Executive has recently taken up leadership responsibilities at the East of England Local Government Association (EELGA) and Chairs the North Essex Councils (NEC) Chief Executive group which has harnessed the strong relationships and partnerships established through NEEB. This expanded involvement on both local and regional fronts positions BDC strategically as a district, acknowledging its broader responsibilities and influence in not just service delivery, but conversations such as devolution and shared service arrangements.

The outward-facing visibility and commitment of senior leaders both political and managerial is welcomed by staff and members, although there is some work to be done internally to achieve BDC's goal to bring staff along with them on the council's transformation journey. The peer team heard about capacity issues across the council, and staff indicated that *"the Braintree way has lost its way"*. Project management currently appears to be an add-on responsibility for many staff rather than a dedicated role. Whilst it is evident that BDC has committed and knowledgeable officers at every level, focused project management resource and expertise will be required to support the delivery of the ambitious transformation agenda and BDC are currently recruiting for a new Project Management Officer to respond to this need. Peers suggest it would be helpful to conduct a detailed workforce analysis to identify and understand the current and future skill sets of staff, ensuring resources are reviewed so there is capacity for delivery. This approach will provide a solid foundation for optimising their capabilities to the fullest potential.

Consistent communication and strategic leadership from senior management and the Cabinet is essential to translate the Corporate Strategy into a clear roadmap for staff and partners to deliver transformative changes within the council. The vision will need to be communicated effectively but also inspire the workforce and provide them the confidence and empowerment to drive its realisation. Once the vision for the council is clarified, consideration should be given to further development for individuals in key roles so that a broader range of key individuals, both members and officers, are able to talk with confidence about the council's aims for the area. To

navigate significant change effectively, peers recommend that the council should invest in a comprehensive workforce and organisational development strategy, coupled with a robust change management strategy.

The council implemented flexible working arrangements that allowed for effective response during the pandemic. The dedication and resilience of staff during this time is an example of the positive outcome of ‘the Braintree way’. However, the peer team heard about inconsistencies in the application of flexible working arrangements, and it remains uncertain if these arrangements are serving all staff as intended. Officers and members both expressed that there could be improved ‘virtual visibility’ for those working from home, such as clearly communicated contact information with availability and working hours, and more opportunities for staff to come together face-to-face. It was noticeable at the staff forums attended by the peer team that this was the first time many of the officers had met one another. To address this, BDC was reviewing its Agile Working Policy in consultation with trade union representatives at the time of the CPC. This presents an opportunity to communicate it widely with staff and managers who can in turn evaluate team arrangements. Peers recommend enhancing this with increased opportunities for staff to engage with one another and the senior leadership such as monthly in-person staff forums or arranged face-to-face get-togethers. BDC has achieved so much, celebrating those successes and bringing staff together to see the bigger picture is vital in developing unity.

4.3 Governance and culture

The general message from officers and members alike is that BDC is a great place to work and that the council has a family atmosphere. The Leader is seen by staff as knowledgeable, open and transparent. Staff feel that BDC is a friendly council, and that they have autonomy and freedom to be creative. Relationships with two trade unions are generally positive and lead to good outcomes. There does, however, appear to be some hangover from pandemic working and the culture of past senior management. Staff quoted *“Work is hard, but I feel valued. My work environment makes me want to give up my time to do more”*, *“My laptop is on every night just to get through the work”*. Peers consider a refresh of the approach to organisational development and ways of working would be of benefit to ensure positive service outcomes. The peer team heard from staff that the new Chief Executive has had a positive impact on morale and culture since his arrival a year ago, however they would like some more corporate visibility internally from the senior team, such as

through staff forums and wider circulation of the Chief Executive's newsletter.

BDC has established a robust governance framework enabling lawful and accountable decision-making, through defined separation of powers and productive member-officer relationships. This constitutional foundation offers stability amidst changes like the emerging Corporate Strategy. As the council moves into a period of elevated ambition, governance will need to flex and strengthen as the organisation transforms. While the Scheme of Delegation is fundamental in ensuring transparent and efficient governance, there are elements that may inadvertently impede progress. For example, contract renewals over £150,000 in value require Cabinet sign-off, even if the new contract represents a cost decrease for the council. This mandatory step, though intended to maintain accountability, can inadvertently slow down decision-making. It is essential to strike a balance between oversight and the ability to adapt to evolving circumstances, and to ensure that staff know when they should seek authority. The scheme's adaptability is an area that BDC has recognised, and it has committed to updating the scheme accordingly. An iterative approach will ensure that the delegation structure remains relevant and effective and contributes to the pace and scale of change.

Constructive cross-party working is supporting effective governance in practice. Opposition groups are invited to attend Cabinet meetings and indicated that senior officers engage with them in a responsive and informative manner. Reinstating regular Group Leaders briefings could further promote inclusion and enable effective opposition input through scrutiny. Views on the relationships between opposition and administration members were mixed. While naturally some political friction exists between groups, priorities seem aligned with the administration's aims. As one opposition member stated, *"We would love to see some work to say we are one Braintree"* - indicating a shared vision for the district and *"Culture of Place and Culture of Organisation"*.

BDC have recently adopted a new Risk Management Policy and Strategy, and the commitment to risk management is evident, reflecting a responsible approach. Strategic risks are identified by senior management and reviewed through risk workshops with members. These feed into the Corporate Strategic Risk Register which is scrutinised by the Governance and Audit Committee. Financial risks are mitigated, for example through the use of earmarked reserves, close budget monitoring, and recovery plans. Major projects have dedicated risk oversight through

specific governance boards, key risks like cost inflation and recruitment challenges are being actively monitored and managed. In order to take BDC to the next level, peers recommend that a review of the council's risk appetite to ensure it aligns appropriately with its ambition for increased scale and pace of change.

Historically at BDC, formal scrutiny processes such as call-ins have been underused as a result of the inclusive way that the cabinet works with the opposition. However, the council now has a new Scrutiny Officer in post and with a new Chair of Scrutiny they are seeking to strengthen the impact and performance of scrutiny arrangements. Focused officer support and training for members will support embedding new practices and pave the way for more regular opportunities for members to contribute to the committee's forward plan and bring Cabinet before the committee to be held to account. The Governance and Audit Committee at BDC is functioning effectively, with engaged members. In particular, the Chair and Vice Chair demonstrate strong command of issues with a well-developed understanding of risk and how this aligns to the MTFs, providing oversight. Senior management value and cooperate with the Audit function, enabling it to operate successfully and independently.

While some members find officers highly responsive, others report slow communications and difficulty accessing staff at times. There may be opportunities to "shift dependency towards independence", by equipping members to self-serve as a first port of call. Overall, members indicated that they were satisfied with the member development programme led by the Organisation Development and Learning team and felt that the member induction pack was excellent. Future development need is identified by the Governance team based on hot topics such as devolution and RAF Wethersfield, necessary training such as Code of Conduct, and required skills such as Charing. One area that the peer team identified there could be more support for members is around civility in public life. Several members expressed concerns about their safety as councillors in the public realm, particularly for women. This should be actioned as a priority.

The council is just embarking on its transformation journey, but it is essential that the basics are in place to support wider, perhaps more significant, change in how the council functions. Post-COVID-19, amid the backdrop of the Cost-of-Living crisis and global challenges, the demands placed on the council have amplified. The casework that staff support has evolved to become more complex and challenging. As a whole staff are willing and ready to help, so it is important that they are supported to do so.

The council has a good wellbeing offer including Mental Health first aiders and an Employee Assistance Programme, however the top reason for sickness absence is stress/anxiety and it appears that there could be more direct support for those handling the more complex casework. To facilitate this journey, peers recommend a golden thread integrating HR policy reviews, a well-defined workforce development strategy, consistent appraisals, ongoing training, and enhanced communication, which will be key in equipping the staff for the road ahead.

4.4 Financial planning and management

BDC has a net revenue budget of £17.5m for 2023/24. Positive financial stewardship has led to strong financial performance in recent years, consistently overachieving against budget and maintaining a healthy level of reserves despite pandemic fluctuations. As a result, BDC's reserves levels are higher compared to The Chartered Institute of Public Finance and Accountancy (CIPFA) near neighbour benchmarking. The Council exhibits robust strategic financial planning, with a detailed process for developing the Medium Term Financial Strategy (MTFS) and aligning the capital programme and Treasury Management Strategy. The current MTFS projects a £2m budget gap by 2026/27. Savings plans so far appear to be tactical rather than transformational, plugging the budget in the short-term with more accessible marginal savings. Detail of the financial challenges are not fully owned across the organisation, so the council has work to do on increasing organisational budget awareness and how zero-based budgets work.

A reserve of £850,000 has been invested into non ongoing transformation costs for 2023/24, and work is set to begin imminently. A comprehensive transformation programme should form a core pillar within BDC's improvement process. With a forecasted budget gap of £2m by 2026/27, a 'business as usual' approach will not close this structurally. Peers recommend that the council should take a multi-year, whole-system approach to reviewing service delivery models, maximising digital enablement, and identifying efficiencies. This requires dedicated resources and governance, but done well, transformation can enhance outcomes as well as financial sustainability. Clear timescales, accountabilities, regular progress monitoring and engagement of members and staff will support effective delivery.

ICT has been identified as an area of concern for BDC, primarily due to cyber security risks and staffing pressures. Cyber security represents one of the most

significant risks currently facing the council. However, potential mitigations exist. For example, members currently receive allowances to purchase their own ICT devices, but providing corporately managed devices to members could enhance cyber security while realising savings in allowances. This option is worth exploring given ICT's importance to council functioning and ongoing staffing vulnerabilities.

There appears to be an underlying belief among members that shared services will substantially support addressing BDC's projected budget gap. However, staff perception is that the focus on back office shared services overlooks the potential for sharing frontline place services like street scene which may offer additional efficiency opportunities and should be reviewed. The benefits of shared services are not just financial efficiencies - increased capacity and resilience are equally important in the current context of recruitment and retention challenges. Shared services do not automatically generate dramatic savings but are still worthwhile where they enhance the efficiency of the services being provided. The developing shared services proposals with Colchester and Epping Forest councils will require a clear business case quantifying service quality, risk reduction, and efficiency benefits. Shared services based on open partnerships rather than financial constraints alone have the best chance of success. By undertaking rigorous due diligence, BDC can implement sustainable shared models that balance pragmatism, strategic need and transformation requirements.

Wethersfield airfield asylum accommodation represents a complex long-term challenge with many uncertainties. As a known unknown, it will require dedicated council focus for years and it is clear it will be a strain on the capacity of the organisation dealing with the various aspects of it. The issues across housing, social care, community relations and local infrastructure will be multi-faceted. In recognition of this, additional resources or external funding will need to be secured. BDC has received initial payment of the one-off Asylum Large Sites and Vessels Grant from the Home Office, which must be used within specified criteria to address service pressures associated with the Wethersfield asylum accommodation. While beneficial, the grant terms mean it cannot cover wider budget impacts or the council's own legal costs incurred challenging the site usage which currently stand at £172k. With operations potentially continuing for four years, longer-term financial sustainability and its impact on staff capacity remains a concern. BDC should account for fluctuating but ongoing Wethersfield demands in budget and resource

considerations, as well as other known and unknown challenges of this scale and complexity.

The council's ambitions need to be underpinned by continued robust financial planning. As priorities are defined, the resources and investments required for delivery should be clearly quantified. This applies to revenue, capital, assets and other sources. Financial strategy then needs to pinpoint how resource needs will be met through savings, commercialisation, council tax, fees and charges etc. Peers recommend that programmes and strategies across the council must directly align with available resources so collective accountability for budgets can be fostered.

There is opportunity for BDC to maximise the use of council assets to be clear on their purpose – regeneration, social or commercial – to maximise income through capital investments. There appeared to be a question over the future of Causeway House, the council's main office building. The majority of the site not currently being used and the space does not align with the council's requirements for hybrid working. Consultants have been brought in to enable hybrid ways of working and maximise the efficiency of the space in the immediate term, whilst longer term alternatives are considered. By being intentional about assets' strategic purpose and making the most of what it has, BDC can carve out a clear future for the way the council works. For example, Citizen's Advice (CAB) could move into Causeway House if that is where the council workforce will continue to be based. Examples where councils have provided office space for CAB include Harlow, Epping Forest and Basildon. By having the CAB on-site, the council can closely align service delivery and referrals, create public access efficiencies, and visibly demonstrate their support for this vital voluntary organisation assisting vulnerable community members. It embeds the CAB's essential support role into the fabric of public services.

The capital programme is frontloaded, with reduced amounts being allocated to future years following a period of significantly heightened capital expenditure, and borrowing is low with minimal debt compared to other councils in the region. The council has a significant historic industrial and commercial property portfolio with a multimillion-pound rental income budget and is not reporting any problems in relation to risk. No concerns have been flagged by external audit in the interim reports for 2019/20 and 2020/21 which have been submitted to the Governance and Audit Committee to provide assurance, though national delays exist and the completions of all audits from financial year 2019/20 onwards are still outstanding. Peers

recommend proactive risk management with scenario modelling, this will be growingly important in the current financial context. Diversifying the property portfolio over time and maximising value from assets can minimise threats. Maintaining its healthy reserves provides BDC with security to smooth out financial uncertainty as and when risks materialise.

BDC benefits from an experienced and insightful Section 151 officer who has served the council for many years. This longevity provides deep institutional knowledge that will be invaluable in guiding the council's improvement journey. The Section 151 officer's strong relationships and respect enable them to speak truth to power with credibility. Their leadership on the Senior Management Board and Governance and Audit Committee cements their central role, and succession planning ensures retention of strong financial control and oversight.

4.5 Capacity for improvement

BDC has undertaken incremental savings programmes in the past, including initiatives like the £1.6m Challenge and the Investment and Development Programme to track delivery against it. While past savings plans have been appropriate, a transformation programme will now need to be defined and resourced. Peers highlighted that this programme should incorporate service reviews, technology & automation opportunities, and assets rationalisation. Transformation must be understood organisation-wide, staff want to assist transformations but need dedicated programme management capacity. Peers recommend a clear purpose linking transformation to corporate objectives and outcomes for residents should be communicated. Following the next transformation plan, the council could consider implementing a continuous improvement culture so that change is part of everyone's roles and less impactful on workloads.

Like many councils, BDC is experiencing recruitment and retention challenges in certain service areas. Specialist services requiring professional qualifications are especially difficult, and retention problems then create service bottlenecks. BDC specifically cites hard to fill roles in legal, planning, finance, environmental services, asset management, and landscapes. These are continual problem areas nationally, given competition from the private sector and the shift to hybrid working opens competition from further afield. Targeted approaches are needed like clear career pathways, professional training, and market-responsive rewards. Workforce planning

must account for turnover risks. BDC do make use of apprenticeships, with 19 apprentices recorded in people performance measures, though not in all service areas. With data-driven, proactive strategies, BDC can better secure the talent needed to deliver for residents now and in the future.

Staff indicated that the “*Senior Management Board listen and are willing to consider new ideas.*” This is a great basis for including staff in the transformation process every step of the way. Professional development creates organisational learning opportunities and staff should be supported to innovate as well as incorporating mechanisms for all stakeholders' ideas which will create capacity for innovation and improve services. Coupling this with enhanced performance reporting will support and test continuous improvement.

In summary, while incremental changes have been beneficial, BDC requires a systematic, resourced transformation programme to meet escalating challenges and strategically respond to future budget gaps. This demands strategic focus through the new Corporate Strategy plus engagement with informed staff and partners, supported by an effective change management strategy. By clearly communicating the "why", and supporting the "how", BDC's transformation can be an improvement journey for residents and staff across the council.

5. Next steps

It is recognised that senior political and managerial leadership will want to consider, discuss and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The CPC process includes a ten-month check-in session, which provides space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps.

In the meantime, Rachel Litherland, Principal Adviser for the East of England region, is the main contact between your authority and the Local Government Association.

Rachel is available to discuss any further support the council requires.

rachel.litherland@local.gov.uk, 07795076834.

6. Additional information

6.1 ICT

The LGA has a [Cyber, Digital and Technology](#) offer for councils. This includes access to a [free cyber 360 service](#) and advice and guidance from experts. For more information or to discuss bespoke requests contact: jamie.cross@local.gov.uk

The City of London Police is running two Cyber security briefings for councillors on [13 November](#) and [15 November](#). The briefing will provide impartial and practical cyber security advice, including examples of current threats relevant to councillors with a range of cyber security experience and options to make them more secure.

6.2 Transformation

The LGA will be supporting councils with their transformation plans through our programme of [masterclasses](#) and [workshops](#).

Our Transformation programme is informed by two groups of local government officers – the [Transformation Network](#) and the [Behaviour Change Leads Group \(BCLG\)](#). These groups give officers valuable opportunities to learn new techniques, network, share notable practice, and hear from guest speakers.

Through our [Transformation and Innovation Exchange \(TIEx\)](#) self-assessment tool, our [Transformation Capability Framework](#), and our database of [Transformation case studies](#), we will support councils to identify what works well in transformation, providing them with intelligence and resources to support successful transformation.

Transformation Experts

The LGA's [Transformation Experts Programme](#) offers bespoke advice and support to local authorities to help them deliver transformation activities. We have a cohort of Transformation Experts who have delivered transformation programmes in their own councils. Our Transformation Experts will be linked up with councils who request ad hoc support to provide expert advice. This could range from reviewing their council plans and projects, to offering constructive challenge based on their own experience and knowledge. The type of support will be led and determined by the needs of the recipient council. The support will be available for a maximum of 10 days until March 2024.

Contact: Olivia.Lancaster@local.gov.uk or Michael.Balls@local.gov.uk

6.3 Civility in Public Life

A free [personal safety for councillors webinar](#) will take place on 30 November. Councils can also request workshops on personal safety or online safety for councillors through our grant funded civility support offer, for more details see the [Civility hub](#).

6.4 Workforce

The LGA provides a [workforce offer](#) for councils. The LGA Workforce Team is able to provide support to up to forty councils this year with tailored workforce support. This bespoke support aims to address specific and complex workforce challenges. To discuss, please contact: Nigel.Carruthers@local.gov.uk

Report Title: Essex Flood Partnership appointment	
Report to: Cabinet	
Date: 18 th December 2023	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Mayo, Head of Governance and Monitoring Officer kim.mayo@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To confirm the appointment by Braintree District Council (the Council) of its representative to the Cabinet Outside Body, the Essex Flood Partnership.

2. Recommendations

- 2.1 To agree that Councillor Richard van Dulken will be appointed to the Essex Flood Partnership.

3. Summary of Issues

- 3.1 Outside bodies are external organisations and partnerships which have requested that an Elected Member is appointed to them or that have been established to support the Council in the management of its services.
- 3.2 Participation in outside bodies, contributes to the Council's strategic functions, priorities or community leadership roles; supports partnership and joint working; and enables Members to gain and share knowledge and expertise.
- 3.3 The criteria for a Members appointment to an outside body are:
- a. the Member is able to devote the time needed to meet the expectations of the external body and the Council;
 - c. where the external body has a geographical limit to its functions, whether the Member's ward falls within or close to that area should be taken into consideration;
 - d. the Member has the knowledge, skills or interest in the work of the organisation that may be required; and
 - e. the Member is prepared to provide such information on their participation in the work of the outside body as may be required.
- 3.4 Members appointed to outside bodies must respond to all reasonable requests for information about the work of the outside body and their participation in it. In undertaking their role, the nominated Members are

required to ensure that the relevant Cabinet Member is updated at regular intervals as to the work being undertaken, and where necessary this will be incorporated into reports to full Council.

3.5 On 10th July 2023, Cabinet approved its appointments to all its outside bodies for the 2023/24 civic year. It has since become necessary to amend this appointment. Accordingly, it is proposed that Councillor Tom Cunningham is removed and replaced with Councillor Richard van Dulken, as the Councils representative on the Essex Flood Partnership. All other appointments will remain the same.

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

- A high performing organisation that delivers excellent and value for money services;

4. Options

4.1 The Cabinet may choose not to make an appointment to the Essex Flood Partnership. However, not having representation on this outside body going forward, would mean that the Council would lose the opportunity to provide input to matters being considered by the same.

5. Financial Implications

5.1 There are no financial implications arising out of this report.

6. Legal Implications

6.1 There are no legal implications arising out of this report.

7. List of Appendices

7.1 None.

8. Background Papers

8.1 [Cabinet Meeting – 10th July 2023 – Minutes and Agenda](#)