

COMMUNITY DEVELOPMENT SCRUTINY COMMITTEE AGENDA

Wednesday, 4th May 2022 at 7.15pm

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

This meeting is open to the public - This meeting will be available to view via the Council's
webcast and YouTube channel

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

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

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

Councillor Mrs C Dervish

Councillor Mrs D Garrod (Chairman)

Councillor A Hensman

Councillor Mrs A Kilmartin

Councillor W Korsinah

Councillor Mrs J Pell

Councillor Miss M Weeks

Councillor Mrs S Wilson (Vice-Chairman)

Councillor B Wright

NOTE: The Membership of this Committee is subject to the Annual General Meeting of Full
Council on 25th April 2022.

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS’ INTERESTS

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

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking:

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

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

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

All questions or statements should be concise and should be able to be read within 3 minutes allotted for each question/statement.

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

Public Attendance at Meetings:

Public attendance is welcomed, but is subject to restrictions due to the Council’s arrangements for keeping Causeway House Covid secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to Public Registered Speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public may not be able to sit in the Council Chamber, but will be able to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

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

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance.

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

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

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

Mobile Phones:

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording:

Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions:

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

1 Apologies for Absence

2 Member Declarations

1. To declare the existence and nature of any interests relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.

2. To declare the existence and nature of any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Committee or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote on any particular matter.

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Community Development Scrutiny Committee held on 16th February 2022 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Scrutiny Review into Markets and Associated Events in the Braintree District - Introduction to Terms of Reference and Work Programme 2022/23

5 to 11

6 Urgent Business - Public Session

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

Report Title: Scrutiny Review into 'Markets and Associated Events within the Braintree District' – Introduction to Terms of Reference and Work Programme 2022/23	
Report to: Community Development Scrutiny Committee	
Date: 4 th May 2022	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Jessica Mann, Governance and Members Officer	
Enquiries to: Jessica Mann, Governance and Members Officer Jessica.mann@braintree.gov.uk	

1. Purpose of the Report

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

2. Recommendations

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

3. Summary of Issues

- 3.1 In January 2022, all Members were invited to participate in the Call for Topics submission process for potential inclusion as the subject of a Scrutiny Review for 2022/23.
- 3.2 Following the conclusion of the Call for Topics process, feedback was provided by Management Board as to which topics they felt it would be most

appropriate to bring forward for the purposes of Scrutiny Review. The topics which were ultimately selected for Scrutiny Review were agreed based upon their perceived merit and value to the organisation as the subjects of such Reviews.

- 3.3 Using the initial feedback received from Management Board, extensive discussions then took place between the Chairmen of the four respective Scrutiny Committees and Governance Officers in order to establish the key areas of focus for each topic that Members might explore as part of a Scrutiny Review.
- 3.4 Together with support from Governance Officers and Management Board, the Chairmen have now agreed upon a set of draft Terms of Reference for each proposed Scrutiny Topic. The proposed Terms of Reference are included within the main body of the report as part of **Appendix 1**.
- 3.5 It was agreed that the topic of *'Markets and Associated Events within the Braintree District'* would be allocated to the Community Development Scrutiny Committee for the purposes of Scrutiny Review. The topic was originally submitted by the Chairman of the Committee, Councillor Mrs Garrod, as a means of analysing how markets have been regulated and managed by the Council over the last five-year period and in order to help unify the Council's approach in this respect. In their initial considerations, Management Board highlighted that the topic would need refining in order to ensure that any emerging recommendations were clear and achievable within the timeframe for Scrutiny Review.
- 3.6 A secondary topic entitled *'Bereavement, Burials and Cremation within the Braintree District'* was also submitted by Councillor Mrs Garrod as a means of analysing the District's assets in this area and how factors such as temporary legislative changes in light of the Covid-19 pandemic had affected the service and those residents concerned, as well as any unforeseen challenges to the Authority. During the Chairmen's discussions, it was agreed that the *'Markets'* topic would be the primary topic for Scrutiny Review by the Community Development Scrutiny Committee. It was subsequently agreed that the *'Bereavement'* topic would be a reserve topic only.
- 3.7 In addition to the Terms of Reference for the Scrutiny Review, Members are also asked to note the timetable of meetings set out in the anticipated Work Programme for the Committee in **Appendix 3**.

4. Options

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

5. Next Steps

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

6. Financial Implications

There are no financial implications arising from this report.

7. Legal Implications

There are no legal implications arising from this report.

8. Other Implications

8.1 Members of the Community Development Scrutiny Committee (CDSC) should be mindful that they are exploring the 'Markets' topic from the perspective of community development (see Terms of Reference for CDSC).

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

9. Equality and Diversity Implications

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

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

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

9.3 At this stage, no Equality Impact Assessment (EIA) has been undertaken as this report seeks to establish the Terms of Reference and Work Programme of the Scrutiny Review. Where appropriate, an EIA will be undertaken.

10. List of Appendices

10.1 Appendix 1 – Terms of Reference.

10.2 Appendix 2 – Work Programme 2022/23.

11. Background Papers

None.

INTRODUCTION TO TERMS OF REFERENCE (TOR) AND WORK PROGRAMME
2022/23 - 'MARKETS AND ASSOCIATED EVENTS WITHIN THE BRAINTREE DISTRICT'

1. During the course of their initial 'scrutiny' topic discussions, the Chairmen of the four Scrutiny Committees jointly agreed that the proposed topic of '*Markets and Associated Events within the Braintree District*' ('Markets') should be allocated to the Community Development Scrutiny Committee as the primary topic for the purposes of Scrutiny Review. The topic had originally been submitted by the Chairman of the Committee, Councillor Mrs Garrod, as a means of analysing how markets were being regulated and managed by the Council, especially over the last five-year period, and unifying the Council's approach in this respect.

The Chairmen subsequently agreed that there were a number of avenues which might be explored as part of a Scrutiny Review into the '*Markets*' topic, including: an analysis of the costs to market traders across the District, how the Council supports and advertises its markets, any support retails offered during the height of the Covid-19 pandemic (e.g. such as Government grants) and the uptake of this from traders. Other areas included impacts on public transportation on market days and market footfall, the number of applications received from traders and/or retailers within the last five years and which ones were refused (if any), as well as parking facilities at or near market sites. Members might also wish to examine the effectiveness of the Council's current policies in relation to markets.

It was highlighted that the scope of the '*Markets*' topic would need refining in order to ensure that any emerging recommendations were clear and achievable within the timeframe for Scrutiny Review. Having reviewed the potential scope of the topic, the Chairmen agreed that the overall purpose of a Scrutiny Review should be to seek to establish the Council's approach to holding markets and events across the District, and whether these are cost effective for the Council and meeting the needs of local communities. Accordingly, the Scrutiny Review should focus on how markets and events are regulated by the Council, how the Council supports and advertises its markets/events, the effectiveness of collaboration across different teams in terms of arranging and managing markets/events, the Council's partners and/or outside bodies in this area and the impacts of 'regular' vs 'speciality' markets/events.

In terms of witnesses and key contacts for a Scrutiny Review, a number of potential contacts were identified within the organisation who could attend future Committee meetings in order to support Members' evidence gathering. Key contacts in this respect included Officers in the Marketing and Communications and Operations teams respectively. Governance Officers also identified Cabinet portfolio holders, such as Councillor T Cunningham (Economic Growth), as potential future witnesses. In addition, external bodies such as the National Market Traders Federation (NMTF) and the National Association of British Market Authorities (NABMA) were also identified as possible invitees who could feed into the Committee's evidence gathering at a later stage.

TERMS OF REFERENCE (TOR)**'Markets and Associated Events within the Braintree District'**

Committee:	Community Development Scrutiny Committee (CDSC)
Scrutiny Review Topic:	Markets and Associated Events within the Braintree District
Key Questions for Scrutiny Review (SR):	<ol style="list-style-type: none"> 1. How are markets/events regulated and arranged by the Council, especially over the last five year period? Look at how many applications from traders/retailers have been received and/or refused over last five years. 2. How does the Council support and advertise its markets/events? What support marker traders were offered during the Covid-19 pandemic (e.g. promotional advertising, Government grants, etc), and what was the uptake? 3. What roles do different Council teams have in terms of arranging organising/managing markets and associated events, and how effective is collaboration across these teams? (E.g. regular vs. 'speciality' markets.) 4. What partners and/or outside bodies does the Council work with in order to help organise, manage and advertise markets and associated events? (e.g. National Association of British Market Authorities.) 5. What are the impacts of regular vs 'speciality' markets and associated events on local areas and communities? (E.g. public transportation to and from surrounding villages on market days, safe cycle parking at or near market sites, etc.)
Key Contacts/resources	Marketing and Comms Team, Operations Team, Economic Development, Licensing Team
Overall Observations	<p>The Scrutiny Review (SR) should seek to establish the Council's approach to holding markets/events across District and whether these are cost effective for the Council and meeting the needs of the Communities.</p> <p>Members should also be mindful that they are exploring this topic from the perspective of community development (see TOR of CDSC).</p> <p>Due to the District Elections in May 2023, the SR needs to be completed by March 2023.</p>

Community Development Scrutiny Committee – Work Programme 2022/23

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

Council AGM – 25th April 2022
<p>Community Development Scrutiny Committee – 4th May 2022</p> <ul style="list-style-type: none">• Outline and agree Terms of Reference for Scrutiny Review into new topic 'Markets and Associated Events within the Braintree District.'• Note Work Programme for 2022/23. <p>Reports to Governance: 14th April 2022 Agenda Publication: 25th April 2022</p>
<p>Community Development Scrutiny Committee – 15th June 2022</p> <ul style="list-style-type: none">• Scrutiny topic evidence gathering/research (content to be agreed/confirmed).• Review Work Programme for 2022/23. <p>Reports to Governance: 31st May 2022 Agenda Publication: 7th June 2022</p>
<p>Community Development Scrutiny Committee – 31st August 2022</p> <ul style="list-style-type: none">• Scrutiny topic evidence gathering/research (content to be agreed/confirmed).• Review Work Programme for 2022/23. <p>Reports to Governance: 15th August 2022 Agenda Publication: 22nd August 2022</p>

Community Development Scrutiny Committee – 19th October 2022

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

Reports to Governance: 4th October 2022

Agenda Publication: 11th October 2022

Community Development Scrutiny Committee – 7th December 2022

- Final evidence gathering session.
- Discuss draft recommendations for inclusion within Scrutiny Report.

Reports to Governance: 22nd November 2022

Agenda Publication: 29th November 2022

New Year - 2023

Community Development Scrutiny Committee – 15th February 2023

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

Reports to Governance: 31st January 2023

Agenda Publication: 7th February 2023

Community Development Scrutiny Committee – 5th April 2023

- Scrutiny topic/content to be confirmed.

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

Reports to Governance: 21st March 2023

Agenda Publication: 28th March 2023