

Council AGENDA

Monday, 7th December 2020 at 7.15 pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

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

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

Membership:-

Councillor J Abbott	Councillor P Horner	Councillor V Santomauro
Councillor J Baugh	Councillor D Hume	Councillor Mrs W Scattergood
Councillor Mrs J Beavis	Councillor H Johnson	Councillor Mrs W Schmitt
Councillor D Bebb	Councillor A Kilmartin	Councillor P Schwier
Councillor K Bowers	Councillor D Mann	Councillor Mrs G Spray
Councillor G Butland	Councillor T McArdle	Councillor P Tattersley
Councillor J Coleridge	Councillor J McKee	Councillor P Thorogood
Councillor G Courtauld	Councillor A Munday	Councillor N Unsworth
Councillor Mrs M Cunningham	Councillor Mrs I Parker	Councillor R van Dulken
Councillor T Cunningham	Councillor Mrs J Pell	Councillor D Wallace
Councillor C Dervish	Councillor I Pritchard	Councillor T Walsh
Councillor P Euesden	Councillor M Radley	Councillor L Walters
Councillor T Everard	Councillor S Rehman	Councillor Miss M Weeks
Councillor Mrs D Garrod	Councillor F Ricci	Councillor Mrs S Wilson
Councillor A Hensman	Councillor B Rose	Councillor J Wrench
Councillor S Hicks	Councillor J Sandum	Councillor B Wright
		Vacancy

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – 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:

In response to the Coronavirus the Council has implemented procedures for Public Question Time for its virtual meetings which are hosted via Zoom.

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

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

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

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

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

Documents: Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting**
To approve as a correct record the minutes of the meeting of Full Council held on 5th October 2020 (copy previously circulated).
- 3 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 4 Public Question Time**
(See paragraph above)
- 5 To receive any announcements/statements from the Chairman and/or Leader of the Council.**
- 6 Statements by Councillors**
Notice of Statements have been given in accordance Council Procedural Rule 32 and are listed in the order of receipt.
In accordance with Council Procedure Rule 32.2 a response to the Statements may be made by the Leader of the Council, the appropriate Cabinet Member or Chairman of a Committee. There will be no debate or questions on the statements.
- 6a Statement by Councillor G Butland**
Statement on the Independent Reports carried out by Freeths, Solicitors, and Wilkin, Chapman Lloyd, Solicitors into complaints against Members of the Council.
- 6b Statement by Councillor J Abbott**
Statement on the impacts of the high volume of development on the district ward of Silver End and Cressing.
- 7 Motion by Councillor Michelle Weeks - RSPCA National Campaign on Fireworks** **6 - 6**
- 8 Review of Scheme of Delegation for Planning** **7 - 72**
- 9 Statement of Licensing Policy 2021-2026** **73 - 100**

10	Recommendation from Cabinet – 23rd November 2020 – Council Tax – Collection Fund Surplus – Allocation to Town and Parish Councils	101 - 103
11	Recommendation from Community Development Group - 28th October 2020 – Scrutiny Review into Community Woodlands	104 - 115
12	Recommendation from Community Development Group - 28th October 2020 – Scrutiny Review into Vaccinations	116 - 120
13	Recommendation from Partnership Development Group - 25th November 2020 - Scrutiny Review into Leisure Provision and Access to Sport	121 - 134
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Motion by Councillor Michelle Weeks - RSPCA National Campaign on Fireworks

Agenda No: 7

Motion presented by:	Councillor Miss Michelle Weeks
Motion Seconded by:	Councillor James Abbott
Motion support by:	Councillor Mrs Joanne Beavis
	Councillor Stevie Hicks
	Councillor Mrs Jenny Sandum
	Councillor Paul Thorogood
	Councillor Nick Unsworth
	Councillor Tom Walsh
	Councillor Bob Wright

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 18 of Chapter 2 of the Constitution.

Motion:

Council notes the RSPCA national campaign on fireworks in which it is encouraging local authorities to support a range of measures designed to reduce the impacts of fireworks on people and animals.

Council further notes that:-

“The RSPCA believes the law is failing as it does not prevent or sufficiently reduce the risk of fireworks causing distress, injury or anxiety to people, as well as death, injury or distress to animals.”

Whilst the regulatory role of District Councils with respect to fireworks is somewhat limited, this Council nevertheless agrees that new measures are needed and therefore resolves to:

1. Actively promote a public awareness campaign each year in the autumn about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.
2. Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private display.

End of Motion

Review of Scheme of Delegation for Planning		Agenda No: 8
Portfolio Corporate Outcome: Planning Connecting People and Places Delivering and Innovating Report presented by: Councillor Spray, Cabinet Member for Planning Report prepared by: Christopher Paggi, Planning Development Manager		
Background Papers: The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 Neighbourhood Planning Act 2017 Town and Country Planning (Development Management Procedure) Order (2015) General Data Protection Regulations National Planning Policy Framework (2019) National Planning Policy Guidance Planning for the Future, White Paper, August 2020 Braintree District Council Constitution		Public Report: Yes Key Decision: No
Executive Summary: <u>Background</u> <p>Members are integral to the decision making process and have an important role to play within the wider planning process. The Council's Planning Committee operates as a 'shop window' for the Council in a public arena, where decisions are made in an open and transparent manner. However at present, the Council's Planning Committee process is under significant pressure due to the volume of applications which are required to be determined against the current Scheme of Delegation.</p> <p>The last review of the Scheme of Delegation was undertaken in 2015. As part of that review, it was agreed that the scheme should be subject to regular review. Following consultation with Senior Officers within the Planning team, it is considered that the current Scheme of Delegation should be revised as it has not led to the Council's Planning Committee process (both Officer and Member resource) being able to concentrate on the most significant planning applications in the District and is considered to be unduly complex. It is also considered that the current Scheme of Delegation is contributing to delays in decision-making and impacting upon Service delivery and is putting too much pressure on the planning team.</p>		

Accordingly on 13 October 2020 the proposed Scheme of Delegation was considered by the Councils Planning Committee, before a Stakeholder and public consultation was undertaken between 26 October and 13 November 2020. Full details of the consultation, the responses and the Councils consideration of them is set out in paragraph 7 and **Appendix 2** of this report.

Objectives

The review is being undertaken for three main reasons:

1. To ensure that Councils Planning Committee process (both Officer and Member resources) are focused on the determination on the most significant and complex applications, namely those which affect the way the District will grow; and have a higher level of public interest;
2. To ensure the Council is able to discharge its Development Management function in an efficient, cost effective, and timely manner so we are able to meet Government and BDC performance targets;
3. To introduce a mechanism to allow for meaningful engagement with Members of the Council's Planning Committee at the pre-application and application stage, prior to the determination of the application.

Revised Scheme of Delegation

A revised Scheme of Delegation is included within **Appendix 1** of this report. This seeks to achieve the following key outcomes:

- A prescriptive, unambiguous and transparent Scheme of Delegation that is easy to understand for all users of the planning system.
- Ensures the Council's Planning Committee process (both Officer and Member resources) are focused on the most significant and complex applications.
- An efficient and timely procedure for determining planning applications.

By adjusting the Scheme of Delegation in this way, it would also be possible to enable proposals to be introduced to enhance Member engagement in the planning process. Specifically, the creation of a 'Members Forum' where applicants and agents would have the ability to present their proposals to Members of the Planning Committee at pre-application, pre-submission and application stage of the process. There would also be an opportunity to extend invitations to attend the Members Forum to Local Ward Members and Parish/Town Councils. It should be noted that this forum would be a way for Members to enhance their understanding of the proposals they have before them. It is not a decision making forum, and the decisions on the applications will be taken in accordance with the proposed Scheme of Delegation. This aspect of the proposal seeks to achieve the following key outcomes:

- Ensures meaningful engagement with Members, Local Ward Members and Parish/Town Councils in applications prior to their determination.
- Would enable applicants, agents, and Officers to understand issues of concern and how the proposals could be improved to address them.
- Strengthens Officers ability to negotiate positive changes to proposals.

- Members would have a greater level of confidence in how the proposal has evolved.

Recommended Decision:

That Full Council:

- (1) Approves the proposed Revised Scheme of Delegation as set out within **Appendix 1** which would come into force on 1st January 2021.
- (2) If the proposed Revised Scheme of Delegation is approved in accordance with recommendation (1) above, the Monitoring Officer is authorised to make the necessary changes to the Council's Constitution so as to enable the Scheme of Delegation to be incorporated.
- (3) Agrees to delegate authority to the Cabinet Member for Planning to approve the protocols for determining the 'Significant' test within Part A, Chair's Briefing, and the Member Call In process.
- (4) Agrees the principle of a 'Members Forum' to enable engagement with Members of the Council's Planning Committee. The terms of reference, governance arrangements and frequency of meetings will be subject to further consultation with the Monitoring Officer, Planning Committee, Developing Democracy Group, and Corporate Governance Group, prior to a further report being referred to Full Council for approval.

Purpose of Decision:

To seek approval from Full Council with details on the proposed Revised Scheme of Delegation and Member Engagement in the planning process.

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	Officer time and resources required to carry out the public and stakeholder consultation will be met from existing budgets. The Revised Scheme of Delegation is likely to deliver efficiency savings and reduce the costs currently associated with the determination of planning applications by Planning Committee.
Legal:	<p>The proposed revised Scheme of Delegation would involve amendments to the Council's Constitution and therefore will require formal approval by Full Council before they can be implemented.</p> <p>There is no obligation to carry out a formal consultation on the changes, however, having previously done so for planning delegations, a formal consultation on the proposals was undertaken.</p> <p>Members will be required to ensure that they are aware of the parameters of the Members Forum, and that they are managed in such a way that does not give rise to future challenge of predetermination or bias and will still enable Members to participate in the decision making process through the Committee meetings with an open mind.</p>
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	An Equality Impact Assessment has been undertaken.
Customer Impact:	Increased delegation would result in more timely decision-making which would be beneficial to customers. The revised Scheme of Delegation would be more prescriptive and would therefore provide applicants, agents and members of the public with greater clarity on which planning applications need to be reported to Planning Committee for determination.
Environment and Climate Change:	No matters arising out of this report.
Consultation/Community Engagement:	A formal consultation with stakeholders, including with Town/Parish Council's, agents and residents has been undertaken. The responses received are summarised within this report within Appendix 2 .
Risks:	That the changes to the Scheme of Delegation do not lead to the anticipated outcomes. The developers and agents or Members do not require a Members Forum.
Officer Contact:	Christopher Paggi
Designation:	Planning Development Manager
Ext. No:	2548
E-mail:	christopher.paggi@braintree.gov.uk

Review of Scheme of Delegation

1. Objective

1.1. The review of the Scheme of Delegation is being undertaken for three main reasons:

1. To ensure that the Councils Planning Committee process (both Officer and Member resources) are focused on the determination of the most significant planning applications, namely those major planning applications which will affect how the District will grow and develop and which have a higher level of public interest. These applications are usually more complex and benefit from the additional scrutiny at Planning Committee where Members can add most value to the decision making process in balancing conflicting pressures.
2. To ensure an effective and efficient delegation arrangement for the determination of 'Minor' and 'Other' planning applications that raise no significant planning issues, in order to discharge the Council's Development Management function in an efficient, cost effective, and timely manner, which includes meeting relevant Government and BDC performance targets, without compromising the quality of the decisions made.
3. To introduce a mechanism to allow for meaningful engagement with Members of the Council's Planning Committee at the pre-application and planning application stage over development proposals which meet the criteria for being referable to the Council's Planning Committee for determination.

2. Background

2.1 The last review of the Scheme of Delegation was undertaken in 2015. A report was considered by the Council's Planning Committee in January 2015. Before the proposals were subject to public consultation with final consideration and approval at Full Council in April 2015.

3. Old Scheme of Delegation (in place up to 2015)

- 3.1 The previous Scheme of Delegation, which was described as a 'Prescribed Approach', set out the criteria where, in certain specified scenarios, applications had to be referred to Planning Committee for determination. The old scheme was considered to be complicated and cumbersome, particularly as it included the requirement for any application, where 1 (or more) letters of representation, were received contrary to the Officer recommendation, had to be referred to Planning Committee.
- 3.2 Concern was also raised that the delegation rate (the proportion of applications determined at Officer Level) was relatively low in comparison with other District LPAs in Essex (the Delegation Rate for Braintree were specified as 91% for 2013-14 and 88.7% for first half of the financial year 2014-15),

which meant that Braintree had one of the lowest delegation rates in the County at the time.

- 3.3 A further factor considered as part of the last review was the associated cost of reporting an application to Planning Committee, compared to the application being considered under Delegated Powers. It was previously highlighted that research undertaken by the Governments Planning Advisory Service (PAS) revealed that a decision on a delegated case was around 10 times less than if the application was reported to Planning Committee. At the time, this was assessed to be approximately £1,500 on average per case, which was the additional cost attributed to the report and decision making process, not the cost of dealing with the application before that stage.

4. Current Scheme of Delegation

- 4.1 The current Scheme of Delegation sought a widening of delegated powers to achieve efficiency savings and more timely decision-making. The Scheme of Delegation outlines a set of three criteria around how applications have to be determined:

A. Applications which have to be referred to Planning Committee:

- BDC Applications / Application Site owned by BDC
- Applications 'Called In' by a Member
- Parish Council [for the purposes of this report the term Parish Council includes the Town Councils] view is contrary to Officer Recommendation
- Applicant/Agent related to a BDC Officer or BDC Member
- Applications considered to be 'Significant' by the Planning Development Manager

B. Applications which can be determined under Delegated Powers:

- Applications for sites within development limits with fewer than 6 valid planning representations
- Householder applications anywhere in the District with fewer than 6 valid planning representations
- Applications for replacement dwellings in the countryside with fewer than 6 valid planning representations
- Applications for Advertisement Consent for sites outside Conservation Areas

C. Applications subject to referral to Chair's Briefing – those applications which need to be referred to Chair/Vice Chair of the Planning Committee to determine whether the application should be referred to Planning Committee for consideration, under the 'significance' test:

- All applications for new dwellings in the countryside, including agricultural workers dwellings and barn conversions
- All S.73 applications (i.e. to vary or remove a planning condition)
- Proposals which seek a minor variation to the terms of a Section 106 Agreement
- All other applications that fall outside the categories listed in 'B' above

5. Reflection on Current Scheme of Delegation

- 5.1 When the scheme of delegation was last reviewed in 2015, it was agreed that the scheme should be subject to regular review. As part of the review process therefore, Officers have considered feedback provided by applicants and agents as well as the experiences of the team in dealing with the current arrangements.
- 5.2 Although the removal of the 'contrary representation trigger' was a positive introduction within the last review, on reflection and following additional analysis, it is considered that there are a number of issues with the current Scheme of Delegation which are detailed in turn below.
- 5.3 While the previous review was undertaken with the best of intentions and sought to address criticisms that the old Scheme of Delegation was complicated and cumbersome, the current Scheme of Delegation has failed to allow the Council's Planning Committee process (both Officer and Member resource) to concentrate on the most complex applications with the greatest impact on the District and is now universally considered by Officers (particularly new Officers that have joined the team from other planning authorities and from the private sector) to be unduly complex.
- 5.4 The introduction of the Chair's Briefing process has facilitated positive engagement with the Chair and Vice Chair of the Planning Committee. Whilst this engagement with Members works well, the administration of the process adds to the workload of Senior Officers and Case Officers (325 applications were considered at Chairs briefing in 2019). This does result in a delay in the determination of applications, particularly 'Minor' applications.
- 5.5 The above delays are a consequence of the Chair's Briefing meeting taking place post-consultation on the application (to enable a meaningful discussion about the application with the Chair and Vice Chair). As the consultation process for these applications can take up to 5 weeks to complete, and depending on the date of Chair's Briefing (scheduled every two weeks), this can lead to a delay in determination (even if it is determined that the application can be delegated). If the Chair/Vice Chair decide that a particular application needs to be referred to the Planning Committee for determination, it is very unlikely that the application will be determined within the statutory 8 week period. Although Development Management performance continues to improve, 'Minor' application performance lags behind 'Other' and 'Major' application performance. This leaves Officers more reliant on securing Extensions of Time with applicants/agents. This can be particularly difficult where applicants and agents perceive that their application has been unnecessarily delayed by the Council's scheme of delegation.
- 5.6 Consultation with current Development Management Officers revealed a clear preference for a more prescriptive Scheme of Delegation, which set out which planning applications need to be reported to Planning Committee for determination. It was also considered that greater clarity would significantly benefit applicants, agents and members of the public who also struggle to understand the current process.

- 5.7 Concern was also raised by Officers and Members at the number of applications which have to be reported to Planning Committee due to the fact that the Parish/Town Council view is contrary to the Officer recommendation. These concerns are further compounded by the fact that a large number of Parish/Town Council's still fail to attend Planning Committee to substantiate their concerns to Members. Analysis of the last 25 Planning Committee meetings shows that there was a total of 53 Part B Items on agendas, comprising of:
- a) 14 where the applicant/agent were either BDC staff/BDC Members, or were related to BDC staff;
 - b) 8 where BDC was the applicant;
 - c) 4 where the application had been 'Called In' for determined by a Member; and
 - d) 27 where the Town/Parish view was contrary to Officer recommendation.
- 5.8 The relevant Parish/Town Council only attended the Planning Committee meeting on 6 of the 27 occasions (22%) where it was their referral that led to the application being determined at Planning Committee.
- 5.9 During discussions, Officers also raised concern at the number of 'Part B' applications considered at Committee. While many of these are determined 'en-bloc', and while Officers welcome this positive approach by Members, a significant amount of Officer time and resource still goes into reporting Part B applications to Planning Committee. This is because Officers must still be prepared for the meeting, and therefore are still required to write reports and prepare presentations in advance of Planning Committee. The reporting of these applications also consumes Member time spent reading Committee Reports and visiting sites. It can also be bewildering for members of the public who see an application referred to Planning Committee for determination, only to see the item moved en-bloc with no discussion of the proposal. The fact that many of these applications are considered en-bloc, raises the question as to whether these applications could or should be considered under Delegated Powers instead.
- 5.10 Officers also questioned why recommendations of refusal are referred to Planning Committee for determination. While this prompted debate amongst Officers, there was a general consensus that referring applications, which are recommended for refusal (particularly for speculative development), is healthy for the planning process as a whole and ensures the public can see a balanced decision-making process. It also ensures that (subject to Members agreeing the Officer recommendation to refuse) that all issues are captured (including any new issues raised by Members), ensuring that these can be considered within any subsequent planning application.
- 5.11 Lastly, and although the Service receive very few requests, there was a general concern about the current Member 'Call In' procedure for planning applications. Under the current scheme of delegation Members are required to give a planning reason for calling an application in, but there is no assessment of the issue(s) raised. Whilst the ability for Members to advocate

for their constituents is acknowledged, there was a general consensus that this aspect of the Scheme of Delegation would benefit from a clearer process and a greater level of oversight.

6. Delegation Rates

- 6.1 Analysis of delegation rates (i.e. the proportion of applications determined at Officer Level) shows that current delegation arrangements are resulting in a relatively low level of delegation to Officers in comparison within other District LPAs in Essex.
- 6.2 Table 1 below highlights that Braintree ranked joint second lowest in the number of planning applications determined under delegated powers (joint with Harlow), with only Maldon recording a lower rate of delegation, whilst also determining the fifth highest number of applications during 2019.

Table 1: Performance for Year ending December 2019

<u>LPA</u>	<u>Total Decisions*</u>	<u>Delegation Rate*</u>
Chelmsford	1,709	99%
Brentwood	951	99%
Colchester	1,450	97%
Castle Point	575	97%
Tendring	1,091	96%
Basildon	1,026	96%
Rochford	718	96%
Uttlesford	1,646	95%
Epping Forest	1,484	94%
Braintree	1,380	92%
Harlow	318	92%
Maldon	809	86%

**Based on Year ending December 2019 MHCLG Returns (Table 134: District Planning Authorities)*

- 6.3 The low delegation rate of decisions is a consequence of the current Scheme of Delegation which is contributing to delays in decision-making and impacting upon Service delivery. While it is anticipated that the revised Scheme of Delegation as set out in **Appendix 1** would increase the number and percentage of decisions made under Delegated Powers, the motivation for seeking this change is to achieve the right balance between democratic oversight and accountability with the need for an efficient decision-making process which ensures the Council is able to consistently achieve against Government performance targets. It is not the intention of this review of the scheme of delegation to secure delegation rates similar to those at the top of the table, more to bring the District in line with many other similar Districts in Essex.
- 6.4 As already highlighted, revising the Scheme of Delegation in this way would ensure that Members are able to focus on the determination of the most significant and complex applications, namely those which affect the way the District will grow; and have a higher level of public interest. Similarly, this would have a beneficial impact upon Officer capacity and particularly Senior

Officers within the Development Management team. In addition to the costs associated with reporting applications to Planning Committee, a significant amount of Officer resource is consumed by the current process. A further motivation in advancing the proposed revised Scheme of Delegation is therefore to ensure there is enough team capacity reserved to focus the Planning Committee on major and strategic planning applications.

7. Consultation

7.1 The proposed revised Scheme of Delegation has been subject to a range of consultation and engagement:

- The proposals were subject to review by the Council's Planning Committee on 13th October 2020. The minutes of this meeting are available via this link:
<https://braintree.cmis.uk.com/braintree/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/993/Committee/5/Default.aspx>;
- The proposals were also considered by the Developing Democracy Group on 20th October 2020;
- The proposals were further discussed at the Supporting Community virtual meeting held with Parish Clerks on 2nd November 2020; and
- The proposals were also considered by the Corporate Governance Group on 12th November 2020;

The feedback from each of these engagement meetings have been considered and where necessary captured as part of the finalisation of the Scheme of Delegations set out in this report.

7.2 A formal three week period of stakeholder and public consultation took place between 26th October 2020 and 13th November 2020.

- The consultation was undertaken by e-mail which was sent directly to Parish Council's and Agents who have submitted a planning application over the last six months;
- The proposals were advertised on the Council's website:
(https://www.braintree.gov.uk/info/200221/planning/1317/consultation_on_proposed_revised_scheme_of_delegation);
- In addition, the proposals were also advertised in the following e-newsletters/newspapers:
 - Planning e-newsletter 5th October 2020 (4579 recipients);
 - Parish Council e-newsletter 8th October (60 recipients);
 - Parish Council e-newsletter 15th October 2020; (60 recipients);
 - Parish Council e-newsletter 22nd October 2020; (60 recipients);
 - Parish Council e-newsletter 29nd October 2020; (60 recipients);

- Planning e-newsletter 26rd October 2020; (4718 recipients);
 - Braintree and Witham Times – advert placed on council page - 29 October 2020;
 - Halstead Gazette – advert placed on council page 30 October 2020;
 - Cllr Spray open letter published in the Braintree and Witham Times letters page on 29th October 2020;
 - Parish Council e-newsletter 4th November 2020; (60 recipients);
 - Parish Council e-newsletter 13th November 2020, (60 recipients).
- Letters were sent to the Rt. Hon James Cleverly and the Rt. Hon Priti Patel MP to advise them of the proposals;
 - The Consultation was sent to the People’s Panel on 27th October 2020; and
 - The Consultation was also sent to the Braintree Associated of Local Council’s on 26th October 2020.
- 7.3 In response to this consultation a total of 46 responses have been received from a combination of Parish Councils, Agents, Councillors and members of the public.
- 7.4 A total of 21 responses have been received from the following Parish/Town Councils: Great Bardfield, Rivenhall, Great Notley, The Salings, Kelvedon, Little Yeldham, Tilbury Juxta Clare and Ovington, Greenstead Green and Halstead Rural, Witham Town Council, Belchamp St Paul and Belchamp Otten, Earls Colne, Bulmer, Castle Hedingham, Bradwell and Pattiswick, Rayne, Stisted, Silver End, Feering, Wethersfield, Terling and Fairstead, Gestingthorpe and Toppesfield.
- 7.5 A summary of all the responses received, including a response to the issues raised within the reply, is included within **Appendix 2** of this report.
8. Revised Scheme of Delegation
- 8.1 The proposed revised Scheme of Delegation has been carefully considered and designed to achieve the specific objectives outlined within Paragraph 1.1 of this report.
- 8.2 The proposed revised Scheme of Delegation which is set out in full within **Appendix 1**, comprises of three parts:
- **Part ‘A’ - Applications to be referred to Planning Committee for determination** (Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents. To be presented by Officers and debated by Members at Planning Committee)
 - **Part ‘B’ - Applications which can be determined under Delegated Powers which may be subject to referral to Chair’s Briefing as a**

result of Town / Parish Council representation, Member Call In, or representations from Local Residents

- **Part 'C' - Applications which can be determined under Delegated Powers** (Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents)

- 8.3 The detail, including the rationale behind the revised Scheme of Delegation, is explained further for each Part below.

Part 'A'

- 8.4 Part 'A' of the proposed revised Scheme of Delegation comprises a prescriptive list of applications which comprise predominately of major applications for development consisting of 10 or more proposed houses or commercial development comprising of floorspace of 1,000sq.m, including any linked application for Listed Building Consent. In response to the consultation, Wethersfield Parish Council commented that any application for 1,000sq.m of floorspace is potentially significant and should automatically be considered by the Council's Planning Committee. Accordingly, it is proposed to amend Part 'A' to ensure that this provision relates to proposals for new build and changes of use for this quantum of floorspace.
- 8.5 The Council continues to see a rise in the number of major planning applications being submitted which is primarily due to two factors: applications being submitted in connection with sites benefiting from a draft allocation within the Council's emerging draft Local Plan; and speculative housing applications being submitted as a consequence of the Council's 5 Year Housing Land Supply position.
- 8.6 The major applications coming forward over the coming years will affect how the District will grow and develop, and due to their scale will tend to have a higher level of public interest. Consequently, major planning applications are usually more complex and require significant resources to undertake a full and robust assessment.
- 8.7 For those major applications which can be supported, while it is important to bring these forward in a timely manner, to ensure housing delivery within the District, it is equally important that quality design and layout is secured. Officers have been successful in achieving a positive step change in design for major development within the District, most notably in connection with three large scale sites: Towerlands and Straits Mill in Braintree, and the Horizon120 Business and Innovation Park at Great Notley. The schemes at Straits Mill and Horizon120 have both recently been recognised for their design quality as they were shortlisted for the RTPI awards for Planning Excellence. Achieving high quality design and place making requires significant Officer resource through the planning process. The proposed changes to the Scheme of Delegation will ensure that the Council's Committee process (both Officer and Member resource) is focused on delivering the Council's emerging Draft Local Plan and ensures that the new development coming forward across the District is of the highest quality.

- 8.8 For those major applications which are not supported, it is equally important to ensure that robust assessments are undertaken and that where the Council resists poor quality development or inappropriate speculative housing proposals, Officers are able to continue to dedicate Senior Officer resource to defend subsequent planning appeals which invariably are considered by way of a public inquiry. Since the start of the Covid-19 pandemic the Council has had three public inquiries in relation to sites which have been refused planning permission by the Council: School Road, Rayne (150 houses) in June (dismissed at appeal); Bardfield Road, Finchingfield (50 homes) in October (decision pending); and Braintree Road and Long Green, Cressing (250 homes) in November (decision pending). Each of these public inquiries consume considerable resource within the Development Management team. The lead Officer for each of these inquiries has been consumed for 2-3 months in the run up to the public inquiry which has a consequential impact upon the rest of the team. The additional staffing resources within the team has allowed the Service to absorb the impacts of such inquiries more effectively, however inquiries of this nature will remain an ongoing feature over the coming years.
- 8.9 In addition to the above, Part A would also comprise of applications relating renewable energy schemes and related projects, as well as those applications which have to be reported to the Planning Committee for probity reasons, namely those where the Council is the applicant, the application is on land owned by the Council, or where the applicant is an employee or Member of the Council.
- 8.10 A key component of the proposals is to discard the 'Part A' and 'Part B' split for Planning Committee Agendas. As highlighted earlier, it is considered that any application which is significant enough to be reported to the Council's Planning Committee should be presented by Officers and debated by Members. Consequently, no applications would be considered en-bloc.
- 8.11 Lastly, it is proposed to retain the existing provision within the Scheme of Delegation for any application which is deemed to be 'significant' by the Planning Development Manager to be referred to Planning Committee for determination. While this provision goes against one of the key aims of the review to achieve a prescriptive Scheme of Delegation, this provision is considered to be important and ensures that in unique circumstances, an application can be determined by Members, rather than Officers. This provision is currently used in accordance with the current Scheme of Delegation where Officers exercise their judgement. If these proposals are approved, a protocol would be drafted to set out the type of circumstances when this provision could be used. However, given that this provision is a 'catch all', any such protocol would not be an exhaustive or prescriptive list of criteria.

Part 'B'

- 8.12 Part 'B' of the proposed revised Scheme of Delegation comprises of minor applications for between 3-9 new houses, including any linked application for

listed building consent. The default position for applications falling within this category is that they can be determined under delegated powers unless certain circumstances arise. These are if the application is subject to Member Call In or if the Town or Parish Council response is contrary to the Officer recommendation. If either or both of these circumstances arise, the application would be reported to the Chair and Vice Chair who would consider whether the application should be reported to the Planning Committee for determination. The Chair and Vice Chair are appointed in acknowledgement of their knowledge and experience in planning. The Chair's Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council's and local residents. The decisions made are recorded and it is proposed that this would continue. If these proposals are approved, the protocol for the Chair's Briefing process would be reviewed and updated where necessary.

- 8.13 Concern has been raised as part of the consultation over this aspect of the proposals. While these concerns are noted, based on past experience the expectation is that the majority of applications referred to the Chair and Vice Chair for consideration would be referred to the Planning Committee for determination. However, by retaining the Chair's Briefing process, Officers would maintain the positive engagement with the Chair and Vice Chair, and it also enables the material planning issues raised by the Town/Parish Council or local Ward Member to be considered. This additional oversight from the Chair and Vice Chair would be beneficial for the process, specifically in cases where issues that have previously been considered in connection with a site or addressed. This could include situations where objections are being raised to the principle of development in connection with a Reserved Matters application, which already benefits from outline planning permission and therefore the principle of development has already been established. In such situations the Chair and Vice Chair would be able to take a view as to whether the additional scrutiny at Planning Committee is warranted given that the substantive objection has already been previously considered.
- 8.14 Concern has also been raised within the consultation process in respect of unparished areas and whether these would be at a further disadvantage as a result of the proposed revised Scheme of Delegation. While the substantive concern in respect of the unparished areas of the District cannot be resolved as part of this review, the concerns raised through the consultation process are acknowledged. Consequently, it is proposed to amend Part 'B' to include a third criteria for where a referral to Chair's Briefing would take place, specifically where '6 or more valid planning representations from separate households have been received'. This would ensure that in all areas of the District views expressed by Town or Parish Council's, local Ward Members, and local residents are taken into account when the Chair and Vice Chair consider applications within Part 'B' for referral to Planning Committee.

Part 'C'

- 8.15 Part 'C' of the proposed revised Scheme of Delegation comprises those applications which can be determined under delegated powers

notwithstanding Town / Parish Council representation or Member Call In. In order to ensure that the Council's Planning Committee process (both Officer and Member resource) is focused on the assessment and determination of Applications within Part 'A', it is proposed to increase delegated powers to enable Officers to determine smaller scale and straightforward planning applications which raise no significant planning issues.

- 8.16 The key change proposed as part of this review would be to allow the determination of minor applications for commercial development and new residential for 1-2 new homes, along with all applications for householder extensions, listed building consents (except where any of the criteria specified within Part 'A' or 'B' would apply) and advertisement consents to be determined under delegated powers.
- 8.17 While accepting that small scale proposals for residential and commercial development are of local interest, these types of applications do not raise significant planning issues and are already in large numbers routinely determined by Officers under delegated powers through a more straightforward application of local and national planning policy.
- 8.18 Similarly, applications for householder extensions, listed building consent and advertisement consent are still routinely reported to Planning Committee and are considered as 'Part B' agenda items. This invariably means that these applications are determined by Members 'en-bloc' at the start of the meeting with no Officer presentation or Member debate. The majority of applications received for these application types are already determined under delegated powers and it is therefore considered that those which do generate concerns from Town and Parish Councils can be considered and determined by Officers under delegated powers.
- 8.19 Cumulatively, the provisions within Part 'C' would reduce the volume of applications which need to be reported to Committee, which would allow the Council's Planning Committee process to be focused on those applications included within Part 'A' and 'B' (that are referred to Planning Committee by the Chair and Vice Chair).
- 8.20 Amending the Scheme of Delegation in the form proposal would achieve the following:
- Ensure all applications reported to Planning Committee are debated by Members.
 - All 'Major' planning applications would be reported to Members for determination. These would include applications for outline and full planning permission as well as applications for the approval of reserved matters. These applications are more complex and will directly shape the way in which the District grows in the future.
 - A prescriptive unambiguous and transparent Scheme of Delegation that is easy to understand and transparent for Applicants/Agents, and Members of the Public.

- 'Minor' applications which raise no significant planning issues, and 'Other' applications should be determined under delegated powers to ensure the Council can discharge its Development Management function and meet relevant Government and BDC performance targets.
- Retains the Chair's Briefing process but repurposes this to provide an oversight on whether the larger 'Minor' applications, which have been subject to a Member 'Call In', or which have generated representations from the Parish/Town Council which are contrary to the recommendation of Officers, and 6 or more representations from local residents from separate households, should be referred to Planning Committee for determination.

8.21 It is acknowledged that concerns have been raised within the consultation, particularly from some Parish Councils, that the proposals would result in more applications being considered by Officers, and applications would no longer be automatically referred to Planning Committee as a result of representation from the Town/Parish Council. While these concerns are noted, the proposals have been carefully drafted and amended to try and strike the right balance between an efficient and effective Scheme of Delegation and democratic oversight of decision-making.

8.22 In response to the consultation, it has been suggested that other application types currently within Part 'C' are included within Part 'A' or 'B'. These include COUPA, TPOCON, PLD, LBC and DAC applications. To clarify, COUPA (applications for prior approval for change of use) and TPOCON (applications for works to Trees in Conservation Areas) are application types that are time limited, meaning that if a decision is not made within the prescribed timeframe, the proposals then benefit from deemed consent and for this reason they are currently already determined under delegated powers. PLD (certificate of lawfulness applications for a proposed use or development) are to establish whether a specific proposal would constitute permitted development or whether planning permission is required. The assessment is confined to whether the proposals accord with the General Permitted Development Order and therefore it is not considered that these applications would benefit from Member scrutiny at Planning Committee. LBC (Listed Building Consent) applications are currently predominately determined by Officers under delegated powers, with the benefit of specialist heritage advice which is currently provided by Place Services at Essex County Council, it is not considered that these applications would benefit from Member scrutiny at Planning Committee. Lastly, DAC (Discharge of Conditions applications) relate to matters of detail (such as samples of materials, landscaping schemes or technical reports submitted for approval) which can be determined under delegated powers. To do otherwise would significantly increase the volume of applications referred to Planning Committee (for example 227 DAC applications have been received between 01.01.20 and 31.10.20, which the majority of application seeking to discharge more than one planning condition). Consequently, while these comments are noted, it is considered that as these application types are either entirely or predominately

currently determined under delegated powers, they should remain within Part 'C' of the proposed revised Scheme of Delegation.

- 8.23 As highlighted above, a further motivation in advancing the proposed revised Scheme of Delegation is to ensure that the Council can discharge its Development Management function in an efficient manner issuing decisions in line with Government and BDC performance targets. While Development Management performance has significantly improved over the last two years, and is now in excess of both Government and BDC targets, it is important that the Council continues to improve the speed of decision-making, both in terms of performance, but also in terms of customer service. The Government continues to place an increasing emphasis on speed of decisions, as highlighted within the recent Planning White Paper. By amending the Scheme of Delegation in the form proposed it will enable the Council to continue to improve performance in anticipation of stricter measures being introduced by the Government. This ensures the Service will be more resilient and will be better able to adapt to these changes, rather than seeking to react to any changes introduced by the Government. The changes proposed would enable 'Minor' and 'Other' performance to improve as a consequence of increased delegation and the reduction of the pool of applications which need to be reported through the Chair's Briefing process.
- 8.24 As part of the consultation process, Better Braintree Together Group made a pertinent suggestion in respect of performance indicators recommending that these be set up front before any new Scheme of Delegation was approved. At present, performance targets are reviewed and set as part of the annual Business Plan process. While the clear objective is for Development Management performance to improve, and while it is considered that these proposals would enable 'Minor' and 'Other' performance to improve, Officers are mindful that performance and service delivery is still affected by the ongoing Covid-19 pandemic. Furthermore, transitional arrangements (as discussed further below) would also need to be put in place if these proposals are approved. Consequently, it is considered that if these proposals are approved, BDC performance targets should be reviewed in 2021 once further analysis has been undertaken.
- 8.25 It has also been suggested in response to the consultation, that rather than revising the Scheme of Delegation as proposed, other measures to improve and address performance and achieve efficiencies should be utilised instead. It has also been suggested that the department suffers from high staff turnover and that recruitment and retention issues are ongoing. In response to these comments, the Council has supported the Service in increasing the staffing resource within Development Management and has been successful in retaining and recruiting staff. This has been one of the key factors for the sustained improvement in performance over the last year. However in addition to this, the Service has also put together a comprehensive Service Improvement Plan which is aimed at improving efficiencies and making better use of new ICT. Alongside these measures, it is considered that it is appropriate to also review the Scheme of Delegation which defines the decision-making process for the Service. As commented within a number of responses, it is also considered to be the appropriate time to undertake this

review. The review of the Scheme of Delegation is therefore part of a wider package of measures aimed at improving the Council's Development Management Service.

Summary

- 8.26 The proposed revised Scheme of Delegation has been carefully considered and designed to achieve the right balance between democratic accountability and the Council being able to discharge its Development Management function in an effective and efficient manner. The proposals have been subject to consultation and while the concerns and objections from some Parish Council's (particularly in respect of the loss of their current ability to automatically refer applications to Planning Committee) are noted, it is considered, on balance, that the proposed changes to the Scheme of Delegation are necessary.
- 8.27 In order to further enhance Member engagement in the more significant and complex proposals a Member Forum is proposed. The ability to resource this forum is met by the expected reduction in the number of applications being determined by Planning Committee, as a result of the proposed changes in the Scheme of Delegation.

9. Member Engagement in the Planning Process

- 9.1 Members are integral to the decision making process and have an important role to play within the wider planning process. The Council's Planning Committee operates as a 'shop window' for the Council in a public arena, where decisions are made in an open and transparent manner. However at present the Council's Planning Committee process is under significant pressure due to the volume of applications which have to be reported to Committee for determination.
- 9.2 Members are currently responsible for making decisions on applications, including major planning applications of a large or strategic scale, based on a report and recommendation from Officers published in advance of the Planning Committee meeting, and an Officer presentation on the night. They must also take into account any material considerations raised within representations and consultation responses received during the process. Some of the applications determined by Members have been subject to lengthy discussion and negotiation between Officers and the applicants. For a large scale or strategic major application, this process could easily take over a year from the initial pre-application discussion to the application being referred to Planning Committee. However, Members, who will have the final say on the determination of the application, are not involved in any part of that process and do not have the ability to influence the proposals, except of course, for making a final decision on the application.
- 9.3 This lack of engagement currently generates significant risk for both Officers, Applicants and Agents who are investing significant time and resources in working up proposals. Member involvement in the process earlier will mean that issues can be identified, including any significant principle concerns, so

that the applicant can address these or make a decision as to whether to progress any further work on the proposal. The risk and more importantly the consequence of a Member overturn or deferral is significant, both in terms of delay but also in terms of the Officer resource and the abortive cost of this, and the potential additional costs to the Council arising from a subsequent appeal. The Council remains under significant pressure in terms of housing land supply, and it is increasingly important that strategic sites which are supported are able to be advanced through the planning process to facilitate housing delivery in the District. This will ensure that the District grows in the right way and unsustainable development can be resisted.

- 9.4 Developers are keen to understand the particular issues and concerns that Members have about proposed developments so that they can explore ways to address those concerns through their planning application. Developers who have been able to engage with Members on their proposals in advance of determined in other authorities have said they found this to be a useful way of understanding local issues and sentiment and helps produce better quality applications and developments. However, the current process does not include a formal mechanism to facilitate Member engagement as part of the pre-application and planning process.
- 9.5 The Localism Act 2011 (s25) changed rules around pre-determination, to enable Members to express a view, meet with people and still be involved in the decision, providing that an open mind is retained.
- 9.6 The proposed revised Scheme of Delegation offers a unique opportunity to introduce a 'Members Forum' where applicants and agents would have the ability during the pre-application, pre-submission and application stage of the planning process, to present their proposals to Members of the Planning Committee. Members would be able to ask questions within a structured and safe forum, and Members would need to undergo training in order to ensure they are fully aware of the parameters within which this engagement can be undertaken in order to avoid any challenge to the Councils decision making process. The applications which would be referred to Members Forum would primarily comprise those within Part 'A' of the proposed revised Scheme of Delegation, but could also include applications within Part 'B'.
- 9.7 The engagement through the Members Forum would enable applicants, agents and Officers to get a better understanding of particular issues of concern and how the proposals could be improved further. This would also offer the potential to significantly strengthen Officers ability to negotiate with developers and seek improvements to the scheme during the process. Moreover, where an application has been subject to consultation through the Members Forum, when the application is finally reported to Planning Committee for determination, Members would have a greater level of confidence in how the proposal has evolved. However it is important to note that simply presenting to the Member Forum does not automatically mean that planning permission will be approved by the Planning Committee. The application will still need to be determined on its own merits at the time of the Committee meeting, and the Committee will consider carefully any changes that have been made to the application since the Member Forum.

- 9.8 Planning is a public process, and whilst Officers already encourage applicants to engage with local representatives prior to submitting a planning application, it is intended that an invite would also be sent to Local Ward Members and a representative of the Town or Parish Council to attend the Members Forum. This would significantly enhance engagement with Town and Parish Council's at the pre-application stage of the process. The meetings of the Members Forum would need require a clear governance process to be in place, which would include a set agenda with minutes being produced following the meeting.
- 9.9 The introduction of this new process, would significantly enhance the Council's current pre-application process. The costs associated with the introduction of this new process (specifically the cost and resource cost of arranging and holding the meeting), would be met by developers ensuring that this process operated on a cost neutral basis (for both Planning and Governance).
- 9.10 Critically, the proposed revised Scheme of Delegation is designed to increase the rate of delegated decisions and reduce the number of applications that need to be determined at Planning Committee. This would facilitate the ability to create a Members Forum either in addition or in lieu of a scheduled Planning Committee meeting.
- 9.11 The proposed introduction of a Members Forum has been met with broad support in principle as part of the consultation on these proposals. However, concerns have been raised in respect of transparency and about the detailed terms of reference and governance arrangements for how the Forum would operate in practice. These concerns are acknowledged and to alleviate these concerns it is reiterated that the proposal would be to create a Members Forum that operates in a transparent manner. If these proposals are approved by Full Council, further work would need to be undertaken to define the working and governance arrangements for the Members Forum, including the frequency of meetings, attendees, and the resources need to manage the meetings. It is also intended that the meeting would be minuted, and would be recorded and webcast (either on the Council's website or via the YouTube channel) which would ensure the public could view the meeting.
- 9.12 Concerns have also been raised that the Members Forum would not be open to the public to attend. While these concerns are noted, the proposals for the creation of a Members Forum seeks to specifically address the current lack of any form of engagement with Members of the Council's Planning Committee, primarily at the pre-application/pre-submission stage of an application (i.e. before a planning application is submitted and is sent out to public consultation by the Council). Developers are required to undertake public consultation with local residents prior to submitting a planning application, and Officers wish to maintain these obligations on developers. It is also considered that the Members Forum would be a further mechanism to hold developers to account at the pre-application stage to ensure consultation with local residents is being undertaken in accordance with the Council's Statement of Community Involvement.

10. Transitory Arrangements

10.1 If these proposals are approved, it is proposed that the new Scheme of Delegation would come into force on 1st January 2021, subject to the following transitory arrangements:

- In respect of any application received on, or prior to, 31st December 2020 which has not been formally determined, but which would have been reported to the Planning Committee for determination in accordance with the criteria of the current Scheme of Delegation, it is proposed that these applications would still be reported to Planning Committee under the provision within Part A of the new Scheme of Delegation for 'any application which is deemed to be 'significant' by the Planning Development Manager'.
- All applications received on or after 1st January 2021 (i.e. all applications with an application number prefix of '21') would be determined in accordance with the new Scheme of Delegation.

10.2 If these proposals are approved, further work would commence on the Members Forum. It is envisaged that this work would be completed and the Members Forum operational in Spring 2021, subject to further approval from Full Council.

11. **Recommendation**

11. That Full Council:

- (1) Approves the proposed Revised Scheme of Delegation as set out within **Appendix 1** which would come into force on 1st January 2021.
- (2) If the proposed Revised Scheme of Delegation is approved in accordance with recommendation (1) above, the Monitoring Officer is authorised to make the necessary changes to the Council's Constitution so as to enable the Scheme of Delegation to be incorporated.
- (3) Agrees to delegate authority to the Cabinet Member for Planning to approve the protocols for determining the 'Significant' test within Part A, Chair's Briefing, and the Member Call In process.
- (4) Agrees the principle of a 'Members Forum' to enable engagement with Members of the Council's Planning Committee. The terms of reference, governance arrangements and frequency of meetings will be subject to further consultation with the Monitoring Officer, Planning Committee, Developing Democracy Group, and Corporate Governance Group, prior to a further report being referred to Full Council for approval.

APPENDIX 1: PROPOSED REVISED SCHEME OF DELEGATION

A. Applications to be referred to Planning Committee for determination

(Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents. To be presented by Officers and debated by Members at Planning Committee):

- Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising additional (gross) floorspace of 1,000sq.m, including any linked application for Listed Building Consent¹.
- Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- Where the Applicant is Braintree District Council.
- Where the Applicant is an employee or Member of Braintree District Council.
- Where the Applicant or Agent is related to an employee within the Planning & Economic Growth Service (change from Braintree District Council²) or a Member of Braintree District Council.
- Any application which is deemed to be 'significant' by the Planning Development Manager.

B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing as a result of Town / Parish Council representation, Member Call In, or representations from Local Residents:

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 3-9 proposed houses, including any linked application for Listed Building Consent, **Unless:**
 - Either the Town or Parish Council's view is contrary to the Officer Recommendation;
 - Or the application has been 'Called In' for determination by a BDC Councillor by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination;
 - Or 6 or more valid planning representations from separate households have been received;

Then:

The application shall be referred to Chair's Briefing, with the Chair and Vice Chair of the Planning Committee, who will consider whether the application should be

¹ For Members information only, currently the Government define a major residential development to be 10 units or more or sites 0.5ha or more and for non-residential development is where additional floorspace of 1,000sq.m or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015, **however for the purposes of the Scheme of Delegation only the 10 units or more and 1000sq.m floorspace thresholds will be utilised to define a Major Planning Application and not the site area definitions.**

² We currently have one agent who is related to a Member of BDC staff and as a result, all of his applications are reported to Planning Committee.

referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be 'similar' to the previously determined application by the Planning Development Manager.

C. Applications which can be determined under Delegated Powers

(Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents):

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 1-2 proposed houses, including any linked application for Listed Building Consent.
- All Section 73 applications to vary or remove planning conditions, including seeking minor material amendments, associated with any previous consent (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for 'Major', 'Minor', or 'Other' Planning Applications.
- Minor Planning Applications for replacement dwellings.
- Minor Planning Applications for agricultural workers dwellings (temporary or permanent).
- Minor Planning Applications for any other commercial development or change of use for up to 999sq.m of additional (gross) floorspace.
- All of the following Application Types*:

Application Type	Description
ADV	Applications for Advertisement Consent
AGR	Agricultural Prior Approval
ALT	Certificate of Alternative Appropriate Development
AREM	Agricultural Reserved Matters
C19AEA	Covid-19 Additional Environmental Approval
C19CWH	Covid-19 Construction Working Hours
CLPLB	Certificate of Lawfulness for Works to a Listed Building
COMPA	Commercial Extensions Prior Approval
COUPA	Applications for Prior Approval (All)
DAC	Application for Approval of Details reserved by condition following grant of planning permission or a listed building consent
ELD	Application for a Certificate of Lawfulness for an Existing Use or Development
FPO	Footpath Order
GOV	Development by Government Department
HDG	Hedges
HH	Householder Application for Planning Permission
HHPA	Householder Extensions Prior Approval

LBC**	Application for Listed Building Consent for alterations, extensions or demolition of a listed building*
LDOCC	Local Development Order Compliance Checklist
NDPA	New Dwelling Prior Approval
NMA	Application for a Non-Materials Amendment following a grant of planning permission
OHL	Overhead Electricity Lines
P14JPA	Prior Approval – Part 14, Class J
P3RNOT	Notification – Part 3, Class R
PDEM	Prior Approval for Demolition
PIP	Permission In Principle
PLD	Application for a Certificates of Lawfulness for a Proposed Use or Development
S106A***	S106A to modify or discharge S106**
SCO	EIA Scoping Opinion
SCR	EIA Screening Opinion
T56	Telecoms 56 Day Notification
TDC	Technical Details Consent
TEL	Telecommunications General
TMPCOU	Temporary Change of Use
TPO	Works to Protected Trees (subject to a TPO)
TPOCON	Works to Trees within a Conservation Area

***Application Types** – The list of application types suitable for delegation may be updated to include any new prior approval or notification application types introduced by the Government.

****LBC** – Except where the Listed Building Consent application has been submitted in connection with an application considered under Part ‘A’ or Part ‘B’.

*****S106A** – Where significant modifications are proposed to a Section 106 Agreement, the Planning Development Manager will consider whether the application is deemed to be ‘significant’ and therefore whether it should be referred to Planning Committee for determination under Part ‘A’ of the Scheme of Delegation.

Consultations on Essex County Council Applications or Out of District Applications³

- Consultation Responses which can be determined under Delegated Powers, following referral to the Cabinet Member for Planning:

Application Type	Description
ECC	Consultation on Essex County Council Applications
ECCDAC	Consultation on Essex County Council Discharge of Conditions Applications
ODC	Out of District Consultation

³ As the majority of these applications are for smaller scale development, Development Management will notify the Cabinet Member for Planning on receipt of the consultation and await confirmation of whether a response could be issued by Officers, or if a draft response should be prepared for review and approval by the Cabinet Member for Planning, prior to issue.

APPENDIX 2: SUMMARY OF CONSULTATION RESPONSES

12 Parish Council Responses (For the avoidance of doubt the summary of responses are ordered by date of response from first received to last)

12.1 Great Bardfield Parish Council

Summary of Comment

Initial response:

Appears to have been simplified and looks straightforward. Need to ensure that Parish and Town Council are not impacted negatively by any changes and their input is required at every level from minor to major applications. Also emphasis still on applicant and Officer involvement being expanded but little opportunity for consultees to ask questions or liaise with officers prior to submitting comments. This would help and even circumvent unnecessary negative responses. This would be particularly welcome with no Local Plan in place and speculative development applications more common.

Second substantive response to consultation:

We do not object to measures to reduce the bureaucracy, delay and expense of undertaking the planning application process, enabling decisions to be made in a more-timely, and effective way. However we have some questions and points we wish to raise in this regard:

- 1) Agree that there is no point in applications being referred to Planning Committee if it is voted for en-bloc without individual consideration. The Parish Council would like to know the proportion of applications where Members do NOT follow Planning Officers' recommendations.
- 2) Concerned about increasing the number of 'Minor' Schemes being determined under Delegated Powers. What may be a 'Minor' scheme in some situations would be a 'Major' scheme for a rural Parish. Worried that Chair's Briefing decisions on which applications are delegated could be political and that a PC's objection may be given sufficient weight.
- 3) The Parish Council seek assurance that Officers consider all supplementary planning guidance including Neighbourhood Plans, Village Design Statements, Local Design Codes and Conservation Area Appraisals etc. The Parish would prefer for applications within the Conservation area or requiring Listed Building Consent and where the Parish Council does not concur with Officers' recommendations be referred to the Planning Committee.
- 4) The Parish Council would like to have more contact with the planning officers, in advance of an application being determined under delegated powers or by going to Committee – currently arrangements are unfair with applicants getting access to Officers. It would be more cost effective to negotiate to address Parish Council objections before an application is determined. Parish members do not necessarily have the technical expertise and knowledge of policy and may benefit from more guidance from Officers early in the process – for example where an objection is made without solid planning grounds.
- 5) Members' Forums may well be less daunting for Parish Council's and allow for discussion and negotiation at an early stage with a member of a Parish Council but concerned about how they work in practice – it would be another meeting

for voluntary PC members to attend and timing (daytimes or evenings) can be difficult due to other commitments.

Officer Response

Noted. In response to (1) very few Part B applications have been overturned by Members at Planning Committee in the last two years and a large proportion are considered 'en-bloc'. With regard to (2) while the concern is noted, a large proportion of applications for smaller scale development are already considered under delegated powers and these do not raise significant planning issues. In respect of Chair's Briefing, this process has been established since 2015 and as evidenced by the applications that have been referred to Committee through this existing process, the Chair and Vice Chair have careful regard to issues raised and whether the nature or scale of the proposal would warrant further scrutiny from Planning Committee. With regards to (3), applications will continue to be assessed taking into account all material considerations. It will also continue to seek specialist heritage advice in respect of applications that affect Listed Buildings, Conservation Areas and non-designated heritage assets. In response to (4) and irrespective of the outcome of these proposals, Officers will consider how engagement with Parish Councils can be improved. Lastly, in respect of (5) if these proposals are approved, further work would be undertaken which would set out the working arrangements for the Members Forum, including the frequency of meetings. While the Town or Parish Council would not be obliged to attend, it is hoped that such a meeting would be of interest to the Town and Parish Council, and it is considered that further engagement at an early stage of the planning process is beneficial.

12.2 Rivenhall Parish Council

Summary of Comment

Far from simplifying the planning system, these proposals make it much more complex and raise far more questions than they solve. Relating to the objectives listed, comment as follows:

1. Who is actually going to decide what constitutes an application that affects the way the District will grow and have a high level of public interest?
2. Cannot simply be to ensure the Council is functioning efficiently and cost-effectively, nor whether it can meet Government performance targets. Planning has to be able making the correct decision for local residents, not pandering to local developers and landowners.
3. Does this not already exist? Would it not be an improvement to have discussions that include local Ward Members who understand the observations raised by their Parish Councils?

Officer Response

Noted. In response to (1) the reference is to major planning applications. These are more complex in nature and raise more material planning considerations than

smaller scale applications i.e. householder applications or applications for 1-2 new homes.

With regard to (2) the District Council has to ensure applications are determined in a timely manner and requirements to adhere to timescales for the determination of applications against Government targets are only likely to increase.

With regard to (3), to clarify, a Members Forum / mechanism for Member engagement in the planning process does not currently exist at Braintree. Agree with the comments of Rivenhall Parish Council in respect of Ward Member involvement in the Members Forum, and this already forms part of the proposals, which would also include Town/Parish Council's.

12.3 Great Notley Parish Council

Summary of Comment

Noted that applications where a Parish Council objects, and where this is contrary to Officer recommendation, it would be referred to the Chair/Vice Chair to decide whether it is reported to Planning Committee, rather than being automatically referred to Committee. Noted there is no explanation of the criteria that the Chair/Vice Chair will use to make such a determination. The Parish Council would wish there to be clear grounds set out as to how such a decision will be made as it is important for transparency and clarity to understand how to put forward the views of its community in accordance with its democratic right as statutory consultees.

In respect of the Members Forum, while the Parish Council can see the benefits of such a forum, it wishes to express concern that such a remedy will not increase the possibility of impropriety and to make sure that there is probity and transparency in the process with clear terms of reference.

Officer Response

Noted. In response to the point raised in respect of Chair's Briefing, if these proposals are approved, the protocol for the Chair's Briefing process would be reviewed and updated where necessary. It is anticipated however that this would remain relatively broad, as it is ultimately a judgement on whether a specific application should be referred to the Planning Committee or not. Decisions would still be recorded and Officers will consider how feedback could be provided to Town and Parish Councils.

With regards to Members Forum, the concerns are noted, and if these proposals are approved, as highlighted in the report, further work would be undertaken which would set out the working and governance arrangements for the Members Forum, including the frequency of meetings. It should be noted that Members Forums have been run successfully at other authorities for many years with clear governance arrangements which mean that there is probity and transparency.

12.4 The Salings Parish Council

Summary of Comment

The Salings Parish Council responded to the consultation from a position of historically only objecting to a few applications (only 1 so far in 2020), but at the same time being intrinsically focused on ensuring that the role of Parish Councils – with the critical local knowledge we have – is not significantly eroded.

Sympathetic to some of the points made around delegation rates vs other Districts, the associated cost with taking more applications to Committee, and also Parish Council's objecting to applications but then not attending Committee meetings.

Less persuaded by the point around the Planning Committee having more time for complex applications – fundamentally, if an application is reasonably simple but merits Committee scrutiny because of a meaningful objection from elected Parish Councils, then it should not place a particularly significant extra time burden on the Planning Committee.

Strongly against the removal of the requirement for Planning Committee scrutiny of an application where a Parish Council has made a different recommendation to Officers. As an alternative, could BDC require an upfront commitment from a Parish Council to attend a Planning Committee if it has objected to an application which Officers have recommended for approval? Do not consider the proposals are an adequate replacement for Parish level democratic scrutiny.

Officer Response

Noted and acknowledge the concerns raised. As highlighted in the report, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications as set out within the Council's Statement of Community Involvement (SCI).

12.5 Kelvedon Parish Council

Summary of Comment

The Parish Council accepts that there is a need for a change to the current system, which is clearly overburdened, which in part seems to be due to the lack of an up to date Local Plan and the resulting speculative applications.

- 1) The Parish do not consider the current Planning Committee format to work for them. Their representative only gets 3-minute to address Committee and they play no part in discussion so there seems little point in attending.
- 2) The Parish are very concerned that the vast majority of planning applications affecting the village will not have any recourse to the Planning Committee and that Parish objections are not and will not be taken into account.

- 3) A contrary view to Officer's is often taken because of the very local knowledge which may not be apparent to the case officer, or ECC Highways. It is acknowledged that sometimes the Parish view is not based on a material or planning consideration but this may be down to a lack of fundamental planning knowledge. BDC should address this by providing Parish Councils with basic and ongoing training.
- 4) Case Officers could contact the Parish where representation are not technically accurate, or a planning consideration, to explain and allow comments to be withdrawn or altered.
- 5) Concern that decisions on whether applications for 3-9 dwellings will be referred to Planning Committee rests with just two Members, with no set criteria.
- 6) In a rural setting an application for 3 or more dwellings will in fact have a higher impact on that community than it would in a town.
- 7) Applications of up to 2 dwellings under the new Scheme will never have recourse to the Committee, but could still have a big impact on a village.
- 8) Where applications have been previously refused sites are often very contentious and should still be determined by the Planning Committee.
- 9) More details are needed about how the Members Forum would operate and if this proceeds the Parish would want to be consulted again to provide more informed feedback.
- 10) Concern that the Members Forum would take the same sort of format as the Planning Committee, with more than one proposal will be on the agenda for each Forum. This would not give enough time for Members or the Parish Council to go over any questions or issues in any great depth.
- 11) Very concerned that the Member Forum could allow applicants to carry out less, or no other engagement with the local community. Currently the Parish have many meetings with major applicants and these have proved valuable. The Members Forum could be less productive for the Parish in shaping proposals.

Officer Response

Noted. Responses to the points raised below:

- 1) The existing process for Planning Committee meetings does not form part of this review, however Officers acknowledge the concerns raised and will separately consider whether the concern raised could be addressed.
- 2) The concern is acknowledged. As highlighted in the report, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications as set out within the Council's Statement of Community Involvement (SCI).
- 3) Irrespective of the outcome of these proposals, Officers will consider how engagement with Town/Parish Councils could be improved and will be happy to discuss proposals for additional training as well.
- 4) This does already take place on a number of applications and Officers will seek to provide clarification where required for a particular case.

- 5) If these proposals are approved, the protocol for the Chair's Briefing process would be reviewed and updated where necessary. It is anticipated however that this would remain relatively broad, as it is ultimately a judgement on whether a specific application should be referred to the Planning Committee or not. Decisions would still be recorded and Officers will consider how feedback could be provided to Town and Parish Councils.
- 6) (& 7) Careful consideration has been given to the thresholds specified with the proposed Scheme of Delegation. In order to achieve the objectives of the review the threshold has been set at 3-9 houses within Part B and has been set as a standard across the District to ensure consistency of approach and to avoid ambiguity.
- 8) Noted and it is still intended that applications recommended for refusal that meet the new criteria within the Scheme of Delegation, would be reported to Planning Committee for determination. Applications with complex planning histories could still be reported to Committee by Officers under the 'significant' provision with Part 'A'. This provision is currently utilised by Officers who would continue to exercise their judgement on these matters going forward.
- 9) (& 10/11) If these proposals are approved, as highlighted in the report, further work would be undertaken which would set out the working and governance arrangements for the Members Forum, including the frequency of meetings. It is however certainly not the intention for there to be less direct engagement with Parish and Town Councils over proposals. Officers will continue to encourage developers to engage with the Town/Parish Council and local residents. The Forum seeks to increase the level of engagement at pre-application stage and should be seen as complementary rather than replacing any existing or established processes.

12.6 Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council

Summary of Comment

The Parish Council understands the reasoning and objectives for reviewing this Scheme, but has some concerns:

The rule designed for applications for 1-2 houses is subjective, and in certain situations can understand why this is important to BDC as applications for 1-2 houses in built up areas, such as Braintree and Witham is a minor consideration and is unlikely to be too contentious. However, in the Countryside 1-2 houses is a major consideration and far more contentious. The Parish Council asks whether this rule can be amended to treat applications for 1-2 houses in the countryside in the same way as those for 3-9 houses i.e. included within Part 'B'.

Welcome the idea of the Members Forum and being invited to contribute at an early stage of the Planning process, but as this seems to be designed for larger applications, which are unlikely in the countryside, Parish Councillors cannot envisage being able to contribute in the way they would like to.

Officer Response

Noted and acknowledge the concerns raised. Careful consideration has been given to the thresholds specified with the proposed Scheme of Delegation. In order to achieve the objectives of the review the threshold has been set at 3-9 houses within Part B and has been set as a standard across the District to ensure consistency of approach and to avoid ambiguity.

In respect of the Members Forum, the intention is that applications referred to the Forum would meet the criteria to be referred to Planning Committee. It is anticipated that where a proposal could affect more than one Parish, the invitation to attend the Members Forum could be extended to more than one Town or Parish Council but it is acknowledged that in some rural areas because there is a lack of 'Major' development, some Parishes may find there are no Member Forums that they would be invited to attend.

12.7 Greenstead Green and Halstead Rural Parish Council

Summary of Comment

The Parish Council welcome the proposals contained in this review particularly the Members Forum and the invitation for Parish Councils to attend.

Officer Response

Noted.

12.8 Witham Town Council

Summary of Comment

- 1) Object to the level of consultation – Town & Parish Councils have only been given a 21-days to respond, and no wider public consultation. Failure to follow the Government's Code of Practice on Consultation.
- 2) There is no clear definition or evidence as to which applications should be considered as "the most significant" when taken in the abstract. All development is significant to somebody.
- 3) The current scheme of delegation is fit for purpose. There is no evidence to demonstrate that the Scheme of Delegation is the primary contributor to inefficiency, or to examine other factors which are causing performance issues such as the protracted local plan process; Planning Appeals; staff recruitment and retention. No details are given as to the other steps and efficiencies that the LPA has taken to improve decision-making. Alteration to the Scheme of Delegation should be the last resort.
- 4) The Scheme of Delegation cannot be used to explain the LPAs continued systematic inefficiencies including continued delays to the issue of pre-application advice; inability to implement a new Local Plan; and failure in 2017 / 2018 to take account of objections made by the Town Council to applications

and approval of those applications under delegated powers, contrary to the scheme of delegation.

- 5) The consultation has omitted data that was central to the Council's decision to consult over the proposed changes. Data comparing the delegation rate with other Essex LPAs is omitted. The Town Council then state that the missing data was in fact misleading as the three top performing Essex LPA's are all dense urban areas with minimally parished areas.
- 6) There is no statute that compels Town & Parish Councillors to attend a planning committee and "substantiate" their response. Witham Town Councillors have attended countless meetings, even though they can only speak for 3-minutes and despite there often being no debate of their representation.
- 7) The legislation is clear and specifically affords a mechanism for Parish Councils to contest the "manner in which the application should be determined". The most obvious way in which to satisfy this criterion is retention of the mechanism that allows a Parish Council to demand additional democratic oversight, by committee, by objecting to the recommendation of a planning officer. The suggestion that a representation which is considered in legislation as a substantive reply from a statutory consultee, which is also contrary to the opinion of a planning officer can be overruled through a planning officer in consultation with a single District Council member is nonsensical and it is not entirely clear if this suggestion is lawful.
- 8) The Town Council supports the introduction of a Members Forum but would not need to attend as they already meet all major developers to assess plans during the pre-application stage. The Town Council condemns the proposal to improve District Councillor involvement in the local decision making process at the expense of the Town Council's prerogative of principal local representation.
- 9) The consultation does not refer to the common practice of planning officers contacting Town & Parish Council officers in a bid to reconsider comments on minor applications in order to avoid an unnecessary referral to the Planning Committee. Officers have provided additional evidence which have allowed objections to be withdrawn.

Should it continue to press ahead with this exercise and approve the proposed scheme of delegation, the Town Council will use all influence within its reach to boycott these proposals until normal and reasonable participation in local planning matters is resumed.

Officer Response

Noted and acknowledge the concern and objections raised. Response to the issues raised below:

- 1) The formal consultation period took place over 3 weeks, however the proposals were in the public domain before this, which included the report to Planning Committee on 13th October. The proposals were highlighted in several e-newsletters before the start of formal consultation. As highlighted within the report, the consultation was not limited to Town/Parish Councils.
- 2) Careful consideration has been given to the thresholds specified with the proposed Scheme of Delegation which will be consistent across the District to ensure consistency of approach and to avoid ambiguity.

- 3) (& 4) Comments noted, but consider that the current Scheme of Delegation should be revised for the reasons set out in the report. As highlighted within the report, the review of the Scheme of Delegation is part of a wider package of measures aimed at improving the Council's Development Management Service. The proposals relate to the Council's Development Management function and not the Local Plan process.
- 5) Disagree with the Town Council's view that the data on delegation rates is misleading. This is factual data that provides a useful comparison. As highlighted within this report, the Council continues to see a rise in the number of major planning applications being submitted, which means comparisons with other LPAs are justified. However, fundamentally and as set out within this report, it is not the intention of this review of the Scheme of Delegation to secure delegation rates similar to those at the top of the table, more to bring the District in line with many other similar Districts in Essex.
- 6) Acknowledge that Town/Parish Councils are not obliged to attend Planning Committee but would comment that it is useful for them to attend to set out their specific views and particular concerns.
- 7) All representations, including consultation responses from statutory consultees, which includes Town/Parish Councils are and will continue to be taken into account in the assessment of an application, along with all other material planning considerations.
- 8) Comments noted, but would still hope that Witham Town Council would participate in the Members Forum if these proposals are approved. It is however certainly not the intention for there to be less direct engagement with Town/Parish Councils over proposals. Officers will continue to encourage developers to engage with Town/Parish Councils and local residents. The Town Council could continue to have their own meetings with developers but the Members Forum offers an early opportunity for the Town Council to highlight specific concerns or aspirations not just to the developer but also to Officers and Planning Committee Members. The Forum seeks to increase the level of engagement at pre-application stage and should be seen as complementary rather than replacing any existing or established processes.
- 9) Officers will continue to provide clarification to Town/Parish Councils on applications and Officers will separately consider how engagement with Town/Parish Councils can be improved further, irrespective of the outcome of these proposals.

12.9 Belchamp St Paul and Belchamp Otten Parish Council

Summary of Comment

- (1) The right to respond to planning applications is a very important one to both Parish Council's and to the residents they represent.
- (2) Do not support the proposals to remove the automatic referral to Planning Committee where the Parish Council view is contrary to the Officer recommendation. In a small community even comparatively small developments and changes can have a significant impact much more so than in larger residential areas.

The Parish Council fully appreciated the expanding workload of the BDC Planning Committee but to erode existing Parish Council rights in this way is not acceptable and is not a suitable way to address the problem. The proposal goes against all the principles of localism and the Parish Council accordingly wish to register their strong objection to the proposed revisions.

Officer Response

In response to (1) this is acknowledged and to clarify, there are no proposals to change the way in which consultations on applications are undertaken. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications as set out within the Council's Statement of Community Involvement (SCI).

In respect of (2) note and acknowledge the concerns raised. As highlighted in the report, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues.

12.10 Earls Colne Parish Council

Summary of Comment

(1) For Parishes, the distinction between major and minor developments should be set at a level that is relevant to each Parish. Earls Colne Parish Council would not consider any application for 3-9 new dwellings to be minor.

(2) This proposal will require significant additional involvement from our District Councillor. The Parish Council has concerns over under-representation at the Members Forum due to potential conflicts of interest with Cllr Spray's position on the Planning Committee.

(3) Where Officer view is contrary to Parish view, the Parish Council would like to receive feedback on the grounds of disagreement before the Officer finalises their recommendation.

(4) Where the Parish Council view is contrary to the Highways view, the Parish Council wish to have the opportunity to discuss the reasons in full, directly with Highways, before the Officer makes their recommendation. This is a shortcoming in the current process. Highways should consider and respond to local views on roads/transport connections.

(5) The Parish Council would like provision to be made for their involvement in all S106 negotiations relating to applications in the village. Currently these are approved with minimal Parish Council involvement, resulting in some instances where funds have been allocated to projects that do not address our village priorities or where decisions have been made without consent on land the Parish Council will take responsibility for.

(6) We do not believe that Parish Council attendance at the Planning Committee meetings adds any value to the process given that representations are already made in writing.

Officer Response

In response to (1) careful consideration has been given to the thresholds specified with the proposed Scheme of Delegation. In order to achieve the objectives of the review the threshold has been set at 3-9 houses within Part B and has been set as a standard across the District to ensure consistency of approach and to avoid ambiguity.

In respect of (2) the Parish Council would be invited to attend the Members Forum if there was an application meeting the criteria for referral to Committee. This would enable the Parish Council to engage directly as part of the process.

With regards to (3) the suggestion is noted. Officers will consider how engagement with Town and Parish Councils can be improved, irrespective of whether these proposals are approved.

In relation to (4) the Town or Parish Council can separately write to the Highway Authority to express concerns or query their recommendation on a specific application.

In terms of (5) where applicants seek pre-application advice on major applications from Officers they are always advised to engage with the Parish Council and this allows Parish Council's to raise S106 matters with developers at a very early stage. The proposals to create a Members Forum that Parish Council representatives can attend, will provide a further opportunity for the Parish to raise local concerns and priorities. Officers should be engaging with Parish Councils regarding S106 matters during the consideration of applications but the Parish are also able to formally raise S106 matters through their responses to planning applications or contact the Case Officers directly with specific issues.

Lastly, in relation (6) while the comments are noted, attendance at Planning Committee does assist Members in understanding the specific concerns or local issues being raised by the Town or Parish Council.

12.11 Bulmer Parish Council

Summary of Comment

The introduction of 'Forums' is welcomed if it will enable more input from Parish Councils to the decision process before a decision is made.

The Parish Council welcomes changes which will speed up the process and simplify the process of delegation.

Bulmer Parish Council feels it is important that the public are informed and encouraged to express their views at the earliest stages of the planning process

and would not like to see a discontinuation of Public notices posted locally near the site of a planning application.

It is requested that Parish Councils are given more autonomy on deciding what can be included in the Open Spaces Action Plan and therefore greater influence on S106 agreements.

Officer Response

Noted. Public and Parish/Town Council engagement in the planning process is critical and there are no proposals to change the way in which consultations on applications are undertaken. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications, along with local residents as set out within the Council's Statement of Community Involvement (SCI). Similarly planning applications would continue to be publicised through the display of Site Notices, again in accordance with the SCI.

In respect of the comment in relation to S106, the District Council consults Town and Parish Council's annually on schemes and projects that should be included in the next edition of the Open Spaces Action Plan. Providing the recommendations fit within the defined Open Space typologies and would be deliverable the recommendations of Parish and Town Councils would usually be included within the updated Action Plan that is presented to Full Council for approval. On occasions entries are amended to ensure that they are consistent with the document format or to avoid being overly prescriptive and allow some flexibility. Parish Councils are encouraged to identify the projects that are their priority with Planning Officers.

12.12 Castle Hedingham Parish Council

Summary of Comment

(1) All efforts must be maintained to keep the public informed and encourage them to express their views at the earliest possible stage of the planning process. Public notices posted near the site of the application are helpful and the Parish Council would not like to see these discontinued.

(2) The Parish Council welcomes the opportunity to be involved in a Members Forum and requests that the Parish Clerks be included in the invitation to attend.

(3) The views of the Parish Council should be given serious consideration by Planning Officers. The Parish Council has a greater understanding of local need and opinion. Regular and detailed feedback to Parish Councils would also be welcomed.

(4) The Parish Council requests a greater say in the process for S106 Agreements and more autonomy on deciding what can be included in the Open Spaces Action Plan and therefore the S106.

Officer Response

In response to (1) public and Parish/Town Council engagement in the planning process is critical and there are no proposals to change the way in which consultations on applications are undertaken. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications, along with local residents as set out within the Council's Statement of Community Involvement (SCI).

In respect of (2) as highlighted in the report, if these proposals are approved, further work would need to be undertaken to set out the working and governance arrangements for the Members Forum, including the frequency of meetings. Officers note the suggestion for the Parish Clerk to be included on the invite for the Members Forum meeting.

With regards to (3) all representations and consultation responses received are taken into consideration by the Local Planning Authority when determining an application. Officers will consider how engagement with Town and Parish Councils can be improved, irrespective of whether these proposals are approved.

In terms of (4) the District Council consults Town and Parish Council's annually on schemes and projects that should be included in the next edition of the Open Spaces Action Plan. Providing the recommendations fit within the defined Open Space typologies and would be deliverable the recommendations of Parish and Town Councils would usually be included within the updated Action Plan that is presented to Full Council for approval. On occasions entries are amended to ensure that they are consistent with the document format or to avoid being overly prescriptive and allow some flexibility. Parish Councils are encouraged to identify the projects that are their priority with Planning Officers.

12.13 Bradwell & Pattiswick Parish Council

Summary of Comment

The Scheme of delegation allows for "an opportunity to extend invitations to attend the Members Forum to Local Ward Members and Parish/Town Councils".

The Parish Council feels that the wording could be strengthened to recognise the Parish/Town Council's statutory right to be consulted on all relevant planning applications.

The Chair/Secretary of the Members' Forum should have a mandate to invite relevant Parish/Town Councils to attend the Members' Forum whenever a planning application within that parish or town is under consideration.

To prevent the process becoming less transparent and far less democratic, the input and views of local parish and town councillors must be carefully considered in all applications as they have the knowledge of their local area to inform any decisions being made.

Officer Response

Noted, however there are no proposals to change the way in which consultations on applications are undertaken. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications as set out within the Council's Statement of Community Involvement (SCI). Similarly, all representations and consultation responses received are taken into consideration by the Local Planning Authority when determining an application.

In respect of the Members Forum, as highlighted in the report, if these proposals are approved, further work would need to be undertaken to set out the working and governance arrangements for the Members Forum, including the frequency of meetings. It is intended that applications which meet the criteria for Planning Committee referral within the new Scheme of Delegation could be referred to the Members Forum. It is not anticipated that this would be extended to smaller scale applications.

12.14 Rayne Parish Council

Summary of Comment

- 1) Councillors are concerned that smaller applications do not have any less significance for the applicant or their neighbours and should benefit from the same scrutiny as the more complex and significant cases, if there are serious planning issues to be considered.
- 2) The suggestion that parish councils are to be involved in discussions with applicants at the pre app stage was welcomed with a degree of caution being mindful of perceived pre-determination.
- 3) The Parish understand and support the ethos behind a revised Scheme of Delegation in order to stop unnecessary appeals on the grounds of non-determination.
- 4) The view of the Parish Council could be undermined by the Planning Committee Chair as they alone will determine whether the application is heard at the Committee or not.
- 5) With regard to meaningful engagement, reference should be made to members of the public being involved.

Officer Response

Note and acknowledge the concerns raised.

- 1) As highlighted in the report, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues.

- 2) Welcome the Parish Council's support in principle for the Members Forum, but acknowledge the concerns raised. If these proposals are approved, further work would need to be undertaken to set out the working and governance arrangements for the Members Forum, including the frequency of meetings.
- 3) Noted and as highlighted by the Parish Council, the proposals would achieve improvement in performance, particularly for applications within the 'Minor' category as defined by government, which should consequently have a positive impact by reducing the number of appeals against non-determination. This in turn would have a beneficial impact upon the cost and resourcing implications for appeals and impact positively on appeal performance.
- 4) The Chair's Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council's and local residents.
- 5) No changes are proposed to the way in which consultation is undertaken on planning applications. Consultation to local residents and to the Parish/Town Council is critical and will continue to be undertaken in accordance with the Council's Statement of Community Involvement (SCI). In respect of the Members Forum, while it would not be open for the public to attend, for transparency it is intended that the meeting would be minuted, and would be recorded/webcast which would ensure the public could view the meeting.

12.15 Stisted Parish Council

Summary of Comment

It is important that local parishes still maintain both the visibility and opportunity to provide comments for all developments within their boundaries and we hope that this is continues if these amendments are implemented.

Whilst providing delegation of authority to the planning officer for properties <10 sites, can drive greater efficiencies, it is important to maintain all opportunities for robust scrutiny and appropriate means of appeal.

Officer Response

There are no proposals to change the way in which consultations on applications are undertaken. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications as set out within the Council's Statement of Community Involvement (SCI).

Acknowledge the comment about thresholds for development. Part 'B' of the proposed Scheme of Delegation would mean that proposals for 3-9 new homes would be subject to referral to the Chair and Vice Chair of the Planning Committee (where the application has been subject to Member Call In or where the Parish/Town Council view is contrary to the Officer recommendation or 6 or more valid representations have been received from local residents) to determine

whether the application should be referred to the Planning Committee for determination. This is in recognition that schemes of this size have more significant impacts. The proposals also ensure there is a consistent approach of applications of this scale. Under the current scheme of delegation schemes of this size and larger can be determined under Delegated Powers.

12.16 Silver End Parish Council

Summary of Comment

- 1) The consultation does not define how a 'Major' or 'Minor' application is determined.
- 2) The perception of this proposal is that it will reduce the Parish Council's and residents' ability to object to planning applications. Local communities need to have more of a say over what happens in their area, not less.
- 3) How will Parish Councillors and members of the public be given full information when discussing planning applications at Member's Forums?
- 4) Are we correct in assuming that planning applications for within Conservation Areas are exempt from these new proposals?
- 5) Object to the fact that the Chair & Vice Chair of the Planning Committee can decide on whether a 'Minor' application will be determined by Planning Committee, even if the Parish Council object.
- 6) The Parish remains concerned that the Silver End Conservation Area guidelines has not been updated. This has led to many unsuitable alterations to properties in the Conservation Area being ignored.

Officer Response

Note and acknowledge the concerns raised.

- 1) References to major and minor applications relate to the Governments categorisation of planning applications. 'Major' application are defined within Appendix 1. Minor applications would include proposals for 1-9 new homes.
- 2) While the concerns are noted, no changes are proposed to the public consultation process. Parish and Town Councils and local residents would continue to be consulted on applications in accordance with the Council's Statement of Community Involvement (SCI).
- 3) If these proposals are approved, further work would need to be undertaken to set out the working and governance arrangements for the Members Forum, including the frequency of meetings and how information is shared before meetings. The Members Forum would not be open for the public to attend but for transparency it is intended that the meeting would be minuted, and would be recorded/webcast which would ensure the public could view the meeting.
- 4) No. If approved, applications would be determined in accordance with the revised Scheme of Delegation as set out in Appendix 1. Heritage is a key material consideration in the assessment of planning applications. For this reason the Council seeks (and will continue to seek if these proposals are approved), specialist heritage advice in relation to: applications for listed building consent, and applications affecting the setting of a listed building; applications within a Conservation Area and applications affecting the setting of

a Conservation Area; and applications affecting non-designated Heritage assets.

- 5) Acknowledge the objection raised. Would comment that the Chair's Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council's and local residents.
- 6) As the Parish Council are aware, the District Council are planning to review the Silver End Conservation Area guidelines in 2021 and look forward to liaising with the Parish Council and heritage groups in respect of this important piece of work.

12.17 Feering Parish Council

Summary of Comment

- 1) The Members Forum concept is positive; however, we would request that the Parish / Town Councils (along with Ward members) must be included as of right and also attend Forums for proposals in neighbouring Parishes, for larger applications (say 20+ homes) as these developments could affect services and traffic in their area.
- 2) Further information about Members Forum processes, to avoid pre-determination issues; how much notice will be given of meetings; how documents will need to be read in advance of the Forum; how and when meetings will be held to ensure that Parish Councillors can participate; can Planning Committee Members and Town / Parish Councillors put forward concerns / comments at the Forum?
- 3) Concerned that applicants / developers will not seek to engage proactively through the Members Forum.
- 4) Pre-application advice provided by officers should be made available as part of the Members Forum process.
- 5) On large schemes the actual development is often significantly different from any illustrative master plan included at the Outline application stage. The Parish and public are not given an opportunity to engage with applications to discharge planning conditions. These applications often determine what these applications will look like before any Reserved Matters application.
- 6) APPENDIX A: REFERRAL TO PLANNING COMMITTEE - the process would be improved if the planning officer discussed the application with the Parish Council before it is referred.
- 7) APPENDIX B+C. APPLICATIONS THAT MAY BE /CAN BE DEALT WITH UNDER DELEGATED POWERS – any deviation from any planning policy (NPPF, the Essex Design Guide, ECC & BDC Policies and Neighbourhood Plan policies) must be flagged and the application must go out for public consultation, as is the situation now where a Parish Council objection requires the application to be heard by the Planning Committee.
- 8) APPENDIX B. APPLICATIONS THAT MAY BE DEALT WITH BY DELEGATED POWERS – the Parish Council (and Ward Councillor) should have the right to informally meet with the Chair & Vice-Chair and the Planning Officer, where the Parish Council's view is contrary to the Officer Recommendation. If following

this discussion the Parish Council maintain their position then the application should be referred to the planning committee.

- 9) APPENDIX C. APPLICATIONS TO BE DEALT WITH BY DELEGATED POWERS - Parish Councils are required to respond to planning applications within 28 days. As such Parish Councils are not a time constraint in the process and therefore, we consider that there is no reason to delegate decisions and remove the right for Parish Councils to be advised and consulted.
- 10) Applications that must not be delegated - Listed Buildings and trees; EIA scoping and screening opinions; Infilling, back land development, annexes, householder applications, commercial applications, etc. inside village envelopes; the appearance and scale of replacement dwellings; development outside village envelopes; Section 106 modifications must not be delegated decisions.

Officer Response

Note and acknowledge the concerns raised.

- 1) (& 2, 3 & 4) Comment acknowledged. It is the intention that invitations to Members Forums would be extended to neighbouring parishes which could be affected by proposals. This issue, along with others would be considered with further work to set out the working and governance arrangements of the Members Forum if these proposals are approved. Acknowledge the concern regarding developer attendance, however Officers consider that most applicants and developers would engage with the process. It is beneficial for all parties to engage at an early stage of the planning process. Pre-application advice would still be issued to applicants and developers directly. It is anticipated that the Members Forum meeting would take place prior to formal pre-application advice being issued (so that issues raised at the Forum could be captured within any response).
- 5) Note the comments and concerns raised. There are however no proposals for DAC (Discharge of Conditions applications) which relate to matters of detail to be referred to the Planning Committee for consideration. Officers are increasingly seeking through negotiation to secure illustrative masterplans and design codes at the outline planning application stage for new sites coming forward.
- 6) Comments noted, and irrespective of the outcome of these proposals, Officers will consider how engagement with Parish/Town Councils can be improved.
- 7) All relevant applications meeting the criteria for consultation in the Council's Statement of Community Involvement (SCI) will continue to be subject to public consultation. If these proposals are approved, applications would be determined in accordance with the revised Scheme of Delegation which would determine whether the decision was made by Members at Planning Committee or by Officers under delegated powers.
- 8) Acknowledge the objection raised. Would comment that the Chair's Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council's and local residents.

- 9) The reasons for the proposed changes to the Scheme of Delegation are set out within the report. A key objective of the review is to ensure the Council is able to discharge its Development Management function in an efficient manner. It is also considered that the Council's Planning Committee resource (both Officer and Member resource) needs to be focused on the determination of major applications which will affect the way in which the District will grow over future years.
- 10) Acknowledge the concerns but would comment that if accepted, this would mean that the overwhelming majority of decisions made by the Council would be made by the Council's Planning Committee. The majority of the application types included within Part 'C' are already determined are delegated powers by Officers.

12.18 Wethersfield Parish Council

Summary of Comment

The Parish Council understands and accepts the aim of streamlining the planning decision-making process but considers that further safeguards should be incorporated to ensure that all relevant and material considerations are taken into account.

Supports principle of Members Forum, however neither the scale and type of proposals that would be referred to the Forum is clear. Provision should be made for smaller proposals and invitations should be extended to neighbouring parishes that are affected by a particular proposal.

Accepts the reasons for focussing on the more significant cases but wish to be assured that local views are afforded appropriate weight in the decision-making process. Threshold for 1,000sq.m of commercial floorspace should be extended to embrace all development above 1,000sq.m whether commercial or not.

Substantial shift from current arrangements and could mean that some very controversial proposals locally will be beyond Member scrutiny. Opportunities should be available within the process to enable any application to come in front of Members in given circumstances. Some broad criteria for what constitutes significant should be incorporated into the Scheme of Delegation.

The applications within Part 'B' are too limited in scope. Should be extended to cover all developments between 500-1000sq.m.

Consider that any ward Member should be able to request any application for reference to Committee and not just those applications for 3-9 dwellings. Such requests should only be denied where the Chair considers there to be inadequate reasons given by the Member.

Officer Response

In respect of the Members Forum, as highlighted in the report, if these proposals are approved, further work would need to be undertaken to set out the working and

governance arrangements for the Members Forum, including the frequency of meetings. Officers acknowledge the suggestion regarding invitations, and can confirm that it is anticipated that where a proposals affect more than one Parish, the invitation to attend the Members Forum would be extended to more than one Town or Parish Council.

Acknowledge the issue raised in respect of the floorspace threshold. These comments have been taken into account and Part 'A' amended so that the reference to commercial floorspace includes both new build and applications for the change of use of existing floorspace.

Note and acknowledge the comment made in relation to the definition of 'significant'. As highlighted in the report, if these proposals are approved, a protocol would be drafted to set out the type of circumstances when this provision could be used. However, given that this provision is a 'catch all', any such protocol would not be an exhaustive or prescriptive list of criteria.

Lastly, note the concern regarding Member Call In. Part 'C' as proposed sets out applications which can be determined under delegated powers. It has been specifically drafted in this form to be consistent with the approach proposed for Town or Parish Council responses for applications within this category. The drafting for Part B and C would ensure that a consistent approach is taken in respect of Town/Parish Council responses or Member Call Ins.

12.19 Terling and Fairstead Parish Council

Summary of Comment

The Parish Council already encourages applicants to consult with them prior to submitting their application, which has been found to be mutually helpful. In effect we already have established our local Members Forum.

Note the status of the Parish Council as a statutory consultee is not intended to be impacted or discontinued by the review. The invitation to attend a Members Forum is welcome but this may not be possible in person. Suggest the use of Zoom or Teams or other media online, would be a better way to facilitate such forums.

Presently the Parish Council can make direct representations to the Planning Committee and consider this a fundamental democratic purpose of the Parish Council as a statutory consultee and are resolute in its importance to continue.

Suggest local planning applications are capable of attracting a very high level of local public interest. This needs to be addressed in any revised objectives.

The Parish Council considers any and all additional housing to be referred to Committee where the Parish Council view is contrary to the Officer recommendation.

Concern raised over Chair's Briefing process – takes the planning process away from the local public realm.

Onus placed on Member Call In – does BDC advise all ward members of applications within their wards?

Members Forum – how will Parish Councils be informed of the regime of Members Forums? Will formal minutes be available and perhaps be used as supporting statements in any application that may then come forward? Will not allow the Parish Council input at this stage. Will fees be levied to applicants at these Members Forums? Will any views expressed commit BDC to a decision – the suggested proposals appear to make the Members Forum the formal view that will be taken should an application come forward.

Appendix 1 – comment on what BDC Officers considers ‘significant’. Consider that the Parish Trigger to refer applications to Planning Committee should remain.

Officer Response

Comments and issues raised are acknowledged.

In respect of Chair’s Briefing, acknowledge the concern raised. Would comment that the Chair’s Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council’s and local residents.

With regard to the Members Forum, if these proposals are approved, further work would be undertaken to set out the working and governance arrangements for the Forum which would address the issues raised, but it can be confirmed that meetings will be minuted. Clear governance arrangements will be followed and care will be taken that there is no pre-determination of applications. The suggestion in respect of virtual meetings will definitely be considered. The existing engagement arrangements in place with the parish are positive and the proposed Members Forum would seek to be complimentary to these established processes. Officers will continue to encourage applicants and developers to engage with local residents and the Parish/Town Council prior to submitting a formal application for planning permission.

While the concerns raised in respect of increased delegation are noted, and specifically in relation to the request for all new housing to be determined by Planning Committee, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues.

There are not proposals to change the consultation process on planning applications and Ward Members would still receive notification of new applications as and when they are received.

Note and acknowledge the comment in respect of ‘significant’ within Part A of Appendix 1. This is an existing provision within the current Scheme of Delegation which is proposed to be retained. If these proposals are approved, a protocol

would be drafted to set out the type of circumstances when this provision could be used. However, given that this provision is a 'catch all', any such protocol would not be an exhaustive or prescriptive list of criteria.

12.20 Gestingthorpe Parish Council

Summary of Comment

The Parish Council do not support the proposals.

No evidence has been put forward to substantiate the claim that the current Scheme of Delegation has not enabled the Planning Committee to solely focus on the most significant planning applications in the District.

Whilst the current scheme might not be perfect, the proposals, if adopted, would greatly water down public, Parish Council and Ward Members involvement in the planning application process. In addition, it puts the Chairperson in an invidious position in deciding which applications should go to Committee. Clearly, a potential conflict of interest.

Disappointed that the Parish Council were not consulted as part of the review process, and were only given a three week consultation to respond.

Parish Councils have the best interests of their Parish and Parishioners at heart, and with their local knowledge, which is probably considerably more than your Planning Officers have, their views must not be discounted.

The delays within the Planning system are unacceptable and may we suggest that rather than trying to put the blame on your current scheme of delegation, you encourage your Planning Officers to actively engage with applicants, Agents and Parish Councils. Active engagement would lead to better and informed decision making, avoid expensive planning appeals and restore faith in the planning system.

Officer Response

Acknowledge the concerns and objections raised.

The consultation included a summary of the proposals and included a link to the report to Planning Committee on 13th October 2020, which sets out the rationale behind the proposed review.

As highlighted in the report, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues. No changes are proposed to the way in which the Council consults on planning applications and any representations received from local residents and consultation responses from Parish/Town Councils will continue to be taken into account in the decision-making process.

As highlighted within the report, the review of the Scheme of Delegation is part of a wider package of measures aimed at improving the Council's Development Management Service.

12.21 Toppesfield Parish Council

Summary of Comment

Toppesfield Parish Council would like a no lessening of influencing of any planning applications from Parish Councils.

Officer Response

Noted and acknowledge the concerns raised. As highlighted in the report, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications as set out within the Council's Statement of Community Involvement (SCI).

13. Responses from Councillors, Agents, Members of the Public, and Interest Groups (For the avoidance of doubt the summary of responses are ordered by date of response from first received to last)

13.1 James Jamieson, on behalf of Intelligent Alternatives Limited (Agent)

Summary of Comment

There is no need for major applications to automatically go to committee. There should be a request in every case – typically a call in Cllr or Parish. Cited example of an application submitted with another LPA where issues were initially raised, and these were overcome allowing the application to be determined under delegated authority, saving the applicant the delay of a Committee cycle.

Officer Response

Comment noted. Where the principle of development is support, Officers will continue to liaise with applicants and agents to resolve issues raised by local residents and Parish Council's.

While it is accepted that some major applications can be determined under delegated powers, it is considered that the scheme of delegation should be amended in this way to allow the Committee process to focus on the determination of these, rather than smaller scale applications.

13.2 Cllr Richard van Dulken

Summary of Comment

No issues with the general aim of streamlining the process of determination of applications and removing some of the stress on the Planning Committee and Officers. At the same time we must always be conscious of the concept of planning being a public process. Raised several points/suggestions:

1. Could you introduce a second Planning Committee (rural/urban split or something similar);
2. Questioned how the £1,500 cost of reporting applications to Committee is arrived at and what the implications are;
3. Queried the reason why a 'planning reason' is necessary to call in an application for determination. Concerned at any weakening of the ability of Parish/Town Councils, or Ward Members to have a final say where warranted.

Officer Response

Comments noted. Agree that planning is a public process and this will remain unchanged. Parish/Town Council's and local residents will continue to be consulted on applications, and notified of others for information (i.e. Prior Approval applications which are time limited, and Discharge of Condition applications).

The Planning Committee function was reviewed in mid-2000s, which resulted in the creation of a central Planning Committee in lieu of three Area Planning Committees. It is not considered that the creation of a second Committee would be cost effective or assist with the objective of ensuring decisions are issued in a timely manner.

The £1,500 cost was based on research undertaken by the Planning Advisory Service (a Government funded organisation). This was the cost attributed to reporting an application to Planning Committee, not the cost of the actual assessment. This research was undertaken some time ago and Officers are not aware of anymore up to date research that has been undertaken but consider that the research still provides a useful guide as to the comparative costs of determining an application under delegated powers and through Planning Committee.

A planning reason is important to ensure that an application is being called in as a result of legitimate material planning concerns. There are numerous considerations that can be raised. Officers can always provide clarification on this matter if required but this is not considered to be an onerous requirements.

13.3 John Parish

Summary of Comment

It may improve the way the Scheme of Delegation is presented and agreed but public opinion regarding planning applications is ignored. If the Ward Councillor is not interested the public will not be represented. Public get a 3 minute say whilst everyone else gets their say with presentations etc. Public opinion will be totally ignored as nothing in these proposals gives the public any say about applications.

Officer Response

Noted but disagree with comments made. Public consultation is undertaken on planning applications, as set out within the Council's Statement of Community Involvement (SCI). For most application types, the Council will notify adjoining properties in writing, display at least one site notice, and some applications are also advertised in the press. All applications are registered and available to view online.

No changes are proposed to the way in which the Council's consults on planning applications, which is in excess of statutory requirements. This is in recognition of the importance the Council places on public consultation.

Not all applications are approved. Where a proposal is unacceptable, and there are legitimate planning grounds to resist an application, the application will be refused and the decision will be robustly defended at appeal.

13.4 Philip Heady

Summary of Comment

Raised two points: (1) Queried proposal for Consultation Responses (to ECC and Out of District Consultations) and whether these are undertaken by the Cabinet Member for Planning, or by Officers. (2) Reference to applications which are referred to the Planning Committee because of Parish/Town Council response – this makes both non-parish areas and those parishes that border non-parish areas at a disadvantage as they do not have that level of representation and protection.

Officer Response

In respect of (1) it is proposed that Officers would consult with the Cabinet Member of Planning to determine whether the response can be issued by Officers, or whether the response is drafted by Officers and subject to review/approval by the Cabinet Member of Planning.

In response to (2) it is acknowledged that Braintree and Bocking is unparished. This means under the current scheme of delegation that there is no automatic trigger for applications to be referred to Planning Committee and consequently means a greater level of applications are delegated compared to other areas. By revising the Scheme of Delegation in the form proposed, it ensures that there is

greater consistency across the District, by having an agreed threshold for the scale of development that is reported to Planning Committee for determination.

13.5 Carolyn Mann

Summary of Comment

I am in favour of the proposed changes.

Officer Response

Noted.

13.6 Mrs S Mott

Summary of Comment

I support the proposals as it would make sense for the Planning Committee to concentrate on larger more complex planning applications.

Officer Response

Noted.

13.7 Richard Chaplin

Summary of Comment

Concerned that the process for deciding which planning applications are placed in which of the new categories is unexplained and what local input is available when deciding.

Officer Response

Noted. The proposals have been formed to establish a clear and prescriptive list of application types which sets out the applications which have to be reported to Planning Committee, versus the applications which can be determined under delegated powers by Officers.

13.8 Ernie Spencer (Agent)

Summary of Comment

The changes appear to be very sensible to me.

Officer Response

Noted.

13.9 John Wood (Agent)

Summary of Comment

Fully support the proposals to make the planning process simpler for all applicants, agents and the general public. I also support the proposal to concentrate the Planning Committee's focus on the more significant and complex applications and to enhance member engagement earlier in the planning process.

The inclusion of Parish/Town Councils and Ward Members in the Members Forum is welcome, however request clarification on: whether this will replace formal consultation on applications in their area; when the forum would meet; Forum should meet across the District to make it easier for Parish and Town Council members to engage; whether members of the public be able to attend; and whether it would comprise or all Members of the Planning Committee, or just a select few.

In respect of Parish/Town Council's attendance at Committee, suggests that they should be compulsory for them to attend and if they fail to attend their concerns are rejected.

Concern raised over unparished areas and frustration in respect of past experience with Ward Member engagement in specific applications.

Officer Response

Noted. In respect of the Members Forum, as highlighted in the report, if the proposals are approved, further work would be undertaken which would set out the working arrangements for the Members Forum, including the frequency of meetings. All Members of the Planning Committee would be able to attend the Members Forum, and while it would not be open for the public to attend, for transparency it is intended that the meeting would be minuted, and would be recorded/webcast which would ensure the public could view the meeting.

The Members Forum would also not replace formal consultation on planning applications. Parish/Town Council's would continue to be consulted on planning applications in accordance with the Council's Statement of Community Involvement (SCI).

Comments in respect of Parish/Town Council's attendance at Planning Committee is noted, however it is not possible to make it compulsory for them to attend. Concern in relation to unparished areas also noted, and by revising the Scheme of Delegation in the form proposed, it ensures that there is greater consistency across the District, by having an agreed threshold for the scale of development that is reported to Planning Committee for determination.

13.10 Ray Walter

Summary of Comment

Read the proposal in detail and viewed the presentation that took place at the Planning Committee meeting on 13th October. A degree of delegated is desirable and probably essential for any approval process to run efficiently. The concept of the Members Forum would appear sound, provided that objectors, as well as proposers, are able to make representation to the Committee at these meetings.

Uncomfortable with proposal that could allow up to 9 new houses or commercial premises up to 1,000m² being delegated. Such decisions should remain with Councillors who are accountable to the electorate. I therefore suggest changes are made to the proposals to reflect these concerns.

Officer Response

Noted. In respect of the proposed Members Forum, it is not intended that members of the public would attend the forum. It is instead focused on Member, Ward Councillor and Town/Parish Council engagement, primarily at the pre-application/pre-submission stage of an application (i.e. before a planning application is submitted and is sent out to public consultation by the Council). Developers are encouraged to undertake public consultation with local residents prior to submitting a planning application, and Officers wish to maintain these obligations. It is also considered that the Members Forum would be a further mechanism to hold developers to account at the pre-application stage to ensure consultation with local residents is being undertaken.

Acknowledge the concerns about thresholds for development. Part 'B' of the proposed Scheme of Delegation would mean that proposals for 3-9 new homes would be subject to referral to the Chair and Vice Chair of the Planning Committee (where the application has been subject to Member Call In or where the Parish/Town Council view is contrary to the Officer recommendation) to determine whether the application should be referred to the Planning Committee for determination. This is in recognition that schemes of this size have more significant impacts. The proposals also ensure there is a consistent approach of applications of this scale. Under the current scheme of delegation schemes of this size and larger can be determined under Delegated Powers.

13.11 John Camp

Summary of Comment

Understand the need for and basically support the concept of a revised Scheme of Delegation, but have serious reservations:

(1) Too much dependence has been placed on comparative statistics. Delegation rates improved in 2019 compared to 2013/14 and 2014/15 – that is more important than position in the league table.

(2) Retention of Chair's Briefing to be applauded but concerned on the refocusing on whether applications (where Parish/Town Council view is contrary to Officer recommendation, and subject to Member Call In) are reported to Committee – this could be subject to political bias. If proceeded with, suggest this process is monitored and statistics published on a quarterly basis to show which decisions have proceeded to Committee and which decisions have been delegated, and the reasons for those decisions. If properly managed, this should give a measure of confidence in the process both by the public and local councillors.

(3) Concerned that Officers could determine applications concerning major alterations to, or demolition of, listed buildings – these should be determined by Members. Also concerned in respect of applications for overhead powerlines.

Officer Response

In response to (1), the comparison is useful in understanding how the Council currently compares to other LPAs. As clarified within this report, it is not the intention of this review of the Scheme of Delegation to secure delegation rates similar to those at the top of the table, more to bring the District in line with many other similar Districts in Essex.

With regards to (2), would comment that the Chair's Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council's and local residents. Decisions from Chair's Briefing are recorded and this would continue to be the case. As highlighted within this report, if these proposals are approved, the protocol for the Chair's Briefing process would be reviewed and updated where necessary.

In respect of (3), while the concerns are noted, the majority of applications for Listed Building Consent are determined by Officers under delegated powers. The Council seeks specialist heritage advice in relation to these applications, and there are no plans change this going forward.

13.12 Michelle Saunders

Summary of Comment

I am unaware of the current legislation that covers planning so I do not know if the changes listed are an improvement or a disadvantage. It would have been helpful to also list the current rules to compare, or list what the changes are.

Officer Response

Comment noted. A link to the Planning Committee report was provided within the consultation and this included a copy of the current Scheme of Delegation.

13.13 Susan Kirby

Summary of Comment

Cannot see how one person can be given the ultimate decision on whether a proposed development should go ahead i.e. Chair of the Committee. Where's the democracy there especially when the Chair is part of the main political party.

Officer Response

Noted, but to clarify, there are no proposals for the Chair or Vice Chair to determine (decide the outcome of) any planning applications. Applications are either determined under delegated powers or by Members at Planning Committee. As with the current Scheme of Delegation some applications are referred to the Chair/Vice Chair of the Planning Committee who consider whether those applications should be referred to Planning Committee or whether they can be determined under delegated powers. The Chair/Vice Chair are selected based on their knowledge and experience of planning and are able to make these type of judgements on applications.

13.14 Michelle Chasmer

Summary of Comment

Comments: (1) What happens if a planning application is made in respect of a Conservation Area – this should be specified as it is not appropriate to fall within Part 'C'; (2) Any residential housing applications should fall within Part A or B; (3) In Part 'C' the reference to replacement dwellings is unclear – does this cover an application to replace 3 dwellings for example. If it relates to replacing any dwelling it should fall within Part 'B'.

Officer Response

Noted. In response to (1) there is no longer an application for 'Conservation Area Consent'. If an application site is located within or adjacent to one of the District's 37 Conservation Areas, this is a material planning consideration in the assessment of the application. You could have a major planning application for 10 new houses or a householder application for an extension to an existing property located in a Conservation Area. The application types in these examples would determine whether they are determined by Planning Committee (which would be the case for the major planning application) or under delegated powers (which would be the case for the householder application).

In respect of (2) while these comments are noted, the proposals have been formed to strike the right balance between those applications which raise no significant planning issues, and those which would benefit from the additional scrutiny at Planning Committee. Moving all new residential applications into Part 'A' would significantly increase the number of applications reported to Planning Committee and which in Officers view would be excessive and undermine the objectives of the review and further impact upon performance. It would also result in very long

Planning Committee agendas and meetings and would mean that Members were determining relatively small and uncontentious applications. Moving all new residential applications into Part 'B' may still result in a significant number of applications being reported to Committee, but would also not address current issues in relation to the number of applications being reported to the Chair/Vice Chair of the Planning Committee.

With regard to (3) replacement dwellings are usually for the demolition of an existing property and erection of a new dwelling. The material planning issues associated with such applications are more straightforward, as the principle of residential and associated highway impacts is already established unlike a new home on a previously undeveloped greenfield site. As such, it is considered that these applications can be determined under delegated powers.

13.15 Cllr Phil King, Great Yeldham Parish Council

Summary of Comment

The review is overdue since we have been constrained by the current arrangements since 2015. It appears to be the case that the Delegation rate for Braintree was one of the lowest in the County and as such should be reviewed, which I agree with as this would without doubt allow minor and other unopposed levels of planning decisions to be made under delegated powers as this would automatically free up more time for the Planning Committee to be able to concentrate on the larger/major applications.

It is evident that the system is receiving a larger volume of planning applications and this in turn is having a detrimental effect when planning has been approved and subsequent breaches of original planning are taking longer to be investigated, which in itself is doing little to promote the good work that the planning department has completed.

Concern that some of the smaller Parish Council's do not have as regular meetings (monthly) to debate/consider planning applications.

Officer Response

Noted. The proposals would achieve the above outcomes. Additional resource will be provided for the Planning Enforcement team, but the proposals would also free up more time of Senior Officers to assist with the progression of Enforcement cases.

13.16 CPRE

Summary of Comment

Agree with objectives, but proposals go too far. Suggest amendments as follows:

(1) Part 'A' should be defined as 6 or more proposed houses, rather than 10, as schemes of 3-9 houses can be highly controversial and it is important that views from Parish/Town Councils and public can be put to members before making a final decision.

(2) Part 'B' should be defined as less than 6 rather than 3-9 new homes and there should be a referral to Chair's Briefing if a body such as ECC Historic Buildings objects to the proposal.

(3) Referral to Committee for Part 'B' should be automatic as the proposed Chair's Briefing is neither a transparent nor a democratic process.

(4) In Part 'C' the automatic delegation of S106a should be removed – this is an important factor in any decision to grant planning permission to a substantial development. Wholly inappropriate for Officers to authorise major changes to the S106 Agreement.

Officer Response

Noted. In response to (1) Part 'A' aligns to the Government's definition of major development and is considered to be an appropriate automatic threshold for referral to Planning Committee.

In respect of (2 & 3) Agree that applications for 3-9 new homes can raise significant concerns which is the primary reason why these are identified within Part 'B'. The Chair's Briefing process ensures that these applications are referred to Planning Committee on the basis that material planning considerations are being raised, which have not previously been considered i.e. an objection to the principle of development for a Reserved Matters application, which already benefits from outline planning permission.

With regards to (4) the concerns are noted. To clarify the majority of applications of this nature are to discharge Section 106 Obligations rather than modify them. Applications for modifications also tend to relate to minor changes to clauses rather than substantive obligations. In the circumstances described by CPRE, where significant changes are being sought to a Section 106 Agreement, the provision under Part 'A' (any application which is deemed to be 'significant' by the Planning Development Manager) would be utilised. However to address this point, a note to this effect has been added to Part 'C'.

13.17 Stephen Hicks

Summary of Comment

As a member of the general public I do not support Braintree District Council's proposed alterations to the Scheme of Delegation.

Reiterates in large part the same concerns and objections raised by Witham Town Council.

Officer Response

Noted. See response to Witham Town Council at 12.8 above.

13.18 Duncan Perry

Summary of Comment

Raises a number of concerns: (1) reference within the current scheme of delegation where 6 or more representations are received contrary to Officers recommendation. There is no reason specified for why this is not retained in the revised scheme. This is particularly important for unparished areas.

(2) Greater oversight is proposed by Officers of the reasons given by Parish Councillors and Members. Is there a danger of issues raised, which require planning judgement, not being put forward to the Chair's Briefing for an independent consideration?

(3) In respect of the Members Forum, residents in unparished wards would be disadvantaged. For those in wards where the Member is also on the Planning Committee, there is an obvious perceived conflict between representing the views of residents and accusations of bias.

(4) Trust in this planning authority is most probably at an all-time low, and a Members Forum that excludes the community of an oversight would be the last straw. The Forum should be conducted in public, residents should be able to raise concerns, and meetings should be recorded on the Council's YouTube channel.

Officer Response

Noted. In response to (1) the scope of the proposals are clear in that under Part 'C' all application types listed would be able to be determined under Delegated Powers. No changes are proposed to the way in which consultations with local residents or Parish/Town Councils are undertaken. All comments from local residents and Parish/Town Council's would continue to be taken into account in the assessment of an application. The proposals within Part 'C' would replace the current referral process to the Chair/Vice Chair of the Planning Committee where a certain number of representations on a specific application has been reached.

In respect of (2) no oversight of Parish/Town Council responses and Member Call Ins is proposed to be undertaken by Officers. To clarify, applications in Part 'B' would be subject to a referral to the Chair/Vice Chair who would determine whether the application should be reported to Planning Committee for determination.

(3) The proposed changes to the Scheme of Delegation cannot address the issue of unparished areas, however the proposals would ensure a consistent threshold is in place for the scale of application that needs to be reported to Planning Committee.

(4) The proposals for the creation of a Members Forum seeks to specifically address the current lack of any engagement with Members of the Council's Planning Committee at the pre-application/pre-submission stage of the process. Planning is a public process and developers are currently required to engage with local residents as set out within the Council's Statement of Community Involvement. As highlighted in the report, if the proposals are approved, further work would be undertaken which would set out the working arrangements for the Members Forum, including the frequency of meetings. While it would not be open for the public to attend, for transparency it is intended that the meeting would be minuted, and would be recorded/webcast which would ensure the public could view the meeting.

13.19 Better Braintree Together Group

Summary of Comment

Understand the pressures on the Planning Committee and that Braintree delegates fewer decisions than several other Council's, however raises three areas of concern:

(1) Members of the public would be excluded from the referral process (i.e. where more than six residents disagree with an Officer recommendation. This conflicts with the Council's Statement of Community Involvement at 7.2. Question to what extent the proposals have been cross-checked against the SCI.

(2) There would be too much discretion in the hands of a Planning Chairperson. The proposals would replace the automatic referral to Committee for Town/Parish Council's with a referral to Chair's Briefing.

(3) Understand that there are benefits to early discussion between all parties at an early stage concerned that the Forum would be held behind closed doors. Understand the intention to minute these meetings, but have reservations about the transparency of such meetings and potential for accusations of predetermination and bias. Note public is to be excluded. Meetings should be screened on YouTube. Large number of residents live in unparished wards, so they are disadvantaged. Where the Ward Member is also on Planning Committee, there is an obvious conflict between representing the views of their residents and avoiding accusations of bias.

In addition to the concerns, make a number of recommendations:

- (a) Ensure key performance indicators are set before this scheme goes ahead;
- (b) If the changes are adopted, this should be on an interim basis, and a cross-party peer review group should be created to review the scheme every six months;
- (c) Make arrangements for unparished wards;
- (d) Cross-check the proposals against the Statement of Community Involvement;
- (e) Consider a means whereby an application with high levels of support or opposition by the public can still be Called In;

- (f) Allow Ward Members to Call In an application with planning grounds without need for a Chairperson's consent;
- (g) All Planning Forums to be available on YouTube.

Officer Response

The comments and the concerns raised are noted and acknowledged.

In respect of (1), Part B of the proposed revised Scheme of Delegation has been amended to include a representation trigger from local residents, namely where '6 or more valid planning representations from separate households have been received'. In these circumstances, a referral to Chair's Briefing would be triggered.

With regards to (2), would comment that the Chair's Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council's and local residents. Decisions from Chair's Briefing are recorded and this would continue to be the case. As highlighted within this report, if these proposals are approved, the protocol for the Chair's Briefing process would be reviewed and updated where necessary.

In response to (3) acknowledge the reservations and the concerns raised. The proposals seek to increase engagement at the pre-application and pre-submission stage of the planning process. As highlighted in the report, if these proposals are approved, further work would need to be undertaken which would outline the working and governance arrangements of the Members Forum. The Members Forum would operate in an open and transparent manner and it is intended that the meeting would be minuted and would be recorded/webcast which would ensure the public could view the meeting. Officers are aware and have experience of Members Forums operating for many years in other authorities. With clear governance arrangements there is no reason that pre-determination should be an issue.

In terms of the recommendations made:

- (a) Please refer to 8.24 of the report.
- (b) The suggestion is acknowledged but it is not considered to be feasible to review the Scheme of Delegation on such a regular basis. If approved, the new Scheme of Delegation would need time to establish, taking into account the proposed transitional arrangements as set out in the report.
- (c) As highlighted within the report, and in response to concern (1), Part B of the Scheme of Delegation has been amended to address this issue.
- (d) The proposals were cross checked against the Statement of Community Involvement (SCI). Minor amendments to the SCI would need to be made if these proposals are approved.
- (e) Acknowledged and this is provided for within Part A where any application which is deemed to be 'significant' by the Planning Development Manager, can be referred to Planning Committee. This provision exists within the current Scheme of Delegation and Officers have used their judgement to refer certain applications to Planning Committee for determination and it is expected that this would continue.

- (f) Acknowledge the suggestion, however the proposals have been carefully drafted, and it is considered that within Part 'C' if the trigger for automatic referrals for Parish Councils is being removed to allow applications to be delegated, it is considered that the same restriction should be exercised for Member Call In.
- (g) Acknowledged, and as highlighted in response to concern (3) it is intended that the Member Forum meeting would be minuted and would be recorded/webcast which would ensure the public could view the meeting.

13.20 Maureen Hicks

Summary of Comment

Air of ignorance at BDC on conducting consultations, as they don't heed the Government Code on Consultations (2008) which sets out 7 criteria to be mentioned in every consultation, the first of which is a minimum period of 12 weeks, and which goes on to state the expected costs/benefits, with an impact statement including on race and equalities. It doesn't apply to local authorities but clearly if ignored does imply an obligation to say why.

Selective use of data. Agenda paper at 6.3 does not support the argument there is a problem to solve, as not added time, a report is needed for every application.

Members Forum – Parishes would not have time to attend and would make administering representation a significant additional burden on Parish Clerks and Members.

Alleged poor attendance by Town/Parish Council's – attendance is good.

Root of the problems in determining planning applications lies with a lack of detailed appropriate technical knowledge by Planning Committee Members.

Unhappy with the list of applications in Part 'C' which contains several of significance that need local knowledge and input, specifically: COU, PLD, TPO, TPOCON, DAC, ADV, HH, HHPA, and Section 73 amendments.

Chair's Briefing sessions should be clearly minuted and decisions published with reasons based on material planning considerations.

92% of delegations are not inappropriately low in a large rural area – preparing Committee Reports does not delay decision-making.

Officer Response

The concerns and objections are noted and acknowledged.

In respect of consultation, the formal consultation period took place over 3 weeks, however the proposals were in the public domain before this, which included the report to Planning Committee on 13th October. The proposals were highlighted in

several e-newsletters before the start of formal consultation. As highlighted within the report, consultation was undertaken with a range of stakeholders.

While the comments in relation to statistics is noted, the reasons for the review and the justifications for the proposals are set out in this report. In addition, would comment that the process for reporting applications to Planning Committee is not the same as delegated decisions and consumes considerably more resource than applications which are determined under delegated powers. This is evidenced by the previous independent research undertaken by the Planning Advisory Service over the costs associated with referring applications to Planning Committee (Paragraph 3.3 refers).

Note the concern about potential attendance at Members Forums. The Council would hope that Parish and Town Councils would want to participate in additional engagement at the pre-application and pre-submission stage of the process.

While attendance at Planning Committee is not compulsory, as evidenced within the report very few have attended meetings to address Members at the Planning Committee meeting.

In respect of Member training, to clarify, all Members of the Council's Planning Committee receive training from Officers.

With regards to Members Briefing, decisions are currently recorded and it is proposed that this would continue,

Lastly, in respect of the comments in relation to application types included within Part C, would comment that the majority of these applications are currently determined under delegated powers by Officers. This includes ADV, HH and Section 73 amendments. 'Prior Approval' applications (the various change of use prior approvals and householder prior approvals) and TPOCON applications are time limited and if a decision is not made within the prescribed time, the proposal benefits from deemed consent. PLD (Certificate of Lawfulness for a proposed use or development) is a technical assessment on whether a proposal is permitted development or requires planning permission, and would therefore not benefit from the additional scrutiny at Planning Committee. Lastly, DAC's (Discharge of Conditions applications) relate to matters of detail which can be determined under delegated powers. In any Local Planning Authority, a certain proportion of decisions need to be determined under delegated powers in order for the Development Management function to be discharged effectively. Based on applications received between 01.01.20 and 31.10.20, the suggestion to exclude the abovementioned application types from Part C, would result in a total of 1,398 additional applications being reported to the Council's Planning Committee over this period, which would not be feasible in any case, and would not assist with the objectives of this review.

13.21 Kelvedon & Feering Heritage Society

Summary of Comment

Part 'A' – currently public can speak before the meeting, will that continue?

Part 'B' / Delegated Powers – Question whether Conservation Areas and Heritage Assets would be given sufficient consideration relating to their historic importance. Suggest following application types dealt with by Part 'A' (Planning Committee): COUPA, DAC, LBC, PLD, and TPOCON.

In respect of Members Forum, they should have a published agenda and minutes. If the agenda warrants it, local groups may be invited. We assume the public would have the right to speak, as in Part 'A'.

Officer Response

Noted. No changes are proposed to procedures at Planning Committee meetings as part of this review of the Scheme of Delegation. Members of the public and interest groups can continue to register to speak at a Planning Committee meeting in relation to any application which is reported to Planning Committee.

Acknowledge the concerns in relation to heritage. Heritage is a key material consideration in the assessment of planning applications. For this reason the Council seeks (and will continue to seek if these proposals are approved), specialist heritage advice in relation to: applications for listed building consent, and applications affecting the setting of a listed building; applications within a Conservation Area and applications affecting the setting of a Conservation Area; and applications affecting non-designated Heritage assets.

Note but disagree with the suggestion for application types to be added to Part 'A'. COUPA and TPOCON applications are time limited, and would benefit from deemed consent if not determined in time. PLD (Certificate of Lawfulness) applications are based on assessment on whether the proposal constitutes permitted development and would not benefit from additional scrutiny by Planning Committee. DAC's (Discharge of Conditions applications) relate to matters of detail which can be determined under delegated powers. To do otherwise would significantly increase the volume of applications referred to Planning Committee (227 DAC applications have been received between 01.01.20 and 31.10.20, which the majority of application seeking to discharge more than one planning condition).

In respect of the Members Forum, as highlighted in the report, if the proposals are approved, further work would be undertaken which would set out the working arrangements for the Members Forum, including the frequency of meetings. While it would not be open for the public to attend, for transparency it is intended that the meeting would be minuted, and would be recorded/webcast which would ensure the public could view the meeting.

13.22 Susan Simpson

Summary of Comment

Given the pressure that BDC is under, both within the Planning Department and the Planning Committee, with an ever-increasing amount of complex applications coming forward, the wish to try and limit the number of applications going through the committee process is understandable. Nevertheless, this should not be used as an excuse to remove a layer of democracy from the planning process. Views of Parish Councils are important and should not be diminished. Concern also raised at removing the rule of six or more comments.

Comment that it would be useful for BDC to provide some training for Parish Council's to help a greater understanding of the issues and work involved.

Members Forum would be a welcome change, but with some caveats. Comment that developers currently simply undertake a tick box exercise. Question whether all parties would be able to approve the minutes as an accurate reflection of the content of the meeting and how would this stand for commercial confidentiality if minutes are produced for public consumption. Concern over some level of predetermination which would create distrust from residents.

Consider many parishes do make representations to Committee, but sympathise why more Parish Councils do not send a representative – only have 3minutes to make their statement and are not asked any questions or take any further part in the proceedings.

More communication and sharing of information between Officers and Parish Councils would be welcome.

Agree that recommendations of refusal should still be reported to Committee, but disagree with the proposals to restrict Member Call In.

The rates of delegation suggest that the number of applications being reported to Committee is not excessive and does not justify making undemocratic changes to the process.

Concern over the proposed changes to the Chair's Briefing process. Specific concern in allowing up to 10 dwellings being determined under delegated powers, which could represent a substantial number.

Changing the Scheme of Delegation in line with these proposals would not be an efficient plaster to solve any of the main problems but will serve to greatly diminish the little democracy left in the planning process.

Officer Response

Comments and concerns noted and acknowledged.

While the concerns are noted, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the

need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues. Town and Parish Councils would still be a statutory consultee and would be consulted on all relevant applications, as would local residents as set out within the Council's Statement of Community Involvement (SCI). The representation trigger (6 or more valid representation from local residents) has been re-established within Part 'B'.

Irrespective of the outcome of these proposals, Officers will consider the request for additional training and how engagement with Parish Councils can be improved.

In respect of the Members Forum, if these proposals are approved, further work on the working and governance arrangements would need to be undertaken to address the types of issues raised.

Acknowledge the concern raised in respect of Member Call In, however the proposals have been carefully drafted, and it is considered that within Part 'C' if the trigger for automatic referrals for Parish Councils is being removed to allow applications to be delegated, it is considered that the same restriction should be exercised for Member Call In. These application types do not raise significant planning issues and are considered appropriate to be considered under delegated authority.

In response to the concerns in relation to Chair's Briefing, would comment that the Chair's Briefing process has been established since 2015 and both the Chair and Vice Chair are experienced in being able to exercise their judgement on applications, based on the responses received from Parish and Town Council's and local residents. The application thresholds included within Part B have been specifically selected in recognition that these can have more significant impacts and can benefit from the additional scrutiny from Members at Planning Committee.

13.23 Mark Champion, Better Braintree Together Group

Summary of Comment

Highlights the concerns raised by Better Braintree Together Group at 12.20 above.

Officer Response

See response at 12.20 above.

13.24 John Rainer

Summary of Comment

I have been an agent for BDC and other LPAs for many years. My work will always fall into Part 'C' and as such can be delegated.

Unclear whether the creation of a Members Forum would have any relevance to me – does this relate to major planning applications.

Other general comments/issued raised which do not relate to the Scheme of Delegation proposals.

Officer Response

Noted, and to clarify, the Members Forum proposals would relate to those applications which would be referred to Planning Committee for determination, primarily major planning applications.

13.25 John Palombi, Witham & Countryside Society

Summary of Comment

While fully understanding the need to make the determination of planning applications as efficient and effective as possible, we are concerned about the loss of democratic influence and transparency in the new proposals. Consider that Ward Members in Witham should be given the opportunity to be fully involved with the delegation process.

The proposal to delegate all applications for any development of 3-9 proposed houses in Part B can still be considered very controversial in a town like Witham. Even a single property in the wrong place, especially (say) on a garden in an established estate can cause concern with local residents. Suggest the new procedure should be more democratically transparent by allowing a Witham Ward Member and a representative of Witham Town Council to attend the Chair's Briefing.

With reference to Part C, even a one house as a new development should be subject to the Chair's Briefing with at least one Witham Ward Member present. This should include any applications for types CLPLB, DAC (regarding Listed Buildings), and LBC. With regard to S106A, any S106 considerations should be referred to the full committee.

Officer Response

Comments and concerns noted and acknowledged.

As highlighted in the report, the proposals have been drafted with a view of striking the right balance between democratic oversight and accountability and the need for an efficient decision-making process for more straightforward planning applications which raise no significant planning issues.

The thresholds for the proposed revised Scheme of Delegation have been carefully considered. The threshold for Part B has been specifically set at 3-9 new homes in recognition that this scale of development may warrant referral to Planning Committee for determination.

In respect of Part C, while the comments are noted, the majority of these applications are currently determined under delegated powers. Certificates of

Lawfulness for works to Listed Buildings is a technical assessment as to whether Listed Building Consent is required and would therefore not benefit from the additional scrutiny from Members at Planning Committee. DACs (Discharge of Conditions applications) in relation to listed buildings would relate to matters of detail such as materials, and window/door details. It is appropriate for these matters of detail to be determined under delegated powers with the benefit of specialist heritage advice. Similarly, the majority of applications for Listed Building Consent are determined under delegated powers. The Council seeks specialist heritage advice from Place Services at Essex County Council and there are no proposals to stop seeking specialist advice in relation to these applications.

In respect of S106A, where significant changes are being sought to a Section 106 Agreement, the provision under Part 'A' (any application which is deemed to be 'significant' by the Planning Development Manager) would be utilised. However to address this point, a note to this effect has been added to Part 'C'.

Statement of Licensing Policy 2021 – 2026		Agenda No: 9
Portfolio	Environment & Place	
Corporate Priority:	Delivering and Innovating	
	Build strong, effective partnerships across the public, private, voluntary and community sector taking a place-based approach to achieving more for the district	
Report presented by:	Councillor John Baugh, Chairman of the Licensing Committee	
Report prepared by:	John Meddings, Principal Licensing Officer	
Background Papers:		Public Report
Report and minutes of the Licensing Committee 26th February 2020 and 9th September 2020 Statutory Guidance issued under S.182 of the Licensing Act 2003 (April 2018)		Key Decision: No
Executive Summary:		
Braintree District Council, as the Licensing Authority, is required by the Licensing Act 2003 to have a Statement of Licensing Act 2003 Policy.		
The Council is required to review and adopt a Statement of Licensing Policy every five years. The Council's current Statement of Licensing Policy was adopted and came into effect 7 th January 2016. To ensure compliance with the Council's statutory obligations Members are requested to adopt a new Statement of Licensing Policy for the next five years.		
The revised Statement of Licensing Policy has been subject to a public consultation period and has been considered by the Licensing Committee who recommend the revised Policy to Full Council for adoption.		
Recommended Decision:		
That the Braintree District Council Statement of Licensing Policy 2021 be adopted.		
Purpose of Decision:		
To meet the Council's statutory obligations as the Licensing Authority to have a Statement of Licensing Policy.		

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	There no financial matters for the Council arising out of this Policy.
Legal:	<p>The Council as the Licensing Authority has a statutory obligation under the Licensing Act to have a Statement of Licensing Policy, which it must have regard to when determining application under the Licensing Act 2003.</p> <p>Section 5 of the Licensing Act states that the Council must determine its Policy with respect to the exercising of licensing functions and publish a statement of that Policy within 5 years of date of the last Policy.</p> <p>The approval/adoption of the Council's Statement of Licensing Police is a matter reserved to Full Council.</p>
Safeguarding:	No matters arising from this report.
Equalities/Diversity:	Section 149 of The Equality Act 2010 places a duty on local authorities, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who don't and foster or encourage good relations between people who share a protected characteristic and those who don't.
Customer Impact:	The draft statement of Licensing Policy was subject to a consultation period. All representation made during the consultation period were considered by the Licensing Committee.
Environment and Climate Change:	No matters arising from this report.
Consultation/Community Engagement:	Consultation was undertaken with all stakeholders. The draft policy has been in place on the Council's website for comment for the duration of the consultation period.
Risks:	If the Council does not adopt the Policy the Council will be in breach of its statutory obligations, which may result in challenges to the Council's decisions.
Officer Contact:	John Meddings
Designation:	Principal Licensing Officer
Ext. No:	2213
E-mail:	john.meddings@braintree.gov.uk

1. Background

- 1.1 Section 5 of the Licensing Act 2003 (“the Act”) requires Braintree District Council, (the Council) as the Licensing Authority, to prepare and publish a statement of its Licensing Policy at least every five years. Such a Policy must be published before the Council carries out any function in respect of individual applications and notices made under the provisions of the Act.
- 1.2 The Council last reviewed its “Statement of Licensing Act Policy” in 2015, which took effect on 7th January 2016. The Council is now due to adopt a new Policy for the next five years commencing on 4th January 2021.
- 1.3 The Council’s statement of Licensing Act 2003 Policy sets out set out the principles that the Council, as the Licensing Authority will apply to promote the licensing objectives when making decisions on applications for licences made under the Act for the subsequent five years.
- 1.4 The draft Statement of Licensing Act 2003 Policy, is based upon the Essex Authorities generic framework and does not propose to introduce any new initiatives or special policies at this time. Should new policy initiatives or special policies be considered within the next policy period, the policy will be reviewed accordingly in accordance with the Council’s statutory obligations.

2. Consultation

- 2.1 The draft Statement of Licensing Act 2003 Policy was approved by the Licensing Committee on 26th February 2020 for consultation and was subject to a 12 week public consultation period.
- 2.2 The consultation period was carried out from 29th April 2020 to 21st July 2020. The draft Policy was published on the Council’s website for public inspection and consultation letters were send to Responsible Authorities, Members and other persons who were identified as having an interest in the Policy; this included businesses who currently hold-a premises licence.
- 2.3 During the consultation period 3 responses were received which were considered by the Licensing Committee on 9th September 2020, which raised minor amendments to the Policy in respect of contact details for Responsible Authorities.
- 2.4 The Licensing Committee approved the draft Statement of Licensing Act 2003 Policy and recommend to Full Council for its adoption.



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

FOREWORD

This is the fifth Statement of Licensing Policy published by Braintree District Council under the Licensing Act 2003. Since the previous Statement there has been Revised Guidance under Section 182 to the Act issued by the Home Office in April 2018 but no significant change to the Act itself.

By that same token there has been no change in policy in the new statement but there is greater focus on how that policy is applied. The licensing environment in the District is evolving, with different kinds of high quality premises opening up, particularly in town centres. This is a trend to be encouraged, so that a wide range of attractive family friendly venues can thrive. It is a trend that harmonises with town centre improvement programmes whilst allowing more residents and visitors to enjoy the licensed element of the hospitality industry.

In this policy statement there is more emphasis on a proportionate stepped approach to enforcement. The Council takes very seriously its responsibility to ensure that all of the four Licensing Objectives are followed in every situation. An approach which addresses each situation on its merits and prompts measures to be put in place rapidly - whilst being monitored regularly - should ensure compliance whilst enabling a strong local economy. This Statement is also more concise, with simpler language and a more rational layout - making it more navigable, easily readable and more accessible. Contact details of the Responsible Authorities have been updated, with the titles of heads of those authorities added.

It is hoped that these changes will assist all those who have an interest in Licensing matters and encourage a better regulatory climate in Braintree District.

Councillor John Baugh
Chairman of Licensing Committee

1. Introduction

- 1.1 This Statement of Licensing Policy sets out the principles by which Braintree District Council intends to discharge its functions as the Licensing Authority under the Licensing Act 2003 (referred to in this document as 'the Act').
- 1.2 The Licensing Authority is responsible for the consideration of applications for the grant of premises licences, club premises certificates, personal licences and processing temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment. References in the text to licensed premises should be taken to include club premises unless the context otherwise requires.
- 1.3 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Committee is not bound by the decisions made by a Planning Committee and vice versa.
- 1.4 There is no legal basis for a Licensing Authority to refuse a licence because the relevant premises does not have planning permission or where there are conditions on the planning permission of a premise.
- 1.5 The Licensing Authority liaises with the Planning Authority to ensure they are aware of all new and varied premises licence and club premises certificate applications. This is achieved via an email sent at the start of the 28 day consultation period. This procedure is in addition to the statutory requirement for a copy of the application to the Planning Authority.
- 1.6 There are circumstances when a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different from the licensing hours granted, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action from the planning department even in circumstances where the licensing permission allowed a later terminal hour.

2. Description of the District

- 2.1 Covering approximately 612 square kilometres, the Braintree district is the second-largest Essex local authority in terms of geographical area (Uttlesford is the largest). Whilst large in area the district is only the fifth most populated of the 12 Essex local authorities. The district consists of the two large market towns of Braintree and Halstead along with the 1970's urban 'expanded town' of Witham interconnected with many smaller villages and rural areas. Crossing the southern portion of the district are the two main arterial roads of Essex, the A12 and the A120 which provide the area with quick access to the rest of the county, London and Stansted airport.
- 2.2 A further description of the District can be found in Appendix 1. A map of the area is attached to this policy document in Appendix 2.

3. Statement of Licensing Policy

- 3.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.
- 3.2 This policy must be reviewed and published every 5 years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The new policy must then be published.
- 3.3 This Policy takes effect on 7th January 2021 and replaces the Policy previously in force.

4. Consultation

- 4.1 In producing this policy, the Licensing Authority carried out an extensive consultation program between 29th April 2020 and 21st July 2020.
- 4.2 The Act requires that the following parties are consulted by the Licensing Authority:-
 - a) the chief officer of police for the licensing authority's area,
 - b) the fire authority for that area,
 - c) the director of public health for the licensing authority's area,
 - d) such persons as the Licensing Authority considers being representative of holders of premises licences issued by that authority,
 - e) such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority,
 - f) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority, and
 - g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

5 Approval of Policy

- 5.1 This policy was approved at a meeting of the Full Council on 7th December 2020 and was published via its website simultaneously. Copies are available on request.

6. Exchange of Information

- 6.1 The Licensing Authority is under a duty to protect the public funds it administers, and to this end may use, for the prevention and detection of fraud, the information provided by applicants. It may also share this information for these purposes with other bodies responsible for auditing or administering public funds.
- 6.2 In accordance with the provisions of the Crime and Disorder Act 1998, the Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.
- 6.3 When undertaking any data sharing exercise, regard shall be had to the relevant provisions contained in data protection laws.

7. Public Register

- 7.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 10 am and 4.00 pm. Regulations prescribe what information should be kept in the register.
- 7.2 The Licensing Authority publishes details of applications on the Councils website www.braintree.gov.uk/licensing
- 7.3 A summary of all premises licences issued within the district can be accessed online via Public Access.

Public Access allows you to:

- view details of all applications received by the Licensing Section
- find an individual application if you know the application number
- search against the property to see what applications have been received

Except in certain cases where the legislation prohibits the public disclosure of information, you may view all applications for licences received by the Council.

8. Compliance and Enforcement

- 8.1 In exercising its functions concerning the inspection of premises and to the institution of criminal proceedings for offences committed under the Act, or the calling of a licence review, the Licensing Authority will follow best practice. This requires that actions should be:-

- Proportionate - intervention will only take place when necessary. Remedies shall be appropriate to the risk posed and costs identified and minimised.
- Accountability - the Licensing Authority shall ensure it can justify its decisions and be subject to public scrutiny.
- Consistent - rules and standards shall be joined up and implemented fairly.
- Transparent - enforcement shall be open and regulations kept simple and user-friendly.
- Targeted - enforcement shall be focused on the problems and minimise side effects.

- 8.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and will adopt a risk-based inspection programme.
- 8.3 The main enforcement and compliance role of the Licensing Authority is to ensure compliance with the licences and permissions it authorises. Where appropriate, the authority may conduct joint inspections of licensed premises or premises which may need a licence, in conjunction with other enforcing authorities.
- 8.4 Where appropriate complaints will be investigated following the stepped approach outlined in the Statement of Enforcement Policy.
- 8.5 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 8.6 The Licensing Authority's enforcement/compliance protocols are available on request, as are details of the risk-based approach to inspections.

9. Introduction to the Act

- 9.1 In exercising its functions under the Act, the Licensing Authority must have regard to and promote the four licensing objectives namely:-
- ☐ The prevention of crime and disorder
 - ☐ Public safety
 - ☐ The prevention of public nuisance
 - ☐ The protection of children from harm
- 9.2 Applicants are advised to consider providing evidence that suitable and sufficient control measures, as detailed in their operating schedule, will be implemented and maintained relevant to the nature and mode of operation of their premises and events.

- 9.3 The Licensing Authority has certain expectations in respect of applicants and the operating schedules they produce. It is for applicants to decide on the extent of measures to be set out in their operating schedules but when assessing applications the Licensing Authority must be satisfied that the measures proposed aim to achieve the licensing objectives, as far as is possible.
- 9.4 Duplication with other regulatory regimes should be avoided. In particular, applicants should have regard to the fact that the Local Authority's licensing function will be discharged separately from its functions as the local planning authority. Normally, applications for premises licences for permanent commercial premises should be from businesses with planning consent for the property concerned.
- 9.5 This policy covers a wide variety of premises and activities and for this reason, it cannot detail all the factors which influence the achievement of the licensing objectives, nor can it detail all the control measures which may be appropriate.
- 9.6 Where valid representations are made the Licensing Authority will make objective judgments as to whether conditions need to be attached to a licence, certificate or permission to secure the achievement of the licensing objectives. Any such condition will focus primarily on the direct impact of the activities taking place on the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters within the direct control of individual licensees.
- 9.7 Licensing law is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, reasonable steps should be taken to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises; for example, on the pavement, or in a smoking area.

Other mechanisms may be utilised to tackle unruly or unlawful behaviour of patrons when beyond the vicinity of the premises. These include:-

- ☐ measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and departments of the local authority.
- ☐ the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences late at night, street cleaning and litter patrols.
- ☐ powers to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- ☐ police enforcement of the general law concerning disorder and anti-social behaviour.

- ☐ the confiscation of alcohol from adults and children in designated areas.
 - § police powers to close down licensed premises for a specific period.
 - ☐ the power of the police or interested parties to seek a review of the licence.
 - ☐ other local initiatives which similarly address such problems.
- 9.8 The Licensing Authority recognises the cultural, social and business importance that premises and events requiring a licence can provide and the diversity of activities which are provided by licence holders. A proper account will be taken of the need to encourage a broad range of entertainments.
- 9.9 The Licensing Authority is under a legal obligation to have due regard (section 149, Equality Act 2010) to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons with different protected characteristics.
- Those protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- 9.10 The impact of this policy on the requirements of the Equality Act 2010 will be monitored through the impact assessments.
- 9.11 When considering applications the Licensing Authority will have regard to the Act and the licensing objectives, this policy, statutory guidance, and all supporting regulations.

10. Prevention of Crime and Disorder

- 10.1 The Licensing Authority is committed to further improving the quality of life for residents and visitors to the district by continuing to reduce crime and the fear of crime.
- 10.2 Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority when carrying out its various functions to do all it reasonably can to prevent crime and disorder in its area.
- 10.3 When addressing the issue of crime and disorder the applicant is advised to demonstrate, in the operating schedule, that those factors which impact on crime and disorder have been considered. These may include:-
- ☐ Underage drinking
 - ☐ Drunkenness on-premises and elsewhere
 - ☐ Drugs misuse
 - ☐ Violent behaviour
 - ☐ Anti-social behaviour
 - ☐ Control of their patrons while on the premises and as they arrive and depart

- ☐ Crime statistics in the locale
 - ☐ The nature of the local area
- 10.4 The Licensing Authority expects licensed premises to develop a staff policy and training programme on drug awareness, recognising signs of drunkenness and vulnerability, for example, offering drinking water and advice on refusing customers who appear drunk and discourage company policies that promote bonuses and sales incentives for selling alcohol. The Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Home Office Licensing Guidance states drinks promotions should not be designed to encourage individuals to drink excessively or rapidly.
- 10.5 Where licensed premises are suspected of causing nuisance or being associated with the disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. The Committee may consider a suspension of the licence to allow time for new conditions to be enacted.
- 10.6 It is expected that the Designated Premises Supervisor (DPS) should be able to demonstrate that they have the day to day control of the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 10.7 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

11. Public Safety

- 11.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.
- 11.2 Factors which may have an impact on public safety may include:
- ☐ the number of people frequenting the premises
 - ☐ the condition, layout and design of the premises
 - ☐ the nature of the activities to be provided
 - ☐ customer profile
 - ☐ the use of special effects such as lasers, pyrotechnics, foam machines and so on.

11.3 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- ☐ Suitable and sufficient risk assessments.
- ☐ Effective and responsible management of the premises.
- ☐ Provision of a sufficient number of people employed or engaged to secure the safety of all those present.
- ☐ Appropriate instruction, training and supervision of those employed or engaged to secure the safety of all those present.
- ☐ The keeping of appropriate written training records.
- ☐ Adoption of best practice guidance.
- ☐ Provision of effective CCTV in and around the premises.
- ☐ Provision of drinking vessels made from appropriate toughened material.
- ☐ The assessment of the use of polycarbonate drinking vessels over toughened ones on certain occasions.
- ☐ Implementation of crowd management measures.
- ☐ Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- ☐ The condition, design and layout of the premises, including the means of escape in an emergency.

12. Prevention of Public Nuisance

12.1 Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise through their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises.

12.2 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour.

12.3 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

12.4 Factors which may have an impact on public nuisance may include:-

☐ the location of the premises (including open areas associated with them) and proximity to residential and other noise-sensitive premises.

§ customer profile.

☐ the hours of operation, particularly between 23.00 and 07.00 hours.

☐ the nature of activities provided.

☐ the design and layout of the premises and in particular the use of noise limiting features.

☐ the number of people frequenting the premises.

☐ the availability of public transport and the availability and location of car parks utilised by patrons.

☐ any 'wind-down period' between the end of the licensable activities and closure of the premises.

☐ the time of the last admission.

☐ the use of special effects such as lasers, pyrotechnics, and so on.

12.5 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

☐ Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.

☐ Appropriate instructions, training and supervision of staff.

☐ The keeping of appropriate written training records.

☐ Control of operating hours for all, or parts of, the premises, including such matters as deliveries and the operation of machinery.

☐ Adoption of best practice guidance.

☐ Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and (where appropriate) sound limitation devices.

☐ Signage displayed at premises requesting that patrons leave quietly

☐ Management of people (including staff) and traffic (and resulting queues) arriving at and leaving the premises.

☐ Liaison with transport providers.

☐ Siting of external lighting, including security lighting.

☐ Management arrangements for the collection and disposal of litter.

- ☐ Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

13. Protection of Children from Harm

- 13.1 Family-friendly premises are to be encouraged but the risk of harm to children remains a paramount consideration when applications are determined.
- 13.2 The protection of children from harm includes their protection from moral, psychological and physical harm.
- 13.3 Concerning the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and violence. The Licensing Authority will expect licensees to implement measures which restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.
- 13.4 In certain circumstances, children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influence, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.
- 13.5 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to safeguard children from harm.
- 13.6 Factors which may have an impact on the safety of children and give particular cause for concern may include:
 - ☐ where entertainment or services of an adult or sexual nature are commonly provided.
 - ☐ where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises with a reputation for underage drinking.

§ Proxy sales of alcohol to minors (i.e. adults purchasing for underage persons).

 - ☐ The premises have a known association with illegal drug-taking or dealing.
- 13.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.
 - ☐ Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas;
 - ☐ Appropriate instruction, training and supervision of staff;

- ☐ The keeping of appropriate written training records;
 - ☐ Adoption of best practice guidance;
 - ☐ Complete exclusion of children, limitations on the hours when children may be present, restrictions from being in certain parts of the premises, or exclusion from certain activities;
 - ☐ The imposition of requirements for children to be accompanied by an adult;
 - ☐ Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority;
 - ☐ Measures to ensure children do not purchase, acquire or consume alcohol;
 - ☐ Proper arrangement to be made to enable the personal licence holder to monitor the activity they have authorised.
- 13.8 Conditions which require the admittance of children to any premises cannot be attached to licences or certificates.
- 13.9 Where premises provide gaming facilities licenced or permitted under the Gambling Act 2005, the Licensing Authority will expect measures to be in place to prevent children from accessing gaming machines. This should include the appropriate training of staff and the keeping of training records, as well as measures to ensure machines are appropriately monitored by staff. Such measures should be highlighted in the operating schedule.

14. Advice and Guidance

- 14.1 Pre-application discussions with the responsible authorities are encouraged to assist applicants in developing their proposals and operating schedules. Officers of the Licensing Authority will endeavour to provide guidance at that stage of the process. Where an officer is representing the Licensing Authority in its role as a Responsible Authority, wherever possible another officer will be designated to process the application and provide applicant guidance.
- 14.2 Where appropriate to do so, officers of the Licensing Authority will assist applicants to work with others who may make representations to resolve areas of concern. Once an application has been lodged there are statutory timescales imposed on the application and determination process which restrict the opportunity for such discussions, liaison and mediation.
- 14.3 The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. If there are relevant representations the application will be considered by the Licensing Sub-Committee at a hearing which will, in most circumstances, be at a meeting held in public.

- 14.4 Mandatory Conditions are imposed by the Act whether or not the application is opposed.
- 14.5 In determining applications for garages, (i.e. forecourt shops) the Licensing Authority must decide whether or not premises are primarily used as a garage and will expect applicants to submit data which establishes the primary use. Where such information is not available (because for example, the premises have only just started trading), we may consider imposing a condition requiring this information to be provided to the Licensing Authority regularly for the following years to ensure the premises are not primarily a garage.

15. Representations

- 15.1 These may be made by either of the following:
1. Responsible Authorities – A full list of the Responsible Authorities are given in Appendix 3.
 2. Any other person - Regardless of their geographical location, providing that the representation is not vexatious and frivolous in the opinion of the Licensing Authority.
- 15.2 Any representations must relate to the named premises and are restricted to the four licensing objectives. The Licensing Authority will need to be satisfied there is an evidential link between the representations made, the licensing objectives and the premises in question. Where a representation simply relists the licensing objections without stating why it is considered the grant of the application will undermine or fail to promote them, it may be rejected as invalid.
- 15.3 The Licensing Act 2003 (hearings) Regulations 2005 require the Licensing Authority to provide the applicant with copies of any relevant representations made. Any person making a representation to an application should bear in mind that their personal data (such as name and address) will be disclosed to the applicant. The Licensing Authority will not edit letters of representation before it sends it out, except for telephone numbers, e-mail addresses and signatures. All letters of representation will be contained in the agenda should the matter proceed to a sub-committee hearing. Such hearings are open to the public and may include the presence of members of the media. Furthermore, personal data may be published in the minutes which are distributed to all parties to the proceedings and available on the Council's website subject to the exemptions set out in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
- 15.4 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

- 15.5 If it is considered that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, the Licensing Authority may consider alternative approaches such as withholding details or using a general location.

16. Licensing Committee

- 16.1 The Committee is currently composed of 14 Councillors but can include up to 15. A contested application and application for review under the Licensing Act 2003 will be heard by a sub-committee comprising three members of the Licensing Committee.
- 16.2 When considering applications the licensing sub-committee will have regard to this Policy, statutory guidance issued under the Licensing Act 2003, the Act and attached regulations and the licensing objectives.
- 16.3 Each application is considered on its individual merits.
- 16.4 Should the sub-committee decide to approve the application the mandatory licence conditions must be applied. In addition, the sub-committee will determine whether it is appropriate to attach other conditions to a licence, certificate or permission to secure the achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.
- 16.5 In determining whether a person lives or has business interests sufficiently close to the premises to be likely to be affected by the proposed activities, the Licensing Authority will consider factors such as:
- The size of the premises;
 - The nature of the premises;
 - The distance of the premises from the location of the residence or business of the person making the representations;

The potential impact of the premises (e.g. the number of customers and routes likely to be taken by its customers).

- 16.6 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.
- 16.7 The Licensing Sub-Committee will avoid attaching conditions which duplicate other regulatory regimes wherever possible.

- 16.8 A list of which matters will be dealt with at by the Licensing Committee, Licensing Sub-Committee and those which are delegated to licensing officers can be found in Appendix 4.

17. Appeals

- 17.1 An appeal may be made to the Magistrates' Court against a decision of the Licensing Sub-Committee. The appeal must be made within 21 days of being notified of the decision to be appealed against.
- 17.2 The following may appeal:-
- The applicant;
 - A Responsible Authority or any person who made relevant representations;
 - In the case of a review, the holder of the licence or certificate being reviewed.

18. Reviews

- 18.1 A responsible authority or any person may ask the Licensing Authority to review a premises licence because of a matter arising at the premises in connection with any of the 4 licensing objectives.
- 18.2 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals and groups are entitled to do so in their own right where there are sufficient grounds.
- 18.3 Where Responsible Authorities have concerns about problems identified at premises, the Licensing Authority considers it to be good practice for them to give licence holders' early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given.
- 18.4 The Licensing Authority draws the attention of Responsible Authorities to the Home office publication, "The Practical Guide for Preventing And Dealing with Alcohol-Related Problems - What You Need To Know".

Summary Reviews (Violent Crime Reduction Act 2006)

- 18.5 Where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of a premises licence.
- 18.6 If a summary review is applied for, the Licensing Authority must consider the application within 48 hours (time that is not on a working day is disregarded) and determine what interim steps to take, if any, of those listed below:

- ☐ the modification of the conditions of the premises licence;
 - ☐ the exclusion of the sale of alcohol by retail from the scope of the licence;
 - ☐ the removal of the designated premises supervisor from the licence;
 - ☐ the suspension of the licence.
- 18.7 Although the law allows the decision to be determined in the absence of the premises licence holder, the Licensing Authority will endeavour to always notify the licence holder of the application having been made and of the time, date and place that it will be determined, to allow the licence holder or representative to attend.
- 18.8 Where the Licensing Authority decides to take any of the interim steps, its decision has immediate effect and immediate notice of the decision must be given to the licence holder.
- 18.9 Where the licence holder makes a representation in respect of the decision, the Licensing Authority must hold a hearing within 48 hours (time that is not on a working day is disregarded) of receipt of the representations and, unless they are withdrawn, consider those representations and any made by the police; consider whether the interim steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.
- 18.10 The Licensing Authority must also hold a full review hearing within 28 days.

Closure of Premises

- 18.11 Under the Anti-Social Behaviour, Crime and Policing Act 2014, Closure Notices can be issued by the police or local authority for 24 hours (and up to 72 hours where necessary) when satisfied there are reasonable grounds:
- ☐ that the use of particular premises has resulted or is likely soon to result in nuisance to members of the public; or
 - ☐ that there has been or is likely soon to be disorder near those premises associated with the use of those premises.
- 18.12 Closure Orders up to three months can be sought from a Magistrates Court by police and local authorities once a Closure Notice has been issued. The court may make a Closure Order if it is satisfied:
- ☐ that a person has engaged, or is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
 - ☐ that the use of the premises has resulted, or is likely to result, in serious nuisance to members of the public; or
 - ☐ that there has been, or is likely to be, disorder near those premises associated with the use of the premises;

☐ and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

18.13 Breach of a notice or order is a criminal offence and carries the following sentences upon summary conviction

☐ Notice: Up to three months in prison.

☐ Order: Up to six months in prison.

☐ Both: Up to an unlimited fine for residential and non-residential premises.

18.14 Who Can Appeal?

☐ Any person who the closure notice was served on.

☐ Any person who had not been served the closure notice but has an interest in the premises.

☐ The Council (where closure order was not made and they issued the notice).

☐ The police (where closure order was not made and they issued the notice).

19. Suspension of Licences

19.1 The Licensing Authority is under a duty to suspend Premises Licences and Club Premises Certificates where the Licensee has failed to pay the annual fee within a prescribed period. Licences which are suspended shall cease to have an effect during the suspension period. Furthermore, a licence cannot be transferred during the said period.

20. Electronic Applications

20.1 In keeping with the Council's policy on the introduction of e-Government, the Licensing Authority consents to applications and other notices being given electronically where the Act and regulations allow.

Outline of Local Authority Area

Appendix 1

The Braintree District covers 236 square miles of north Essex and is the second-largest district, in area, in Essex. Largely rural in character, it stretches from the Stour Valley/Suffolk Border in the north to the Chelmer Valley and Chelmsford in the south. Just over half the total population of 149,108 (2013 Mid-Year Population Estimate from Office of National Statistics) live in the three main towns of Braintree, Halstead and Witham and the remainder in the villages, which make up the 54 parishes.

The administrative centre is Braintree, a market town on the A131 and A120, the main east coast route linking Braintree with the M11 and Stansted Airport, which lie just to the west of the District. The A120 has in part been upgraded to improve access to Stansted Airport and the M11.

Braintree Villiage constructed on the outskirts of East Braintree provides a major shopping and leisure facility. The centre features expansive retail shopping, a 12 screen multiplex cinema, bowling alley, several restaurants and swimming pool complex.

Witham is the second largest town and is located in the south of the District on the mainline from Liverpool Street to East Anglia. It provides a diverse landscape with its historic High Street, attractive outlying villages, a major trunk road and significant new development. A key feature is the new Maltings Lane development of 850 dwellings comprising residential areas, a business park, a primary school, neighbourhood centre and community facilities.

Halstead is a small, historic country market town serving the northern half of the District. Situated in a conservation area along the Colne Valley, the town supports residential area, thriving High Street shopping, restored Public Gardens, its own Theatre/Cinema and a swimming pool complex. It has a developing café culture and several evening entertainment establishments and traditional public house/inns. The town has potential for future small residential and commercial developments.

The District has a wide diversity of cultural backgrounds and interests with a thriving village and urban communities affording many facilities for leisure and entertainment for both residents and visitors.

MAP OF BRAINTREE DISTRICT

Appendix 2



Appendix 3

Contact Details of Responsible Authorities

1. Licensing Authority

Environmental Health Manager (Food,
Health & Safety and Licensing)

Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB

Tel: 01376 557790
E-mail: licensing@braintree.gov.uk
2. Police

Licensing Section
Essex Police
Police Station
Blyths Meadow
Braintree
Essex CM7 3DJ

Tel: 01376 551312
E-mail: licensing.applications@essex.police.uk
3. Fire Brigade

The Community Commander
Essex County Fire and Rescue Service
Braintree and Uttlesford
Fire Station
Braintree
Essex, CM7 3JD

Tel: 01376 345537
E-mail: northwestgroupsdp@essex-fire.gov.uk

- | | | |
|-----|---|---|
| 4. | The Body Responsible
For the Protection of
Children from Harm | <p>Head of Child Protection
(Licensing Applications)
Essex County Council
PO Box 297
Chelmsford
Essex, CM1 1YS</p> <p>Tel: 01245 341932
E-mail: licenceapplications@essexcc.gov.uk</p> |
| 5. | Environmental Health | <p>Environmental Health (Public Health &
Housing)
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB</p> <p>Tel: 01376 551414 ext 2223
E-mail: phandh@braintree.gov.uk</p> |
| 6. | Environmental Health | <p>Environmental Health (Health & Safety)
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB</p> <p>Tel: 01376 551414 ext 2221
E-mail: healthprotection@braintree.gov.uk</p> |
| 6a. | Health/Safety Executive | <p>Operations Manager
Health and Safety Executive
Wren House, Hedgerows Business Park
Colchester Road
Springfield, Chelmsford
Essex CM2 5PF</p> <p>Tel: 01245 706200</p> |

Web: www.hse.gov.uk

7. Planning Authority

Development Services Manager
Development Services
Braintree District Council
Causeway House
Bocking End
Braintree Essex CM7 9HB

Tel: 01376 552525

E-mail:

planning.enforcement@braintree.gov.uk

8. Trading Standards

Essex Trading Standards
Essex County Council
CG32, County Hall
Market Road
Chelmsford CM1 1QH

Tel: 0845 6037626

Email:

BSTTradingStandards@essex.gov.uk

9. Director of Public Health

Licensing Officer
Public Health Team
E2 County Hall
Chelmsford
CM1 1LX

Tel: 01245 431855

E- mail: LicenceApplications@essex.gov.uk

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application for a provisional statement	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim Authorities		If a Police objection	All other cases
Application to review		All cases	

Premises licence/club premises certificate			
A decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
The decision to object when a local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition			All cases
Decision whether to consult other responsible authorities on a minor variation application			All cases
Determination of minor variation application			All cases

Recommendation from Cabinet – 23 rd November 2020 – Council Tax – Collection Fund Surplus – Allocation to Town and Parish Councils		Agenda No: 10
Portfolio	Finance and Performance	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Cllr. David Bebb, Cabinet Member for Finance and Performance	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:		Public Report
Council Budget and Council Tax 2020/21 and Medium-Term Financial Strategy 2020/21 to 2023/24 report to Cabinet 10th February 2020 and Full Council 17th February 2020; Medium-Term Financial Strategy 2020/21 to 2023/24 Update report to Cabinet 7th September 2020; MHCLG issued an invitation to local authorities in England to indicate their preferred pooling arrangements for the forthcoming financial year, 2021/22, by email on 16th September 2020		Key Decision: No
DRAFT MINUTE EXTRACT		
CABINET – 23 RD NOVEMBER 2020		
43	<u>MEDIUM-TERM FINANCIAL STRATEGY 2021-22 TO 2024-25</u>	
INFORMATION: The process of rolling forward the Council’s four-year financial plan commenced with a report to Cabinet, on 7th September 2020, with an initial review of the Medium-Term Financial Strategy (MTFS) 2020/21 to 2023/24; which had been agreed by Council on 17th February 2020.		
 Members were reminded that on 23rd September 2020, the Treasury announced that the November Budget would be delayed until the New Year. Subsequently, the Treasury had confirmed that the Comprehensive Spending Review would only set departmental budgets for next year, due to the economic disruption caused by Covid-19. The Secretary of State for Housing, Communities and Local Government had already confirmed, on 28th April 2020, that the review of Relative Needs and Resource (Fair Funding) and 75% business rates retention would not be implemented in 2021/22. It was assumed that the Financial Settlement for 2021/22 would be based on rolling forward the current year		

settlement but within the funding limit determined for Local Government under the Comprehensive Spending Review. Consequently it was also assumed that the Negative Revenue Support Grant adjustment, originally proposed for 2019/20 but was subsequently withdrawn by the Government, would not be applied, as in 2020/21. It was hoped that the provisional Financial Settlement for 2021/22 would be published in mid-December.

Members were provided with an update on the financial assumptions in the current MTFS. It was reported that the five unavoidable budget changes identified for 2021/22 onwards which were expected to impact on the base budget had been reviewed. The anticipated requirement of an additional waste vehicle and crew would not be required until 2022/23. Therefore, the provision of £155,000 requested had been slipped back one year. Also the request for the Procurement Service had been reassessed following changes in the membership of the Procurement Hub resulting in a reduced request of £5,260. The total value of the ongoing budget additions to be made in 2021/22 was £75,190.

Members were advised that at this time, one of the main unknowns for the 2021/22 Budget was how the Council's income generating services would recover and to what extent customer demand may change in a post-Covid time. Rather than attempt to estimate the position for each service it was proposed that a provision was earmarked from the unallocated balance to cover potential shortfalls in income in 2021/22. It was considered that a sum of £1million should be earmarked.

In respect of Business rates, on 16th September 2020 the Ministry of Housing, Communities and Local Government wrote to the lead authority of each current Pool with an invitation to indicate the preferred pooling arrangements for 2021/22. All of the member authorities of the current Essex Pool had confirmed their willingness for the Pool to continue. The Cabinet Member for Finance and Performance Management agreed this Council's continued participation under delegated authority agreed by Cabinet on 7th September 2020.

Members were advised that it was estimated that the balance on the Collection Fund available for distribution was a surplus of £1,355,197. The Council's proportion of the council tax surplus, to be returned to council taxpayers in 2021/22 was £170,882. It had been proposed that £33,640 of this surplus was allocated to town and parish councils in 2021/22.

The Council's taxbase for 2021/22 was required to be calculated as at 30th November 2020 and would be agreed, under delegated authority, by the Corporate Director responsible for Finance. However, prior to this determination and for financial planning purposes the council taxbase for 2021/22 was estimated to be 53,650 (increase of 0.52% over the 2020/21 taxbase) and was based on an assessment undertaken as at 14th September 2020 required by the Government. As the Government's proposed referendum limit for 2021/22 is awaited, it was considered appropriate to limit increases in the Financial Profile to the 2% maximum.

In summary it was reported that the updated financial profile 2021/22 to 2024/25 showed:

- 2021/22 – withdrawal from unallocated balance of £239,315;

- 2022/23* – shortfall of £778,865;
- 2023/24* – shortfall of £380,612; and
- 2024/25* – shortfall of £280,450.

DECISION: That Cabinet agreed:

- a) No changes are proposed to the Local Council Tax Support Scheme for 2021/22 and consequently there is no requirement for consultation to be undertaken; and
- b) The Revenue Budget and Capital Programme for 2021/22, as presented in this report, constitute the initial Budget proposals and that views are sought as appropriate.

Cabinet recommends to Full Council to agree that:

- c) A total of £33,640 of the surplus on the Council Tax Collection Fund be allocated to Parish/Town Councils in 2021/22, as detailed in [Appendix A](#) to the main report.

REASON FOR DECISION: Good governance arrangements through the proactive management of the Council's finances over the short and medium term.

Recommended Decision:

That Council agrees a total of £33,640 of the surplus on the Council Tax Collection Fund be allocated to parish/town councils in 2021/22, as detailed in [Appendix A](#) to the main report.

Purpose of Decision:

Good governance arrangements through the proactive management of the Council's finances over the short and medium term.

Recommendation from Community Development Group - 28 th October 2020 – Scrutiny Review into Community Woodlands		Agenda No: 11
Portfolio	Environment and Place Health and Communities	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Councillor Mrs Diana Garrod, Chairman of the Community Development Group	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:		Public Report
Agendas, Minutes and copies of Power Point presentations delivered during evidence gathering sessions of the Community Development Group 2019/20		Key Decision: No

DRAFT MINUTE EXTRACT

COMMUNITY DEVELOPMENT GROUP – 28TH OCTOBER 2020

5 **SCRUTINY REVIEW INTO COMMUNITY WOODLANDS – DRAFT REPORT**

INFORMATION: The Chairman, Councillor Mrs D Garrod, introduced the report.

It was reported that as part of their scrutiny review into the topic of ‘Community Woodlands,’ Members were required to establish a clear definition of what constituted a community woodland when compared with that of a regular woodland, and from this to undertake research into the background of community woodlands and examples of these within the Braintree District (e.g. James Cooke Wood in Witham). Members also explored the impacts of woodlands on climate emissions and other ecological benefits, as well as the community benefits of woodlands in the form of a cost/benefit review.

In order to support Members’ evidence gathering, officers in the Landscapes team were able to provide the Committee with much of the necessary background information through verbal presentations at evidence gathering sessions with Members. The Landscape Services team identified a number of key evidence streams for the Group and gave suggestions as to appropriate

external representatives and partners of the Council who could attend meetings and help to inform the review (e.g. the Witham Tree Group).

It was emphasised that as part of their scrutiny review, Members of the Community Development Group also acknowledged the work of the Climate Change Working Group and gave careful consideration towards ensuring that there was no crossover with the work programmes of the two respective Groups, so as to avoid any duplication of work.

The Chairman then invited Members to raise any comments or make any potential amendments in respect of the draft report. A general comment was made in regard to the 'Essex Forest' project that was being undertaken by Essex County Council, which included funding for the purchasing of new trees for planting. A request was also raised for some minor amendments to Recommendations 6 and 9 of the report, the details of which were as follows:-

Recommendation 6

Officers agreed to insert some additional wording at the end of the recommendation in order to stress that new trees would require irrigation in the early years after being planted. The recommendation would therefore be amended as follows (changes highlighted in red):-

"The Council should exercise its right to insist to developers that certain species of tree be planted at development sites with a more robust approach to ensure appropriate trees are planted and maintained (using the Tree Strategy and associated policies) with irrigation in the early years following planting."

Recommendation 9

It was requested that further information should be provided in respect of the proposed public 'woodlands' website as to the location of woodlands within the District that were owned by other public bodies as well as the Council, such as Essex County Council and the Forestry Commission. The recommendation would therefore be amended by officers as follows (changes highlighted in red):-

"The Council considers the development of a public 'woodlands' website ("public" being all woodlands that were under the ownership of public bodies, including Local Authorities and charities) which local residents could utilise in order to make suggestions on ways that the maintenance of existing woodlands could be improved, or new locations for tree planting."

DECISION: That Members:-

1. Reviewed the draft report and finalised the content and draft recommendations to ensure that they were in keeping with the Terms of Reference of the Scrutiny Review and the evidence gathered.
2. Authorised the Chairman to finalise the draft report, prior to its submission to Full Council, and to give authority to Governance Officers to make any necessary administrative changes to the report.

REASON FOR DECISION: To finalise the draft Scrutiny Review Report into Community Woodlands prior to its submission to Full Council.

Recommended Decision:

That:

1. That Council notes the Community Development Group's Scrutiny Review Report into Community Woodlands
2. The Scrutiny Report be referred to Cabinet to receive and respond to the recommendations set out in the Report.

Purpose of Decision:

To enable the Community Development Group's report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny as set out in the Constitution.

COMMUNITY DEVELOPMENT GROUP
SCRUTINY REVIEW INTO 'COMMUNITY WOODLANDS'

The Community Development Group selected 'Community Woodlands' as their topic for Scrutiny Review within the Terms of Reference set out below:-

- What is the “background” of Community Woodlands in the Braintree District?
- What are the current/past examples of Community Woodlands?
 - I) List of woodlands
 - II) Successes/challenges encountered with past/current woods
- Are there any policies/criteria that the Council holds in relation to Community Woodlands?
- What is the impact on climate emission of woodlands?
 - I) Ecological benefits
 - II) Carbon emissions diminished by woodlands, and any statistics available in this area?
- What are the community benefits of woodlands, as part of a Cost/Benefit Review?
 - I) Costs associated with maintenance of woodlands vs. benefits

As part of their initial review, the Group were required to establish a clear definition of what constituted a community woodland when compared with that of a regular woodland, and from this to undertake research into the background of community woodlands and examples of these within the Braintree District.

There were three evidence gathering sessions in total which took place on the following dates:

- [30th October 2019](#)
- [14th January 2020](#)
- [19th February 2020](#)

In order to support the Group's evidence gathering, officers in the Landscapes team were able to provide the Group with much of the necessary background information through verbal presentations at evidence gathering sessions with Members. The Landscape Services team identified a number of key evidence streams for the Group and gave suggestions as to appropriate external representatives and partners of the Council who could attend meetings and help to inform the review.

RESEARCH OF THE GROUP

The research of the Group established the following:-

Woodlands

The Group identified two useful definitions to define woodlands when compared with 'community' woodlands.

Forest Research¹ defines a woodland as land under strands of trees with a canopy cover of at least 20%, or having the potential to achieve this. The definition is in relation to land use, rather than land cover, and as such integral open space and felled areas awaiting restocking are included as woodland.

Llais y Goedwig² defines community woodlands as: "Fundamentally, any woodland where the local community has some degree of control over how the woodland is run or managed."

On 30th October 2019, the Group agreed to a number of lines of enquiry to facilitate the Scrutiny Review, including;

- The identification of those woodlands that were under the responsibility of Braintree District Council and which were not;
- The impact of woodlands on carbon emissions and other ecological benefits;
- Whether any woodlands within the District had been assigned a Tree Preservation Order (TPO);
- The impact of invasive species and diseases on woodlands, such as Ash Dieback;
- Projects in respect of tree planting that was being implemented by Essex County Council; and
- The apparent reluctance of some Parish Councils to adopt local woodlands.

Evidence supplied by Braintree District Council's Landscape Services Team

The Landscape Services Team Supervisor provided the Group with the following data:-

- General information in relation to the definition of a woodland, woodlands within the ownership of Braintree District Council (e.g. Cuckoo Wood in

¹ Forest Research - <https://www.forestryresearch.gov.uk/tools-and-resources/statistics/forestry-statistics/forestry-statistics-2018/woodland-areas-and-planting/woodland-area/>

² Llais y Goedwig (Voice of community woodlands in Wales) - <http://llaisygoedwig.org.uk/about-community-woodlands/what-is-a-community-woodland/>

Braintree) and a number of the benefits of woodlands to local communities and the environment, such as increased biodiversity and leisure facilities.

- An overview of the various community woodland sites located across the District and the ways in which different woodlands are used and maintained by different groups, such as volunteer organisations (e.g. Witham Tree Group).

The following key areas were noted from Mr Taylor's presentation:-

- Research by the Forestry Commission indicates that there are broadly five types of community woodland which are largely based on a particular set of circumstances and the commitment of the members of local communities who want to actively engage in woodland management:
 - **Urban regeneration:** Often on neglected public land where there has been a local community involvement with management often in the form of a Friends Group, or similar.
 - **Community resource:** Woodland owned and managed by the local community, normally through a Parish Council.
 - **Economic partnership:** Land owned by others - community management for economic benefits such as firewood or charcoal production.
 - **Community place:** Land owned by others. Community volunteers often manage and work for conservation or wellbeing/therapy workshops.
 - **Lifestyle alternative:** Group work and live in the woodland.
- Braintree District Council was reportedly responsible for the management of 15 different woodlands sites, which included: Coggeshall Pieces in Halstead; James Cooke Wood in Witham; Cuckoo Wood in Great Notley; woodlands on the Bocking Blackwater/Marks Farm development area and the woodland sites located adjacent to the River Brain, such as Hoppit Mead and Marshalls Park respectively.
- Braintree District Council was responsible for the maintenance of approximately 9,000 trees across the District, and possessed a duty of care towards managing the risks associated with woodlands (e.g. damage from storms, onslaught of diseases, etc) The Council also retained a budget of £25,000 to enable it to manage potential risks.
- James Cooke Community Woodland, off Maldon Road, Witham - Witham Town Council and local people planted the woodland in 1993/94 to provide an area of quiet relaxation for local people and to create habitat that is attractive to a wide variety of wildlife. The woodland was planted using British trees local to the area and open grassland areas within the

wood provide a wide range of habitats in which to view birds, butterflies and other wildlife.

- Apart from the woodlands within Council ownership, most of the more aesthetic and attractive areas of open space in the District tended be concentrated along the main river corridors of the Colne, Blackwater and Brain.
- A deliberate policy of planned new planting would limit the space available for some other forms of recreation; a new community woodland planted on agricultural land would need to be considered as a land purchase or as part of an integrated mosaic of open space provision for a new garden community development(s). Parcels of land on the edge of the major settlements which may be attractive as a starting point for a new woodland would probably be in use for agriculture and in the current climate. Many areas were subject to speculative planning applications with the attendant prospect of a higher land value.
- The public's perception of woodland management was sometimes antagonistic, with some resistance to change.
- The Landscape Services Team was a statutory consultee following the receipt of Planning applications. It was highlighted that potential opportunities for the development of woodland areas were always sought, as well as suggestions made where possible for the development of footpaths and other means of accessibility to woodlands to help improve the level of visits from the public.
- It was a requirement for developers to include areas of open space in new development site areas (e.g. as at the Mulberries Redrow estate in Witham).
- The costs associated with employing contractors to undertake the maintenance of wooded areas, such as the watering of trees, could be excessive. The support provided by volunteer and friend groups, such as the Witham Tree Group, in the maintenance of woodlands, was therefore imperative in helping to ensure the sustainability woodlands.

INPUT FROM WITHAM TREE GROUP

At the invitation of the Group, Mr Barry Fleet, Chairman of the Witham Tree Group provided a presentation on a local perspective on subjects relating to woodlands such as the planting of trees, liaison between various partners and the impacts of climate change on the District's woodlands.

The key points that arose from the presentation included:-

- The close liaison between the Witham Tree Group and Witham Town Council, to whom it supplied tree warden services.
- The success of the Group's partnership with Aegon Insurance, who regularly assisted the Group with the movement of heavy trees, and its

constructive relationship with the general public, with whom the Group would consult regularly with on new areas for tree planting. Increasingly, residents were also offering their suggestions as well via the Group's website.

- A project that was underway between the Witham Tree Group and Braintree District Council for the creation of World War One Memorial Tree Park. Over 50 trees had been planted thus far, and it was expected that further trees would be planted in 2021 in order to bring the total number of trees to 80.
- Emphasis on the formation of new woodlands as a means through which the issue of climate change could be combated. The presence of woodlands also served the purpose of creating new habitat for wildlife, as well as leisure opportunities for local residents, which could also help address issues associated with mental wellbeing.
- Wholesale tree-planting schemes in conjunction with the community were possible, as had taken place previously at James Cooke Wood in Witham. Similar initiatives involving tree planting were reported to be underway at Chelmsford City Council and Colchester Borough Council.

ADDITIONAL CONSIDERATIONS

Policy - The Council's Tree Strategy 2016

Following the presentation from the Witham Tree Group, the Chairman requested that any policies the Council held in relation to Community Woodlands be circulated to Members. These included:-

- The [Council's Tree Strategy](#): this Strategy was approved as a planning guidance document by the Council on 17th February 2016; the Strategy incorporated a Five Year Action and provided a number of corporate and management objectives, including management of the Council's tree stock, tree protection and replacement.
- Members' comments on the Strategy was that the document did not appear to include a detailed strategy for the planting of new woodlands. Members also questioned whether the action plan within the Tree Strategy has been subject to an annual review as indicated upon its adoption.

Possible Site Visit 2020

As part of its evidence gathering, the Group were asked to consider the benefits of a possible site visit to one or more of the local District's woodlands, as this would allow Members to witness different types of woodland conservation and maintenance work in practice. Sites that were suggested for a potential visit included Hoppit Mead Nature Reserve in Braintree and Coggeshall Pieces in Halstead.

Members agreed that a visit was not necessary as it was unlikely to bring any further value to the overall Scrutiny Review into Community Woodlands beyond the evidence that had already been provided by witnesses in their presentations and information shared in discussions between Members at scrutiny sessions.

CONCLUSIONS OF THE SCRUTINY REVIEW

In conducting a Scrutiny Review of Community Woodlands, Members were mindful not to duplicate their work with that of the Climate Change Working Group. In concluding their Scrutiny Review, Members have identified the following recommendations below. Each recommendation listed below includes the Group's evidence in support:-

Recommendation 1

The progress of planting more trees is monitored and measured.

The Community Development Group noted the Council's decision at the meeting on 16th December 2019 to "...substantially increase tree planting within the district on public and private land." There is generally an increased value and invigorated appreciation of trees and woodlands, and the wildlife it supports. There is a willingness to protect our natural environment and mitigate the impact of climate change and air pollution. It was conveyed by Members during meetings of the Community Development Group that there seems to be a general discord regarding destruction of woodland in favour of construction and development and problematic pest and disease outbreaks.

Recommendation 2

The Council's Tree Strategy 2016 should be updated to include more information about the Council's objectives and aspirations for new community woodlands. A new updated Action Plan could be considered.

The document does not appear to include a detailed strategy for the planting of new woodlands. At the presentation held during the meeting of the Local Plan Sub-Committee on 17th February 2017, it was stated that the Five Year Action Plan (2016-2021) within the Tree Strategy "...would be subject to annual review."

Recommendation 3

The Council should protect the District's trees, woods and forests and improve our woodland assets. Where possible, the Council should expand woodland cover and possibly create new woodlands, perhaps as part of the Local Plan or close to new large developments where woodlands would help to manage risks such as flooding and improve biodiversity.

The Community Development Group recognises the economic, social and environmental benefits of Community Woodlands (as part of a holistic approach), and also realises the benefits for both people and nature, with added quality of life for all.

Recommendation 4

The Council adopts a long-term view and plants more resilient species appropriate to soil type, and gives consideration to after care and management costs, as employing contractors is expensive.

It was noted that the District had some very active voluntary groups who had contributed considerably to the planting, maintenance and upkeep of woodlands. Native hardwood and other broad-leaved tree types were the more favourable options for the planting of new trees, as these tended to be more robust. Any new trees planted should be capable of competing with the existing tree stock in a given area.

Recommendation 5

The Council should give consideration to the expansion of woodland cover where it would most benefit communities, support and contribute to health and well-being, education, the economy and environment.

Preferred sites should be closer to towns where more residents would be able to access and enjoy them. Locations within the local plan should be considered, and potential sites must also enhance local environments and wider landscapes.

Recommendation 6

The Council should exercise its right to insist to developer that certain species of tree be planted at development sites with a more robust approach to ensure appropriate trees are planted and maintained (using the Tree Strategy and associated policies) with irrigation in the early years following planting.

The Community Development Group was advised that, when granting planning permission, the Council was within its rights to insist to developers that certain species of trees be planted at the development sites. Other agreements between the Council and the developer might require the developer to plant a specific number of trees, or to maintain that number by replacing any trees that had died. It was noted that it was more cost effective for developers to replace dead trees than it was to arrange maintenance.

Recommendation 7

Liaison between the Council and Writtle College about opportunities and collaboration regarding the maintenance of woodlands should continue, and there should also be better support towards Town and Parish Councils and voluntary organisations through the provision of information in relation to the ownership and maintenance of woodlands.

It was inferred from the scrutiny review that Town and Parish Councils were seemingly apprehensive to take ownership of local woodlands due to Health and Safety regulations, insurance costs and legal requirements. The Council

could perhaps work with Town and Parish Councils to help reduce unnecessary regulations in this area.

Recommendation 8

The Council should identify ways to improve and encourage community involvement with Community Woodlands and raise awareness of their benefits.

The Community Development Group recognises that Community Woodlands can bring a number of benefits to residents within local communities (e.g. in the form of leisure provision, aesthetic of the landscape, etc). There were also environmental benefits, such as added habitat and the opportunity for increased biodiversity, as well as means of reducing carbon emissions, thus helping to combat climate change.

Recommendation 9

The Council considers the development of a public 'woodlands' website ("public" being all woodlands that were under the ownership of public bodies, including Local Authorities and charities) which local residents could utilise in order to make suggestions on ways that the maintenance of existing woodlands could be improved, or new locations for tree planting.

The Witham Tree Group already has such a website, which provided the Group a useful tool through which members of the Group and local residents could exchange ideas for improving or adding to woodlands site. A website could also help to improve the transparency of communication between the Council on public on this matter, in addition to improving knowledge and awareness of the benefits of woodlands to residents. Updates or change to relevant policies could also be made easily accessible to the public.

Recommendation 10

The Council explore funding opportunities such as the Urban Tree Challenge Fund, and whether it could submit an expression of interest for this. The Council could also work with partners who have access to funding, such as Dedham Vale AOBN.

Increased funding opportunities would allow the Council to support wooded areas within urban locations across the District.

Recommendation 11

The Council produces a guide for Town and Parish Councils and community groups who wish to set up a community woodland covering.

Town and Parish Councils appear to have limited knowledge in respect of woodland provision, ownership and maintenance that they can support within their local areas. A more informative guide could explain how to plan a community woodland, what to look out for, recommended tree species for different soil types and locations, planting guidance and maintenance. We could allow advertising in this to offset the costs.

Recommendation 12

The Council focuses its resources on managing its existing woodland rather than planting additional woodlands; however, it should still try to support groups who wish to set up additional community woodland sites (e.g. Witham Tree Group).

Any new trees planted are required to be capable of competing with the existing tree stock in a given location. Focusing resources on the current woodlands within the Council's remit of responsibility would help to identify ways of managing and resourcing them more effectively and efficiently. The provision of support to local groups (e.g. funding, advertising, etc) would help to increase woodland cover and improve existing tree stocks. Furthermore, the Council could foster improved relationships with such groups, as well as identify potential future opportunities for funding and other project working.

Recommendation 13

The Council improves residential access to our existing woodland by use of signage and paths.

Increased signage and improved accessibility to woodlands would help to increase the public's awareness of such areas and the benefits that they can bring, as well as improve access of those sites to a wider demographic, thus increasing rates of visitation.

ACKNOWLEDGEMENTS

The Community Development Group wishes to thank the following people for their contribution of the Scrutiny Review:-

- Mr Shaun Taylor – Landscape Services Team Supervisor, Braintree District Council
- Mr Barry Fleet – Chairman of the Witham Tree Group

Recommendation from Community Development Group - 28 th October 2020 – Scrutiny Review into Vaccinations		Agenda No: 12
Portfolio	Health and Communities	
Corporate Outcome:	Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Councillor Mrs Diana Garrod, Chairman of the Community Development Group	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:		Public Report
Agenda and Minutes of the evidence gathering session of the Community Development Group on 30th October 2020		Key Decision: No
DRAFT MINUTE EXTRACT		
COMMUNITY DEVELOPMENT GROUP – 28 TH OCTOBER 2020		
4	<u>SCRUTINY REVIEW INTO VACCINATIONS – DRAFT REPORT</u>	
<p>INFORMATION: Councillor Mrs D Garrod, Chairman of the Community Development Group, introduced the report. Members were reminded the scrutiny review into ‘Vaccinations in the Braintree District’ represented the first review that the Committee had undertaken as part of its work programme for the Civic Year 2019/20. The topic of Vaccinations was selected for scrutiny review in response to a national movement to increase the uptake of childhood vaccinations, especially for diseases such as Measles and Rubella, and also a local strategy focus on how vaccination uptake could be improved in localised areas across the East of England.</p> <p>It was reported that the main aims of the scrutiny review were to establish which Authority was responsible for vaccination and immunisation in the Braintree District, whether there were any notable issues in relation to vaccine uptake and how this compared with uptake across the wider Mid-Essex area. A briefing paper was provided to Members of the Committee by NHS England (East of England branch) at the meeting on 30th October 2019; the paper included details of the Essex Vaccination Oversight Committee (EVOC) and gave Members a clearer indication of what the rates of vaccination uptake were in the Braintree District when compared with the wider Mid-Essex area.</p> <p>Members agreed that the data provided by NHS England seemed to suggest that the level of vaccination uptake in the Braintree District was in alignment with the</p>		

vaccination rates for Mid-Essex, and that the County as a whole frequently demonstrated levels of vaccination uptake that were slightly above that of the national average. It was therefore concluded by Members that there did not appear to be any major issues regarding vaccine uptake within the District. As the Committee had met with the substantive Terms of Reference of the scrutiny review, it was subsequently agreed that there was no further scope to make any recommendations to the Cabinet.

The Chairman explained that the report provided the Council with a summary of the scrutiny review into vaccinations and the actions that the Committee took in order to reach the conclusions drawn.

DECISION: That Members:-

1. Reviewed the draft report for the Scrutiny Review into Vaccinations in the Braintree District.
2. Authorised the Chairman to finalise the draft report, prior to its submission to Full Council, and to give authority to Governance Officers to make any necessary administrative changes to the report.

REASON FOR DECISION: To finalise the draft report for the Scrutiny Review into Vaccinations in the Braintree District, prior to its submission to Full Council.

Recommended Decision:

That:

1. That Council notes the Community Development Group's Scrutiny Review into Vaccinations.
2. The Scrutiny Report be referred to Cabinet to receive and respond to the recommendations set out in the Report.

Purpose of Decision:

To enable the Community Development Group's report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny as set out in the Constitution.

Scrutiny Review into Vaccinations 2019

The Community Development Group's first topic for Scrutiny Review for the period 2019/2020 was 'Vaccinations in the Braintree District.'

The Terms of Reference for the Scrutiny Review were as follows:-

- Who is responsible for managing/overseeing the Vaccination Programme in the Braintree District?
- What Vaccinations/diseases are covered by the "normal" programme – age/other triggers to get Vaccinations?
- What are Braintree District's rates of vaccination in comparison to Essex / National averages?
 - Would any rates give rise to public health concerns
 - Are there any trends (good or bad) we should be aware of
 - Are there any hotspot concerns within the District (e.g. geographics/demographic groups)
- What "optional" vaccinations are available for people and how?
 - Best practice/emerging practice
 - Travel

The first stage of the Scrutiny Review was to establish who was responsible for vaccination and immunisation in the Braintree District, whether there were any notable issues in relation to vaccine uptake and how this compared with uptake across the wider Mid-Essex area.

Enquiries were made with the Director of Wellbeing, Public Health and Communities at Essex County Council, Dr Mike Gogarty, in order to identify which authority had direct responsibility for vaccinations in the Braintree District. Dr Gogarty confirmed that vaccination and immunisation in the Braintree District was the responsibility of NHS England (East of England branch) and an invitation was sent to the local lead consultant for Screening and Immunisation. Unfortunately, this invitation could not be accepted due to capacity issues within that particular service; however, a briefing paper which addressed the questions asked by the Group in relation to vaccination uptake in the Braintree District was provided to enable the Group to explore this within the terms of the Review.

The briefing paper included details about The Essex Vaccination Oversight Committee (EVOC) which oversees effective commissioning and delivery of immunisation services, ensures vaccinations are of a high quality, responsive, progressive and safe for the population of Essex. The briefing paper explained that the EVOC meets quarterly or more frequently if required, and its function is to provide strategic direction to ensure that there is full implementation of national vaccination policies within the required timeframe and long term sustainability. The briefing paper also clarified the following:-

- Immunisations offered up to the age of 5 are generally given at GP practices and the scheduling of these vaccinations is managed by the Child Health Information Service (CHIS) who schedule childhood immunisations and report uptake data.
- The Community and School Aged Immunisation Service (provided by Essex Partnership University NHS Foundation Trust, EPUT) are commissioned to assist in the follow up children that are not up to date with their childhood immunisations.
- Immunisations offered in adolescence are delivered in schools by the Community and School Aged Immunisation Service. Catch-up sessions are often offered in schools for children that have been absent, and vaccination can also take place in the community clinics offered by this service. This helps support reducing inequalities by providing additional access for home-educated children, Gypsy and Traveller communities and some faith groups. The community clinics also provide support for patients with needle-phobia. These clinics cover support for patients from birth to up to 19 years of age.
- Vaccinations offered to older adults are generally delivered in GP practices, with the exception of the seasonal flu vaccine which is also offered through community pharmacy, and some maternity units for pregnant women only.

Further to the briefing paper provided, the Group concluded that vaccination uptake for immunisations within Mid Essex is generally amongst the highest in the County, and Essex frequently demonstrates uptake levels slightly above that of the national average. The data shows that uptake for the Braintree GP practices is broadly similar to that of the Mid Essex CCG. The recommended uptake rates for childhood vaccinations is 95%, which would provide 'herd immunity' (i.e. those that are contraindicated for vaccination would be protected because so much of the community is vaccinated that it prevents the circulation of disease). Uptake targets vary for the adult programmes; both nationally and locally, the uptake of key vaccinations is generally lower than the 95% level and has been dropping slightly year-on-year since around 2014. There is a national push to increase uptake in childhood vaccinations; for example, in early 2019, a National Measles and Rubella Elimination Strategy was published. There is also a local strategy focussing on how we can improve vaccination uptake across the East of England.

The Group agreed that the data provided by NHS England seemed to suggest that the level of vaccination uptake in the Braintree District were in alignment with the vaccination rates for Mid-Essex, and that the County as a whole frequently demonstrated levels of vaccination uptake that were slightly above that of the national average.

The Group reflected that the key aim of the Scrutiny Review was to ascertain whether there was an issue with vaccination uptake at District level, and if this compared favourably or not with the wider Mid-Essex area, Essex as a whole and nationally. Members compared the information received from NHS England with that of the European Region of the World Health Organisation (WHO). The WHO sets a target which stipulates that 95% of children are vaccinated and immunise against against diseases preventable by vaccination and targeted for elimination or control.

From the data provided by NHS England, the following areas of note were identified:

- The data related to GP Surgeries only and as such did not necessarily give an accurate representation of the entire District's vaccination and immunisation rates. It is likely that some residents travelled beyond the District for the service, and others perhaps sought private medical care or attended pharmacies instead.
- The data related primarily to routine vaccinations amongst children (e.g. MMR, Polio etc.) and did not encompass older age groups or the rate of optional vaccination uptake, such as for those travelling abroad or for seasonal influenza.

Despite there being some discrepancies with the data, the following conclusions were drawn:

- The data provided by NHS England gave a portrait of the District's vaccination and immunisation rates that was, as much as possible, an accurate and fair representation.
- Members agreed that the data was both positive and reassuring for the District as it indicated that the WHO's target of 95% was being achieved across most areas.
- The District did not appear to have any major issues regarding rates of vaccination uptake.

Based on the conclusions drawn from the evidence available, the Community Development Group did not feel it was necessary to continue with exploring the topic of Vaccinations. The findings of the Group were both positive and conclusive in nature and there did not appear to be any major issues regarding vaccine uptake within the District. It was therefore concluded that the Scrutiny Review had met with its substantive Terms of Reference and there was no scope to make any recommendations to the Cabinet or any of its partners as a result of its findings.

The Community Development Group would like to thank the following representatives for their help and the time taken to identify and provide the necessary data to support the Scrutiny Review:

- Dr Mike Gogarty, Director Wellbeing, Public Health and Communities at Essex County Council.
- Clinical Leads and Officers of NHS England (East of England branch).

Recommendation from Partnership Development Group – 25th November 2020 – Scrutiny Review into Leisure Provision and Access to Sport in the District	Agenda No: 13
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Portfolio	Overall Corporate Strategy and Direction
Corporate Outcome:	Health and Communities
	A sustainable environment and a great place to live, work and play
	A well connected and growing district with high quality homes and infrastructure
	Residents live well in healthy and resilient communities where residents feel supported
Report presented by:	Councillor Mrs Mary Cunningham, Chairman of the Partnership Development Group
Report prepared by:	Jessica Mann, Governance and Members Officer

Background Papers:	Public Report
<u>Agendas, Minutes and copies of Power Point presentations delivered during evidence gathering sessions of the Partnership Development Group on 2nd October 2019, 20th November 2019, 5th February 2020 and 23rd September 2020</u>	Key Decision: No

DRAFT MINUTE EXTRACT

PARTNERSHIP DEVELOPMENT GROUP – 23RD SEPTEMBER 2020

5 **SCRUTINY REVIEW INTO LEISURE PROVISION ACROSS THE BRAINTREE DISTRICT AND ACCESS TO SPORT – DRAFT REPORT**

INFORMATION: Members gave consideration to the draft report of the Scrutiny Review into 'Leisure Provision Across the District and Access to Sport.' The Chairman, Councillor Mrs M Cunningham, introduced the report.

One of the key aims of the Scrutiny Review was for Members to develop a picture what sports provision in the Braintree District looked like; this included the available leisure facilities, groups and clubs, as well as the various partnerships that supported those groups through resources such as funding. Members were also required to gain a clear understanding of the Council's involvement with its various partners, such as the Active Braintree Foundation, in order to establish

whether there was a need to improve partnership working in order to support sport and leisure provision further.

As part of their Scrutiny Review, Members took part in a number of evidence gathering sessions which helped them to identify future research streams and develop conclusions that stemmed from the evidence presented to them. As part of these sessions, Members received a number of presentations from Council Officers on the subject of leisure provision, in addition to partnership input from external parties (e.g. such as Town and Parish Councils).

The Chairman then invited Members to raise their comments or make any potential amendments in respect of the draft report. Further to the discussion, the following actions were agreed:-

Draft Recommendation 8

Members agreed to omit this recommendation from the report for the time being. Consideration would be given to this at such a stage when the impacts of upcoming developments such as Local Government reform and the emergence of the White Paper became more apparent. Further advice would also be sought from officers in Environmental Health in respect of the wording within the recommendation.

Draft Recommendation 9

Members agreed to omit this recommendation from the report as officers confirmed that arrangements were already in place at the Council in respect of leisure provision going forward; for example, the Council would be giving consideration to its contracts with leisure providers.

Officers agreed to report back to Members at a later date in respect of the omitted draft recommendations as to whether these could be given consideration in future. It was agreed that recommendations one to seven would be remain within the report as stated.

DECISION: That Members of the Partnership Development Group:-

1. Reviewed the draft report and finalised the draft recommendations to ensure that they were in keeping with the Terms of Reference of the Scrutiny Review and the evidence gathered.
2. Authorised the Chairman to finalise the draft report, prior to its submission to Full Council, and to give authority to Governance Officers to make any necessary administrative changes to the report.

REASON FOR DECISION: To finalise the draft Scrutiny Review Report into Leisure Provision and Access to Sport, prior to its submission to Full Council.

Recommended Decision:
That: <ol style="list-style-type: none">1. That Council notes the Partnership Development Group's Scrutiny Review Report into Leisure Provision and Access to Sport in the District2. The Scrutiny Report be referred to Cabinet to receive and respond to the recommendations set out in the Report.
Purpose of Decision:
To enable the Partnership Development Group's report to be referred to Cabinet in accordance with the Procedure Rules for Scrutiny as set out in the Constitution.

PARTNERSHIP DEVELOPMENT GROUP
SCRUTINY REVIEW INTO 'LEISURE PROVISION AND ACCESS TO SPORT' IN
THE BRAINTREE DISTRICT (SCRUTINY REPORT)

1. EXECUTIVE SUMMARY

Members of the Partnership Development Group were tasked with conducting a Scrutiny Review into 'Leisure Provision and Access to Sport' in the Braintree District.

The Terms of Reference for the Partnership Development Group are as follows:-

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

As part of the Scrutiny Review into Leisure Provision and Access to Sport, the key questions that Members sought to address were:-

- What is the picture of sports availability and groups?
- What partnerships are there to support the sports groups?
- What involvement does the Council have directly/through Fusion?
- What is the accessibility of facilities for groups? E.g. Availability, cost
- What impact can the Council have with partners to support groups and engagement for residents?

2. OVERVIEW OF LEISURE PROVISION IN THE BRAINTREE DISTRICT

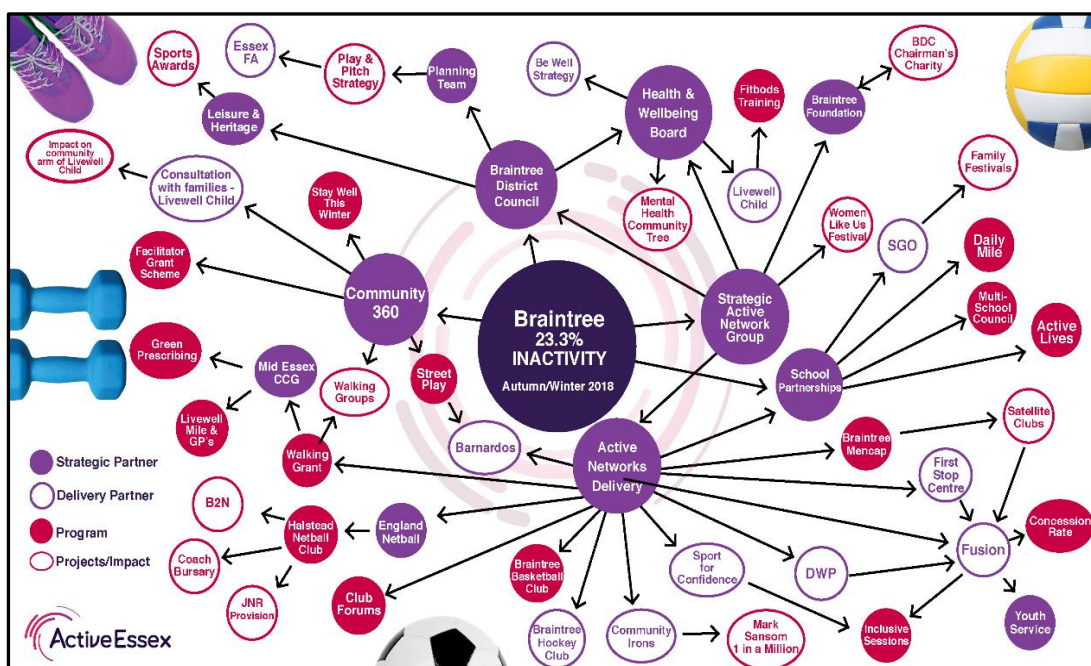
There is a wide range of both indoor and outdoor sports groups and activities available throughout the District that provide opportunities for a number of different groups of residents (i.e. young, elderly, disabled, etc) to become involved in sport and leisure. These groups included independent sports clubs such as a BMX Club, Martial Arts and Athletics. There was generally a large uptake in sports activities by residents; for example, the Braintree and District Athletic Club was reported to have over 400 club members alone. The Council also hired out a number of playing fields and sports pitches directly to clubs, families and schools, which helped to broaden the extent of sport and leisure

activities that such clubs could provide (i.e. football, netball, tennis, etc). There is usually a high demand for facilities like those of outdoor pitches, and the Council monitors this usage closely throughout the year.

The Council is responsible for four leisure centres across the District which are operated by Fusion Lifestyle under the Leisure Contract 2012-22; the centres include Witham Leisure Centre and Sports Ground, Braintree Sport and Health Club, Halstead Leisure Centre and Braintree Swimming and Fitness. Contractual obligations have been in place with Fusion for the provision of activities that cater for groups considered to be “harder to reach” in respect of sport and leisure; this helps to ensure that there is a positive balance of different clubs, membership deals and “pay and play” activities on offer. The centres tend to be well-used by residents throughout the year, with booking taken regularly from a mixture of clubs and organisations for activities, although there can be shortfalls in usage due to impact of the wider picture of available sports activities and facilities across the District. Two of Fusion’s leisure centres are linked to local academies; as such, protected bookings and joint-use agreements exist to enable limited access to some facilities on school days.

As well as Fusion Lifestyle, there are a number of partnerships that work with the Council which help to support sports groups and clubs. One such partnership is the Active Braintree Foundation, together with the Active Network. The Active Braintree Foundation is a trustee organisation that operates externally to the Council in order to allow for other funding streams to be identified. The Foundation’s vision and aims are also similar to that of the [Council’s Livewell and Be-Well Strategies](#), and support for clubs is provided in the form of coaching development, funding applications, safeguarding, social media support, planning applications, Section 106 monies, etc. The Council’s strongest influence in respect of sport and leisure was with the Active Braintree Foundation, as the Foundation helped to promote the Livewell Campaign brand and agenda to a wider audience.

NOTE: The data below was provided by Mr Joby Humm, Leisure and Heritage Manager, on behalf of Active Essex; it provides an indication of the different partnerships, both strategic and delivery, that operate within the District.



During the course of the Scrutiny Review, the Partnership Development Group took part in four evidence gathering sessions. A range of internal and external invitees attended the sessions in order to help support the findings of the Scrutiny Review and identify further lines of enquiry for Members; this enabled them to establish potential future recommendations.

3. INPUT FROM JOBY HUMM, LEISURE, HEALTH AND HERITAGE MANAGER

Mr Joby Humm attended the meeting of the Partnership Development Group on 2nd October 2019 in order to provide Members with an overview of the picture of sports availability and provision across the District, including the different facilities and community groups (e.g. Park Run) and partnerships that supported sports groups (e.g. Livewell, Active Braintree Foundation, Braintree Mencap, etc), as well as an indication of the Council's involvement with this through its contract with Fusion Lifestyle.

Members were informed that across the District, there was a wide range of projects that had been implemented as a means of sustainable sports provision, such as 'Park Run.' Park Run took place every Saturday at the Great Notley Country Park, and was a key example of a self-funding project that was supported primarily by volunteers each week. The level of public engagement with the project was generally positive, with an average of approximately 300 runners and walkers in attendance each week. As well as projects, there was also a variety of available sports facilities in the District, from swimming pools to artificial grass pitches (AGPs), of which four were Council-operated.

The District had also experienced much success recently in terms of its achievements and awards in sport and leisure, as seen with the Braintree

BMX Club and Martial Arts Centre, the members of which had gone on to become world champions in their field. It was important to note that the wide variety of activities and facilities in the District meant that there was an opportunity for residents of all backgrounds, ages and capabilities to become involved in a form of sport that was suitable for their needs; this was exemplified by groups such as 'Walking Netball,' and projects such as Sport for Confidence, Chair-based Exercise, Age Well Afternoons and the appointment of a Teen Ambassador by Fusion Lifestyle. Sports and community development in the District also supported the objectives of the Council under its "Livewell" initiatives; for example, through Livewell, schemes such as "Age Well" were promoted through partnership work with local community groups such as Age UK, Age Concern and the Dementia Alliance to help infiltrate older age groups. The brand of "Livewell" embodied a vast partnership network under the umbrella of health and wellbeing, and included Essex County Council, the Fire Service, Greenfields Community Housing and links with Doctor's Surgeries.

4. INPUT FROM ACTIVE BRAINTREE FOUNDATION

At the meeting of the Partnership Development Group on 2nd October 2019, Members agreed that a member of the Active Braintree Foundation (ABF), as one of the Council's key partners in respect of sports and leisure provision in the District, should be invited to attend a future meeting of the Group. Mr John Wood, Chair of the ABF, was subsequently in attendance at the meeting of the Group on 20th November 2019 and provided Members with an overview of the work of the ABF and its role within the District, its past achievements, future planned work and the strategic partnerships that the Foundation liaised with. Mr Wood informed Members that the ABF would offer support to organisations that sought to liaise with them wherever possible; support could be offered in the form of funding or expertise knowledge required in order to implement new sport and leisure projects or activities; the Sports for Confidence project, based at Witham Leisure Centre, was a prime example of such a project. Developing partnerships with local organisations was fundamental aspect of the ABF; such organisations that the ABF had already worked with included groups such as Braintree District Council, Community Iron, Greenfields Community Housing, Sport for Confidence, First Stop, Barnardos, Community 360, Department of Work and Pensions and Active Essex.

The key objective of the ABF was reported as: "To promote community participation in healthy recreation for the benefit of the inhabitants of Braintree District." Under this objective, the key aims of the ABF were as follows:-

- Partner with local clubs/agencies to increase levels of participation in sport and physical activity;
- Inspire communities to become more active to improve their health and wellbeing, therefore leading happier and more positive lives;
- Raise aspirations, confidence, skills and knowledge to enable individuals to reach their full potential;

- Strengthen community cohesion and break down barriers to participation thereby addressing inequalities; and
- Improve physical and mental health wellbeing.

A key point raised by Mr Wood as part of his presentation included the need for the Council to give further consideration as to how community assets such as sports, leisure and healthcare facilities could be incorporated within new communities during their design stages, and to how those assets could be interlinked to make them as effective as possible in serving the needs of local residents. Another key point raised was the need to increase access to sports activities through improving the promotion of available activities and clubs, such as through the activity finder on the Active Essex website, which both the Council and ABF were known to have subscribed to.

There was reportedly £30k of funding available to the ABF, the majority of which had been supplied by Active Essex and Public Health. Smaller grants were received from local charities, such as those associated with the Courtauld Family. Funding for the different clubs and organisations who were in partnership with the ABF was allocated by means of grant sums of up to £1,000 for the promotion of sports activities.

Although engagement with the ABF could not be imposed on other organisations, it was nonetheless important that the key aims of the ABF of widening access to sport, increasing participation in sports and improving the health and wellbeing of the public be communicated in a more effective manner. The success of the 'Spot It Stop It' campaign launched by the Community Safety Partnership was mentioned as a key example where local businesses and other organisations alike had engaged in partnership work with one another in order to increase awareness of the scheme, of which sought to combat cases of Child Sexual Exploitation.

Although sports development in the Braintree District was priority focus of the Council, officers were restricted as to the amount of time they could invest into the subject, often due to other work commitments. Members as such agreed that a potential recommendation as part of the Scrutiny Review was to support officers in their efforts by identifying the available sports facilities across the District and observing how those facilities could be utilised as efficiently as possible. The Council could work with the ABF in order to achieve this.

5. INPUT FROM PLANNING OFFICERS

Following the end of Mr Humm's presentation to Members at the meeting of Partnership Development Group on 2nd October 2019, Members agreed that it would be useful if Planning Officers were to attend a future meeting of the Group in order to advise Members on the subject of Section 106 regulations and Community Infrastructure Levies (CIL). Planning Officers would also be able to advise Members on how land for sports and leisure provision was allocated under the Local Plan. Mr Neil Jones, Principal Planning Officer and Julie O'Hara, Senior Planning Policy Officer at the Council, were therefore in attendance at the meeting of the Group 20th November 2020 to speak to Members on the subject and address queries that had been raised previously.

Members were advised that Planning Officers were required to determine new planning applications in accordance with the Council's adopted planning policies. For example, under the Local Plan, designated employment areas, such as industrial estates, were to remain protected for industrial and commercial usage in order to ensure that there was available land for which businesses could use as a means of expansion. Planning officers were also required to examine the existing and future supply of employment land and how this would be achieved (e.g. as with Horizon 120), as well as the protection of the existing employment land. New planning applications received by the Council would sometimes conflict with these policies and could not, as such, always be granted.

On the subject of the Local Plan, it was advised that Planning officers followed a standards based approach when calculating what provision of open space was required for new developments. Open space could be provided through Section 106 agreements by either the developer making a provision on the site, or making a financial contribution to the Council that it could use in order to improve existing facilities, or to provide new open space and leisure facilities. However, it was not possible to request that a developer included more space at a site in order to address previous issues that had perhaps arisen as a result of historic planning policy. Negotiation between developers and the Council was essential, and the end results of any new land proposals would always need to be reasonable and proportionate and in accordance with the Council's standards regarding open space and leisure provision.

Further to the discussions, Members identified a number of potential recommendations including the suggestion that the Council gave further consideration to how leisure and sports facilities across the District could be utilised more effectively, and further examination into informal sports provision across the District. Furthermore, it was highlighted that Members could give consideration as to how they might engage more successfully with Town and Parish Councils during periods of public consultation in order to ensure that more informed responses were provided as a result.

6. INPUT FROM RAYNE PARISH COUNCIL

Councillor Ann Hooks, Chairman at Rayne Parish Council, was invited to attend the meeting of the Partnership Development Group on 5th February 2020 in order to provide Members with an overview of leisure provision within the Rayne area and to clarify who was responsible for the management of the different leisure facilities, what funding streams were available and how successful the level of engagement from the public was.

The responsibility for the management of a number of key leisure facilities in the Rayne Village area were listed, as provided below:-

- Rayne Village Hall and Playing Fields (owned by the Parish Council and run and managed by the dedicated Village Hall Committee)
- Nature Reserve (owned and maintained by the Parish Council)
- Flitch Way (owned and maintained by Essex County Council together with Friends of the Flitch Way volunteers)

Members were advised that Rayne Village Hall was the main provider of leisure provision within the area, including the outdoor gym, fitness trail, BMX track, playing fields, etc. A 'Community and Leisure' survey was distributed to local residents by the Parish Council in 2019, the survey of which asked questions in relation to the uptake by residents of facilities like that of the BMX track, local cafes, play areas and allotments. Other questions that were posed included additional facilities that residents would perhaps like to see implemented in future, a request for the details of any clubs or societies that residents belonged to (e.g. fitness clubs or indoor bowls, etc). The overall response rate was approximately 10% against the 1,300 dwellings in the Rayne area.

The overall usage of the facilities in the Rayne area by local residents, such as sports grounds and playing areas, was generally positive, with many residents external to the Rayne area often visiting to make use of these as well. Facilities like that of the Flitch Way and Booking Hall Café were popular attractions throughout the year. Playing fields in Rayne were maintained entirely by the local cricket and football clubs, whereas areas such as the nature reserve and hedges were maintained by the Parish Council. The Village Hall Committee was responsible for the management of the local playground, although the Parish Council maintained certain aspects of this, such as weed control of the grounds.

In respect of funding for new sport and leisure schemes, this was often provided through grants, as seen with the installation of a fitness trail in 2016, for which funding was applied for and awarded through the Mi Community Braintree District Council grant. The presence of a sufficient financial resource to support leisure provision was noted as being instrumental in ensuring that new schemes could be implemented. The Rayne Village Hall Committee was self-maintained through fundraising events and its own accounts, although there was also an element of liaison with the Parish Council on some financial precepts, such as the sharing of defibrillator costs and payment of cleaner wages.

7. ADDITIONAL CONSIDERATIONS

TOWN AND PARISH COUNCIL SURVEY – 7th to 24th JANUARY 2020

Throughout the duration of their evidence gathering sessions, Members identified a number of potential areas for further exploration within the scope of the Scrutiny Review; this included formal and informal leisure provision within the District. Members were therefore keen to extend their research to the remit of Parish and Town Councils in the District in order to understand what levels of sport and leisure provision there is in local areas. A scrutiny enquiry was therefore commenced between the Council and Parish and Town Clerks via e-mail on 7th January 2020 and sought to establish what levels of sport and leisure provision there were across the District, what resources were available in those areas and how accessible sport and leisure facilities were for residents in more rural localities.

As of the meeting of the Partnership Development Group on 5th February 2020, a total of 21 responses from the Parish and Town Clerks had been received. During the meeting, Members received further input from Councillor Ann Hooks in respect of sport and leisure provision in the Rayne Parish area and then discussed the scrutiny enquiry responses received.

(The responses of Parish and Town Clerks to the enquiry can be found [here](#).)

In considering the responses, Members determined that, overall, there appeared to be positive engagement and contribution by Parish and Town Councils in the District in respect of leisure provision and management of resources in this area. A number of key features were identified by Members as being especially prevalent in Parish and Town areas where there had been much success in ensuring that leisure and sports provision could be sustained in more rural localities; Rayne Parish Council was noted as a primary example of this, due largely to features such as a sustainable financial resource, a central village hub, effective communicative and media tools, as well as positive engagement and enthusiasm for sport and leisure expressed by local residents.

In discussing the survey results, Members noted that although the results provided a useful insight into the different types of leisure and sports provision that was available across the District, a weakness in the survey was highlighted as Parish Clerks were not necessarily aware of all of the activities that took place in their localities (e.g. due to the presence of informal clubs and groups, private sessions, etc). Furthermore, responses had not been received from all of the Parish and Town Clerks within the District, which meant that a more accurate reflection of the District's leisure provision could not be provided.

FUSION REPORT TO CABINET

As part of their evidence gathering, Members of the Partnership Development Group were invited to attend a meeting of the Cabinet on 18th December 2020; Fusion Lifestyle were due to be in attendance at the meeting in order to present their annual report to Cabinet for review. The Council reviewed its contract with Fusion regularly in order to ensure that it remained of economic benefit to the organisation, and where issues were identified, whether consideration towards alternative options, such as the return of the management of the District's leisure facilities in-house, was needed. Any such decisions required evidence-based justification. Members of the Partnership Development Group who subsequently attended the meeting of the Cabinet were present in a scrutiny capacity and were permitted to observe the proceedings only, and then report back any areas of note to the Group at its next meeting.

COMMUNITY ASSETS SURVEY – COMMUNITY SERVICES TEAM

At the meeting of the Partnership Development Group on 5th February 2020, the Chairman made reference to comments that had been received from Councillor Mrs Parker in relation to the Scrutiny Enquiry with Parish and Town Clerks on the subject of leisure provision. Councillor Mrs Parker was aware of

a 'Community Assets Survey' that had been circulated to all Ward Members and Parish and Town Councils by the Community Services Team in 2019; the survey had requested details of the different activities and facilities that were available in local areas across the District, and formed part of the Council's initiative to combat issues surrounding social isolation and loneliness. Members agreed that the data collected from this survey could help to support the scrutiny review by providing them with a more comprehensive list of what was available in terms of leisure provision across the District (e.g. such as shops, cafes, pubs, surgeries, etc).

Officers in the Governance Team subsequently contacted Ms Moira Groborz, Community Services Officer at the Council on 6th February 2020 to request that the results of the Community Assets Survey be shared with the Members of the Partnership Development Group. Ms Groborz kindly shared the results of the team's survey with Governance Officers, who then circulated this to the Group. At the time that this took place, the results of the survey had not yet been made public; as such, the survey results were shared with Members of the Partnership Development Group only. The results of the survey were then used by the Chairman of Group and Members to help inform their recommendations as part of the Scrutiny Review.

8. RECOMMENDATIONS

Recommendation 1

The Council should review its planning policy with regard to planning permissions in order to address the issues regarding land usage and, in turn, allow more sites to be utilised accordingly for leisure facilities.

*Following recent Planning refusals and comments made by Mr John Wood, Chair of the Active Braintree Foundation, whereby sports, dance and/or fitness groups had applied for Planning permission for change of use of industrial premises to accommodate leisure. This very concern was raised by Sir Simon Stevens, head of the NHS who stated that "Perverse planning rules restricting gyms from opening are undermining efforts to solve the obesity epidemic."*¹

Recommendation 2

The Council should review why only 12 of the District's schools participate in the 'Daily Mile' and to ascertain if there are difficulties around achieving it in each school and to encourage as many as possible to participate.

In his presentation to the Members of the Partnership Development Group, Mr John Wood, Chair of the Active Braintree Foundation, reported that there were only 12 primary schools in the District that participated in 'The Daily Mile' scheme. It has been proven as an effective way of keeping children physically and mentally healthy, helping to avoid issues such as obesity.

¹ <https://headtopics.com/uk/nhs-chief-has-warned-that-perverse-planning-rules-restricting-gyms-from-opening-are-undermining-ef-10519757>

Recommendation 3

The Council should collect data pertaining to the various walking groups across the District, and that the information be distributed to the Parish and Town Councils for their reference.

Mr John Wood revealed that he was often received inquiries about the available walking groups in the District. The general consensus of Members of the Group with their local knowledge was that there are walking groups in the District which are of great benefit, mainly to older residents. Walking, as well as keeping physically and mentally fit, can also help to overcome social isolation. Furthermore, group walking may have appeal to both men and women who would feel more comfortable walking with company.

Recommendation 4

The Council identifies and collates possible funding streams in the District that could support leisure and sports provision; this information should then be circulated to Parish and Town Councils, as well as local sports clubs and groups.

With reference to the presentation given by Councillor Ann Hooks, Chairman of Rayne Parish Council, it was identified that a resident of Rayne was very well informed on how to access funding for all sorts of groups and activities. Councillor Mrs Hooks stated that this was a huge advantage in aiding village projects that otherwise may not go ahead. It was also identified from other presentations that groups were unaware of what funding streams might be available and how they could be accessed.

Recommendation 5

The Community Assets Survey carried out by the Community Services Team, or a similar survey, should become a regular exercise for Members to undertake (suggest annually) and that the results are regularly forwarded to the Parish and Town Councils to be shared with residents and thus help them to identify what sport and leisure provision is available in their local area.

A recurring theme throughout the time of the Partnership Development Group's evidence gathering (with much of this identified from the responses of the Parish and Town Council surveys) was that although there was a huge amount of sports and leisure activities taking place across the District, in some areas there seemed to be a lack of information for residents to know what was available. Furthermore, Parish and Town Councils were not always aware of what clubs, groups etc, were established in their own areas. The issue would hopefully be addressed to a degree by work that the Community Services Team implemented by gathering information from Members last autumn (2019).

Recommendation 6

The Partnership Development Group recommends that there be some form of partnership working with land owners, pub landlords, café owners, etc, across

the District in order to help promote the importance of more informal leisure provision (e.g. off-road cycle and walking paths that connect villages and towns).

The importance of informal leisure provision, such as safe walking and cycling, has been highlighted since the start of the COVID-19 pandemic, as many formal activities and facilities such as leisure centres, children's play areas and cafes were closed during the lockdown, or remain so now.

Recommendation 7

The Council should gather more information on effective means of communication and inclusion around leisure provision for wider groups of people in the District.

The Group have determined from the completed questionnaires and presentations provided during evidence gathering sessions that communication is a fundamental aspect of promoting the existence of the various facilities and initiatives under the umbrella of leisure provision more broadly across the District, particularly in less urban areas. Councillor Ann Hook, Chairman at Rayne Parish Council, stressed the importance of both electronic and paper formats in getting responses to the surveys that were circulated in Rayne; inevitably, many residents who responded were involved in football, BMXing or rambling, for example, and were as such already aware of the leisure facilities available to them. The challenge seemed to be around communicating with 'harder to reach' residents who were not already aware of the facilities available to them; for instance, in more rural Wards with a high proportion of older residents, electronic communication and social media was not necessarily the most effective means of promoting leisure provision across all groups of people. There is perhaps an over-reliance on the internet as a standard means of communication.

9. MINUTES AND AGENDAS OF MEETINGS

[21st August 2019](#)

[2nd October 2019](#)

[20th November 2019](#)

[5th February 2020](#)

[23rd September 2020](#)

10. ACKNOWLEDGEMENTS

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

- Joby Humm, Leisure and Heritage Manager at Braintree District Council
- John Wood, Chair of the Active Braintree Foundation
- Neil Jones, Principal Planning Officer at Braintree District Council
- Julie O'Hara, Senior Planning Policy Officer at Braintree District Council
- Councillor Ann Hooks, Chairman at Rayne Parish Council
- Moira Groborz, Community Services Officer at Braintree District Council

CABINET REPORT TO FULL COUNCIL

Agenda No: 14

1. Introduction

In order to facilitate the transaction of business at this virtual meeting of the Full Council this report covers the activities of all Cabinet Members. This follows the process used at previous meetings.

2. Councillor Graham Butland - Leader of the Council

(a) COVID-19

Since the last Council meeting I have continued to spend significant time on matters concerned with COVID-19. This has included virtual attendance at several meetings of the

- COVID-19 Local Outbreak Engagement Board
- Essex Leaders Forum

On 11th November I also attended a meeting with the Government COVID Taskforce. The purpose of the visit was to explore and understand the partnership working in Essex during the pandemic. The report, prepared by the Taskforce, is entirely positive and highly complimentary of all the authorities and agencies involved.

Through the regular Group Leaders meetings I have ensured that all parties have been fully briefed on developments affecting the District Council during the pandemic.

I have also arranged for the weekly update, published by Dr Mike Gogarty the Director of Public Health (Essex), to be sent to all members.

(b) Transport East Forum

Following the appointment of its first Strategic Director in April 2020, Transport East is pressing ahead with the development of its Transport Strategy.

The Strategy will set out its ambitions and priority areas for improved connectivity, building upon established growth strategies and corridor specific evidence based campaigns. This will enable the partnership to come together with a single voice to ensure that the transport network is fit for the future.

Transport East has identified three key themes that together define its unique transport geography and provide an overarching narrative for its Strategy

- Better connected ports and airports to help UK businesses thrive and boost the nation's economy through greater access to international markets and facilitates Foreign Direct Investment.
- Enhanced links between our fastest growing places and business clusters; enabling the area to function as a coherent economy and improving productivity.
- A reinvented, sustainable coast for the 21st century which delivers on our ambition to become the UK's foremost all-energy coast, as well as a competitive visitor offer.

Transport East has also investigated how transport in the East of England contributes to overall carbon emissions and identified a path to reach the Government's policy target of achieving net zero carbon emissions by 2050.

Its Decarbonisation Report finds transport caused 41 per cent of carbon emissions across the region in 2018; 96 per cent of which were from road vehicles. This is two thirds more than the national average of 28 per cent of emissions from transport. Other high sources of carbon include industrial activity (30 per cent) and homes (27 per cent).

People commuting is the largest contributor to road transport emissions in the region. Our role as a UK gateway through our ports and airports means freight is also an important area to tackle.

The COVID-19 pandemic has changed people's travel patterns over the last six months, but this is unlikely to have a long-term effect on the region's carbon emissions.

The report set out short, medium, and long-term actions for how we can reduce carbon emissions on our transport network including:

additional and more focused investment in public transport, walking and cycling to encourage people to drive less

a plan to transition from diesel to cleaner fuels, including electric vehicles

developing a clean energy cluster combining energy, transport, technology and R&D to reduce carbon emissions from transport in the east long-term

Transport East will be using the evidence and suggested solutions from this report in the development of its Transport Strategy.

(c) SELEP – 11.11.20

The SELEP Board held a virtual Strategic Board workshop on 11th November.

The two main areas of consideration were as follows:-

- Development of the Economic Recovery and Renewal Strategy
- Business Support and the Growth Hub

3. Councillor Kevin Bowers – Cabinet Member for Homes

Homelessness

The Housing Options Team hasn't yet experienced any significant increase in approaches as a result of the stay on evictions ending on 20th September and it is possible that the Court backlog and the increased length of the notice period landlords have been required to serve will push any surge back into the early part of 2021. Opportunities to prevent and relieve homelessness remain limited and the number of households in need of large properties remains a concern as the lack of such vacancies results in those families spending lengthy periods in temporary accommodation, which in turn means that we may need to increase our supply of temporary units. Use of B&B/hotels has increased, mainly due to the Government's call to 'get everyone in' in March but also because of the support needs of some individuals being deemed too high for the accommodation we have via Peabody: this is an issue we continue to monitor.

As part of a bid to the government's 'Next Steps Accommodation Programme' coordinated by Essex County Council, this Council has recently been allocated £64,625 to assist rough sleepers with emergency accommodation in 2020/21 and also £122,500 of longer term revenue funding. This will to help provide more support in accommodation over a 3 year period.

Housing Register

We have had over 1,000 new applications to the Housing Register, compared to 833 in the same period last year, while the number of people housed is broadly the same. Compared to this time last year, demand for 3 bedroomed homes in particular is outstripping supply and even people given a high priority for housing, such as families in temporary accommodation are likely to wait well over a year to be housed.

Lettings were badly disrupted during the April lock-down but measures taken since then mean the providers are better prepared to manage the process safely. For example, many providers are able to provide 'virtual viewings' for properties and then manage the sign-up process electronically. We don't therefore expect the same level of disruption if lock-down measures become more severe.

New Affordable Housing Development

Our development programme is back on track, with 82 completions so far this financial year, as work has resumed on building sites around the District. 63 of the new homes are for 'Affordable Rent' and 19 for shared ownership. Provided there is no further interruption, we are still expecting over 200 completions by housing associations during this financial year.

Housing Development Sites

Chapel Hill

A new draft valuation of the value of the Chapel Hill site, from Lambert Smith Hampton, has been received and reviewed internally. This updated valuation will allow the team to

engage with associated landowners and occupiers of the land in order to progress the development options across the site.

Sale of Residential Sites

Sale of 5 sites to Chelmer Housing Partnership

Draft Contract for the sale is with CHP's solicitors to agree. CHP have been delaying this due to an internal financial restructure but have now confirmed that they will be submitting pre- planning applications for all 5 sites within the next few weeks.

All Commercial Property Standard Enquiries have been completed and CHP have undertaken initial site surveys.

Sale of 2 sites to Eastlight

Initial agreed Heads of Terms have been amended to obtain best value for the Council and are subject to agreement with Eastlight's solicitors. The sale is conditional upon planning consent for both sites. Eastlight have made an offer on the basis that if planning is not received on both they will not be able to proceed with the purchase.

4. **Councillor David Bebb – Cabinet Member for Finance and Performance**

Finance and Performance

Collection rates as at 31stOctober are for:

- Council tax 66.79% with £65.359m collected (compares to 68.03% at the same period last year)
- Business rates 64.34% with £16.986m collected (compares to 67.23% at the same period last year)

Latest estimated cost of COVID pandemic on the Council's finances for the year is £3.255m

Support received from the Government's Emergency Fund for Local Authorities is a total of £2.013m, this follows an announcement on 22ndOctober of a fourth tranche of £228,108. In addition, the estimated compensation receivable from the Government in respect of irrecoverable fees and charges is £774,000 for the year.

The audit of the Council's 2019/20 Accounts is due to be completed by our external auditors, BDO LLP, in early November with the audit report and the Statement of Accounts due to be received at an additional meeting of the Corporate Governance Group on 16thNovember. This will enable the audited Statement of Accounts to be published by the deadline of 30thNovember.

The Council's insurance policies have been re-tendered and the new cover started on 1stDecember.

The Revenues Team has been working with the Economic Development Team to ensure eligible businesses in the District receive the new Business Support Grant payments, announced by the Government, during the second lockdown period.

NHS Test and Trace payments – as at 3rd November, the Benefits Team had received 41 applications from residents, who had been told by NHS Test and Trace to self-isolate, for a payment of £500. 19 were rejected as they did not meet the eligibility criteria for either the standard or discretionary schemes. 4 applicants received payment under the standard scheme and 10 applicants received payment under the discretionary scheme. A further 8 applications are in progress and awaiting further information before a decision is made. The Council has received funding of £51,500 for the standard scheme and £31,109.32 for the discretionary scheme.

5. Councillor Mrs Wendy Schmitt – Cabinet Member for Environment & Place

Public Health Hero

I am very proud and delighted to announce that Lisa LeBesque has been recognised by UK Public Health as a local public health hero by winning their award. Lisa's 15 years' plus experience as an Environmental Health Manager and her dedication to the role has really come into play during the COVID-19 pandemic. When the country went into lockdown, Lisa took a lead role in advising senior management on Government guidance and made recommendations to ensure the district was a safe place. She also challenged public health specialists both at local and national level to improve our response to the pandemic.

Lisa also led on the safe reopening of our town centres and guided businesses through what they needed to do to allow them to open as well as helping them to introduce the track and trace system. As if this challenge was not enough Lisa also dealt with a major Salmonella outbreak which had global implications during the pandemic.

She has demonstrated leadership, commitment and dedication not only to the authority but also to the people within our District.

COVID compliance and enforcement

Due to the high volume of work and the ever increasing volume of new guidance and regulation being produced by Government, the Environmental Health Team and Street Scene teams have contributed officer resource to create dedicated team responsible for providing advice guidance and the enforcement of Covid-19 related matters.

Both teams will continue to provide their normal day to day services, and have backfilled these posts to minimise impact on service standards.

Climate Change

We are currently promoting and advertising the Green Homes Grant. The Government are providing vouchers to homeowners or residential landlords who can get money to towards the cost of installing energy efficient improvements in their home. The improvements could include insulation to reduce energy use or installing low-carbon heating to lower the amount of carbon dioxide being produced. The Grant is available up

until 31 March 2021. The grant will cover two-thirds of the cost of eligible improvements, up to a maximum government contribution of £5,000. Those receiving certain benefits may be eligible for 100% of the cost of the improvements.

Essex Playing Field Awards

At the 'virtual' awards ceremony of the Essex Playing Fields Association held on 15th October 2020, the Council received 36 awards including 15 Gold (1 more than last year), 13 Silver (3 more than last year), and 8 Certificates of Merit. One of the gold awards was also the winner in Class 5 category (playing fields which are professionally maintained and managed by larger authorities and commercial organisations) which was for Mill Chase, Halstead. These awards demonstrate the quality of our parks and open spaces and credit goes to our Grounds Maintenance & Street Cleansing Teams who continue to maintain them to a very high standard.

This was in addition to the Council's success in the scaled down version of Anglia in Bloom this year, where the Council received Highly Commended for Halstead Public Gardens' planting, bandstand and hanging baskets; and the wildflowers at Mill Green Halstead.

Essex Textiles

I am pleased to announce the reintroduction of textile bring banks at 8 locations (12 banks) around the District from November 2020. This is a partnership between the Council and Essex Textiles and consideration will be given to extending the number of sites subject to demand by local residents for this service.

Anti-littering signage on strategic roads

This initiative commenced in November 2020 and involves key messages to discourage littering from vehicles at 17 locations along the A131, B1018 and A1017. This initiative supports the Council's Clean and Green agenda and is being undertaken in conjunction with Essex County Council as the Highway Authority and, if successful, may be rolled out across the District on a rotational basis.

6. **Councillor Mrs Gabrielle Spray – Cabinet Member for Planning**

Local Plan

The consultation on the proposed modifications of the joint Section 1 Local Plan and its accompanying documents took place for 6 weeks closing on 9th October 2020. Over 400 comments on the modifications were submitted by just over 100 residents, stakeholders and landowners. These are all published and are viewable on the joint consultation portal, hosted by Braintree at <https://braintree.objective.co.uk/portal/>.

Comments were also sought by the Inspector in his letter of 9th September 2020 on the implications of the 2018 based household projections on the housing requirement figures in the Section 1 Local Plan. 57 comments were received by the Inspector and again are now published on the examination website, hosted by Braintree at the following link.

https://www.braintree.gov.uk/downloads/download/1521/responses_to_2018-based_housedhold_projections

The Council now awaits further correspondence from the Planning Inspector on the next steps and a verbal update will be provide to Council if matters have moved on since writing this report.

Government White Paper “Planning for the Future2

The Council submitted its response to the Government’s White Paper “Planning for the Future” at the end of October 2020, which set out the Council’s response to the

Government’s proposals for a fundamental reform of the planning system. The response was developed through a discussion by Members during a well-attended member briefing session in September 2020 and by the last full Council. I am grateful for all the input from colleagues which has fed into our final response.

Overall the Council’s response notes some positive proposals within the White Paper, to simplify the planning process generally and to ensure community engagement. However there were also a number of areas where Members highlighted their particular concerns about what was in the White Paper or what was missing completely from it, including proposals in relation to climate change and sustainability, ensuring affordable housing provision and making sure that developers are held to account for the delivery of new homes and infrastructure, not just the local authorities.

We have also been working with colleagues across Essex to provide a joint response on behalf of all planning portfolio holders, the Essex Planning Officers Association and the Essex Housing Officers Group.

A copy of our response has also been sent to our local MPs.

7. **Councillor Tom Cunningham – Cabinet Member for Economic Development and Infrastructure**

Skills

Officers are working with partners to encourage participation in new national schemes announced by Government as a response to the pandemic. We will be promoting the availability of these schemes, such as Kickstart, and information on how to access them via our business communications channels.

Business Support

Officers continue to provide daily support to our business community and are also working with other teams across the authority to ensure there is a consistent approach to messaging regarding changes in guidance and support that is available to businesses.

Town Centre Updates

Braintree

The contract works to pedestrianise Braintree High Street and Town Centre have been successfully underway for over three weeks.

Works to date have included:-

- Realigning road layout around St Michael's Lane
- Amendments to the delivery access road to the rear of Tesco and adjustment of the surface levels to the front of Tesco to allow improved safe accessibility for all
- Excavating the sub base to the areas at the south of Bank Street (by HSBC) and introducing trenches to house improved utility services to local businesses and residents
- The public liaison team have worked with the contractor and the Council to create COVID distanced work spaces that also allow for the effected business to trade as normally as possible

Works are expected to complete as scheduled in early 2021 and stakeholders, residents and businesses are being regularly updated on the progress of works via https://www.braintree.gov.uk/info/200654/town_centres/1254/pedestrianisation_of_braintree_town_centre and concerns can be raised with the team at yourtown@braintree.gov.uk

Witham and Halstead

Works to improve the public realm of both Witham and Halstead Town Centres were outlined within their relative GVA reports, via the Councils officer and Town Council meetings and a recent condition survey of all public realm items in both Town Centres carried out by the Councils consultants in early 2020.

After feasibility investigations for all items raised via the above reports and discussions, a series of suggested improvement projects have been brought to ECC Highways, as the main landowner in both Town Centres, to agree to action the deliverable elements highlighted in the these reports.

All the projects brought to ECC at this stage have passed a stage one road safety audit and initial feasibility investigations, along with outline estimated costs for implementation. The Council are now looking forward to working with stakeholders across both Town Centres over the coming months to agree the full detail design of the works outlined for full ECC Highways approval with a view to moving these works on the ground in 2021.

COVID economic recovery initiatives from Braintree District Council

Officers continue to provide daily support to our business community and are also working with other teams across the authority to ensure there is a consistent approach to messaging regarding changes in guidance and support that is available to businesses. The team have dealt with 1230 email enquiries since mid-March in addition

to daily phone calls and the Braintree District Business Facebook group has seen an increase of members by 222% and continues to grow weekly.

We are working with partners to encourage participation in new national schemes announced by Government as a response to the pandemic. We will be promoting the availability of these schemes, such as Kickstart, and information on how to access them via our business communications channels.

At the time of writing, we are working with Essex County Council and other partners to understand the additional support that businesses will require as we assess the impact of the latest national lockdown, including through our own COVID specific business survey.

8. Councillor Peter Tattersley - Cabinet Member for Health & Wellbeing

Leisure

As members will know, our Leisure Centres were required to close as part of the latest lockdown measures. We continue to work with Fusion to ensure that all members are effectively communicated with, and that Fusion are ready to open facilities swiftly, once the restrictions are lifted.

I can say that as the restrictions imposed by the last lockdown were eased, our leisure facilities including gym visits, swimming both recreational and teaching, and outdoor sports including running and netball were gradually returning to normal.

It is hoped that this pattern will repeat itself as the current lockdown, and the control of Covid-19 runs its course.

Emotional Health and Wellbeing

A multi-agency workshop, held with a range of statutory and voluntary and community sector organisations highlighted some of the issues existing service users of mental health services have been facing since the start of the pandemic. These include the increase in emotional health and wellbeing issues that some people are newly facing due to the impact Covid-19 has had on them and their families. Members agreed that it is important for us to collectively understand the immediate needs for the District, what is already in place and where there are gaps in services.

Anecdotal evidence suggests that for some communities the lockdown brought people closer together. One parish has developed a WhatsApp group to keep people connected when lockdown ended. The 'street warden' approach used by some communities has meant that the most vulnerable had a link to an individual willing to help and to some degree this has continued. It may even have given people who would usually be very reluctant to ask for help a reason to express a need for support.

Unfortunately, for other people social isolation has increased as facilities, both voluntary and community as well as commercial premises have closed with support networks disappearing.

The Braintree District Social Isolation & Loneliness Forum was established in June 2019 to bring together key partners to explore ways to combat the issue and share good

practice. Members include faith leaders, voluntary and community groups and statutory organisations. This work is ongoing and the last meeting took place on 5th November 2020.

Town, Parish Council and Community Group Readiness

We have received a positive response from Town & Parish Councils and Community Groups who provided a vital service to their communities during the first lockdown. Prior to the announcement that Essex was moving into Tier 2 level (High) staff from the Community Services Team contacted the key person/organisation in 47 towns and parishes that had a volunteer network in place to support the local community during lockdown. The majority of them have advised that they have either continued to provide support since shielding paused or would be ready to provide support again.

Parish Councils have been invited to join the Supporting Communities Network. This provides a platform to discuss current topics, share information, advice and guidance and discuss issues directly.

The Council's Community Hub

You will be aware that the guidance for residents who are clinically extremely vulnerable has been released and is available on the gov.uk website.

Whilst these individuals are not being asked to shield at the moment, our community hub is ready to respond to support those who have registered for extra support. This is now being managed through an online system which people can sign up to themselves <https://www.gov.uk/coronavirus-shielding-support>

For those who cannot use the online system, they can contact Essex Wellbeing Service on [0300 303 9988](tel:03003039988)

9. Councillor Frankie Ricci – Cabinet Member for Communities, Culture & Tourism Portfolio

Tourism

Officers worked with partners at Active Essex and Barnardo's to launch a Braintree District Halloween Pumpkin Trail as a way to encourage residents to enjoy the season in a safe and fun way. A Halloween-themed colouring sheet was available for residents to download and display in their windows to take part and are encouraged to submit their photos to our Visit Braintree District channels. Special Halloween displays were also on show at 10 locations within the District as part of the trail.

Our preparations for a Virtual Christmas Light Switch On are well underway with our partners.

Cycling

Work is underway to develop a revised Cycling Strategy and Plan for the District which will be proposed to Council early in the New Year. The working group for the Emergency Active Travel Fund has met to discuss the progress of the EATF bid, led by Essex County Council. Whilst we are still awaiting confirmation from government of the

funding allocation to the Braintree EATF scheme, our hope is that this group can be used to support the District Council more widely with development and delivery of our Cycling Plan moving forward.

This group has representatives from the community, from business, sustainable transport, Active Essex, accessibility representation, Essex County Council and Braintree District Council. It is chaired by Cllr Butland in his Essex County Council role.

Holiday Hunger

The holiday hunger project funded by Essex County Council, led by Community360 with partners and delivered by Community Iron has taken place during both the summer and October half-term holiday periods. Young people are referred on to the project by their school and took part in a range of sporting, art and cultural activities. A packed lunch was provided to all those in attendance.

Following the funding announcement from Essex County Council on 5th November, the working group are now designing future holiday schemes for the rest of the school year.

10. Councillor John McKee – Cabinet Member for Corporate Transformation

Strategic Investment

Victoria Square Development

Works are progressing well in accordance with the revised programme. The original programme was reviewed to allow for the suspension by UKPN in April/May, with practical completion delayed by 5 weeks until October 2021.

After slow starts, solicitors are actively engaged on due diligence related to the Live-Well Hub lease and the sale to Eastlight of the 35 residential units.

It is now proposed to include public toilets by reducing the size of the retail unit.

I-Construct

Construction work has now properly started following the discharge of the pre-commencement planning conditions. There is some delay in the delivery programme, however it is hoped that will be reduced through the delivery of the project.

Horizon 120

The infrastructure works are progressing well and on programme despite the recent heavy rainfall. As there is head-room within the approved budget, it is now proposed to include some side-roads, required for the Enterprise Centre and for one of the confirmed new developments at Essex X-Ray.

The southern highways access has been completed on schedule, providing vehicular access for the Gridserve electric forecourt, which is now due to open on 24th November 2020.

We have been advised that CareCo intend to complete their purchase of plot C1-1, and commence construction before the end of the calendar year.

The business case for the Enterprise Centre has been submitted on schedule, with a redacted version published on the SELEP website. The SELEP Accountability Board will be meeting on 20th November 2020 to confirm the Get Building Fund grant allocations. If and when the funding is confirmed then the team will progress in earnest with the procurement of a development partner with the aim of starting construction as early as possible in 2021.

Business Improvement and Commercialisation

A report outlining delivery of the commercial programme is planned to be considered by the Joint Executive Team on 11th November 2020. Since March, significant time has been spent in defining and supporting approval of the relief and support package with Fusion, ensuring the commercial interests of the Council were covered. Interviews were held and evidence gathered for the Organisational Impact workstream, with a report providing savings and income options for Members to consider also now scheduled for 11th November 2020. Existing projects have also continued in this period, including support to the design process and staffing structure for the new Horizon 120 Enterprise Centre, negotiations with three Authorities for the expansion of the shared payroll service and the tender and evaluation of the Temporary Worker procurement resulting in savings of £115k over the life of the contract. Post lockdown, significant efforts were given to ensuring income was maintained through sponsorship, advertising and the existing Enterprise Centre meeting venue, with apportioned income of £67k for this financial year to date.

Councillor Graham Butland

Leader of the Council

Contact:	Councillor Graham Butland
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List of Public Minutes Published Since Last Council Meeting		Agenda No: 15
Portfolio Not applicable Corporate Outcome: Not applicable Report presented by: Not applicable Report prepared by: Chloe Waight, Governance Business Officer		
Background Papers:		Public Report
Published Minutes of the meetings listed within the report below.		Key Decision: No
Executive Summary: Since the last Council meeting held on 5 th October 2019, the following Minutes have been published for meetings held in public session: <ul style="list-style-type: none"> (1) Planning Committee – 13th October 2020 (2) Developing Democracy Group – 20th October 2020 (3) Cabinet – 21st October 2020 (4) Local Plan Sub-Committee – 22nd October 2020 (5) Planning Committee – 27th October 2020 (6) Community Development Group – 28th October 2020 (7) Corporate Governance Group – 29th October 2020 (8) Planning Committee – 10th November 2020 		
Recommended Decision: Members are invited to note the Minutes published.		
Purpose of Decision: Not applicable.		