

COUNCIL AGENDA



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<http://www.braintree.gov.uk/Braintree/councildemocracy/committees/Council>

Date: Monday, 11th June 2012

Time: 7:15pm

Venue: Council Chamber, Causeway House, Bocking End, Braintree, CM7 9HB

Membership:

Councillor J E Abbott	Councillor J S Allen	Councillor M J Banthorpe
Councillor P R Barlow	Councillor J Baugh	Councillor J C Beavis
Councillor D L Bebb	Councillor E Bishop	Councillor R J Bolton
Councillor G Butland	Councillor C A Cadman	Councillor S Canning
Councillor T G Cunningham	Councillor J G J Elliott	Councillor Dr R L Evans
Councillor A V E Everard	Councillor J H G Finbow	Councillor M J Fincken
Councillor L B Bowers - Flint	Councillor T J W Foster	Councillor M E Galione
Councillor C Gibson	Councillor M Green	Councillor P Horner
Councillor S A Howell	Councillor H D Johnson	Councillor S C Kirby
Councillor M C M Lager	Councillor C Louis	Councillor D J Louis
Councillor E Lynch	Councillor D Mann	Councillor J T McKee
Councillor R G S Mitchell	Councillor J M Money	Councillor Lady P Newton
Councillor J O'Reilly-Cicconi	Councillor I C F Parker	Councillor J A Pell
Councillor R P Ramage	Councillor D M Reid	Councillor F Ricci
Councillor D E A Rice	Councillor W J Rose	Councillor V Santomauro
Councillor W D Scattergood	Councillor W Schmitt	Councillor A F Shelton
Councillor L Shepherd	Councillor C Siddall	Councillor G A Spray
Councillor J S Sutton	Councillor J R Swift	Councillor P Tattersley
Councillor C M Thompson	Councillor M Thorogood	Councillor L S Walters
Councillor R G Walters	Councillor S A Wilson	Councillor B Wright

QUESTION TIME

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak about Council business or other matters of local concern. During this period Councillors who have declared a personal and prejudicial interest in any item of business on the agenda may also speak as permitted by the Council's Code of Conduct for members. Whilst members of the public can remain to observe the whole of the public part of the meeting, Councillors with a prejudicial interest must withdraw whilst the item of business in question is being considered. Members of the public wishing to speak should contact the Council's Member Services Team on 01376 551414 or e-mail alastair.peace@braintree.gov.uk prior to the meeting. The Council's "Question Time" leaflet explains the procedure and copies of this may be obtained at the Council's office.

Health and Safety

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by the fire evacuation officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building. Any persons unable to use the stairs will be assisted to the nearest safe refuge.

Mobile Phones

Please ensure that your mobile phone is switched to silent or is switched off during the meeting.

Documents

Agendas, reports and minutes for all the Council's public meetings can be accessed via the internet at <http://www.braintree.gov.uk/Braintree/councildemocracy>

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information:

Meeting Attended

Date of Meeting

Comments.....
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Contact details.....

Members unable to attend the meeting are requested to forward their apologies for absence to Alastair Peace on 01376 551414 or email alastair.peace@braintree.gov.uk

Members of the Council are requested to attend the above meeting to transact the following business: -

PUBLIC SESSION

1. **Apologies for Absence**
2. **To receive any announcements/statements from the Chairman and/or Leader of the Council.**
3. **Declarations of Interest.**
 - (a) To declare the existence and nature of any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 (inclusive) of the Code of Conduct for Members in Part 5 of the Constitution and having taken appropriate advice (where necessary) before the meeting.
 - (b) Any member with a personal and prejudicial interest to indicate whether he/she intends to make representations in accordance with paragraph 12 (2) of the Code of Conduct as part of Question Time.
4. **Question Time.** (See above paragraph).
5. **Minutes.** To approve as a correct record the minutes of the Council meeting held on 26th April 2012 (Copy previously circulated).
6. To consider the following **Motion** submitted by Councillor Barlow:

"In order to maintain the viability of the Witham Public Hall Trust and prevent it failing its business plan objectives and funding this Council agrees to underwrite the Trust's business plan projected shortfall or to grant a dowry, in the same sum of money, to enable the trust to meet its operations and finance targets in the business plan period. As with the 10p after parking initiative the resources to fund this be drawn from the Council's reserves".

Appropriate notice of the motion has been given to the Chief Executive under Rule 4, of the Constitution and the motion has been proposed by Councillor Barlow and seconded Councillors Dr R Evans, Green, Lynch, and Rice.
7. **Policy Recommendations and References – Cabinet – 9th May 2012.**

To consider any policy recommendations which have arisen since the last Council meeting –

 - a) **Investment Policy 2012-13** (Page 1).
8. **Revised Constitution – New Standards Regime.** Report attached (Page 9).
9. **Task and Finish Group – Local Highways Liaison.** To consider the report from the Task and Finish Group. Report attached (Page 40).

10. **Appointment of Head of Paid Service (Chief Executive)** Report attached (Page 44).
11. **Question Time Reports for the Leader and Cabinet Members**
- (i) **Reports from the Leader and Cabinet Members.** To receive the following reports from each Portfolio Holder:
- a) Councillor Butland, Leader of the Council (Report to follow);
 - b) Councillor Beavis, People (Page 47);
 - c) Councillor Lady Newton, Prosperity (Page 49);
 - d) Councillor Schmitt, Place (Page 52);
 - e) Councillor Siddall, Performance (Page 55).
- (ii) Oral questions without notice on matters related to a particular portfolio, the powers or duties of the Council or the district. (Procedure Rules 7.1 to 7.3 apply). *[Where a verbal response cannot be given, a written response will be issued to all members].*
- (A period of up to 30 minutes is allowed for this item).*
- (iii) **Chairmen's Statements.** To receive statements from those Chairmen who have given prior notification in accordance with Council Procedure Rule 7.9 and to respond to questions on such statements. ***None have been received.***
- (iv) To raise any matters arising from the minutes of **meetings that have been held in public session** since the Council meeting on 16th April 2012. (Report attached – Page 57).

12. **Statements by Members**

To receive any statements by Members of which the appropriate written notice has been given to the Chief Executive in accordance with Council Procedure Rule 7.6. ***There are none.***

13. To receive reports about and receive questions and answers on the **business of external organisations.**

- a) Rivenhall Playing Fields Association – Report by Councillor Abbott (Page 58).

Exclusion of Public and Press: - To give consideration to adopting the following Resolution: -

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12(A) of the Act.

PRIVATE SESSION

Note: At the time of publication there are no items for Private Session.

14. **Statements by Members – Private Session**

To receive and give responses to statements by Members which contain confidential or exempt information of which the appropriate written notice has been given to the Chief Executive in accordance with Council Procedure Rule 7.6. The Chairman will invite the Leader or relevant Cabinet Member to comment on each statement.

There are no statements

(The maximum time set aside for this item shall not exceed 30 minutes).

15. **Question Time - Private Session**

(i) **Leader's Statement** or statement by Cabinet Members containing exempt information on a key issue.

(ii) **Oral questions** without notice on matters related to a particular portfolio, the powers or duties of the Council or the district. (Procedure Rules 7.1 to 7.3 apply) [Where a verbal response cannot be given, a written response will be issued to all].

(Please note that the time set aside for item 14(ii) shall not exceed 30 minutes)

(iii) **Chairmen's Statements.** To receive statements containing exempt information from those Chairmen who have given prior notification in accordance with Council Procedure Rule 18.7 and to respond to questions on such statements - ***There are none.***

(iv) To raise any matters arising from the minutes of meetings that have been held in private session since the Council meeting on 16th April 2012.

16. **Private Session Policy Recommendations.** To consider any policy recommendations (in private session) that have arisen within the last meetings' cycle – ***There are none.***

A J REID
Chief Executive

The last page of this agenda is numbered 58.

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COUNCIL
11th June 2012



Recommendations from Cabinet, 9th May 2012	Agenda No: 7
Investment Policy	
Portfolio Area: Performance Councillor Siddall, Cabinet Member, Performance	
Background Papers:	Public Report

Minute Extract:
CABINET – 9TH MAY 2012
6. <u>INVESTMENT POLICY 2012-13</u>
DECISION: That it be <u>recommended to Council</u> that the revised Investment Policy for 2012-13 as detailed in the report be approved.
REASON FOR DECISION: To ensure the Council's Investment Policy enables advice received from its Treasury Management Advisors to be responded to and implemented.

CABINET
9th May 2012

Council, 11th June 2012
Agenda Item 7



Investment Policy 2012/13	Agenda No: 6a
Corporate Priority: Performance Portfolio Area: Financial/Treasury Management Report presented by: Cllr Chris Siddall Report prepared by: Trevor Wilson	
Background Papers: Treasury Management Strategy and Investment Policy for 2012/13 contained in Council Tax 2012/13 and Medium-Term Financial Strategy 2012/13 to 2015/16 report to Cabinet 1 st February 2012 and Council on 15 th February 2012	Public Report
Options: Agree, amend or reject proposed changes to the Investment Policy for 2012/13 to be recommended to Council	Key Decision: No
Executive Summary: Recent updates received from the Council's Treasury Management advisor, Arlingclose, have included extensions to the duration of investments with its approved institutions. The Council is not able to take advantage of the higher rates of interest for the longer durations due to the limits in the Investment Policy for 2012/13 agreed by Council on 15 th February 2012. At the present time the Council has invested the maximum amount with each of the available banking institutions that meet the Council's investment criteria. In addition the balance of monies available for investment is higher than anticipated and this has necessitated a number of investments be placed with other local authorities (achieving rates of 0.35% to 0.5%) and the Debt Management Office (at a flat rate of 0.25% regardless of period). The expected impact of these low levels of rates is that the budget for interest earned in 2012/13, of £244,000, will not be achieved. Councillors Siddall and O'Reilly Cicconi together with the Head of Finance and Financial Services Manager met with Arlingclose, on 17 th April 2012, to undertake a review of the Council's Investment Policy. A revised Investment Policy is proposed which: <ul style="list-style-type: none">• Includes Non-UK banks as recommended by Arlingclose and meet the Council's Tier 1 criteria;	

- Extends the maximum duration of investments with Tier 2 counterparties to 6 months, although this will still be subject to advice from Arlingclose – current advice is a maximum of 100 days;
- Increase the limit for investments placed with Tier 2 counterparties to £3.5million;
- Increase total limit for investments placed with Money Market Funds (rated AAA) to £15million (from £12million). This will increase the number of Funds to be used from 4 to 5.

All of the proposed revisions are endorsed by Arlingclose.

Decision:

To recommend to Council the approval of the revised Investment Policy for 2012/13 as detailed in the report.

Purpose of Decision:

To ensure the Council's Investment Policy enables advice received from its Treasury Management Advisors to be responded to and implemented.

Any Corporate implications in relation to the following should be explained in detail

Financial:	Addressed in report
Legal:	Investment Policy is agreed by Council.
Equalities/Diversity	Not applicable
Customer Impact:	Not applicable
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Not applicable.
Risks:	Increases to the maximum amount and duration of investments with approved counterparties do increase the Council's exposure to risk. However, the proposed changes are endorsed by the Council's Treasury Management Advisors who monitor continuously and provide information regularly on the financial markets and institutions.

Officer Contact:	Trevor Wilson
Designation:	Head of Finance
Ext. No.	2801
E-mail:	Trevor.wilson@braintree.gov.uk

Background

The current Investment policy was set and agreed by Council on 15th February 2012.

The policy was based on advice provided by Arlingclose, the Council's Treasury Management advisors.

Arlingclose monitors the financial markets and institutions to provide its clients with advice on investment counterparties and the maximum amount and duration of the investments with each of the counterparties.

Over the last two months, Arlingclose has updated its advice such that investment with:

- Tier 1 counterparties can be placed up to a maximum of 6 months; and
- Tier 2 counterparties can be placed up to a maximum of 100 days.

Whilst the current Investment Policy provides for investments with Tier 1 counterparties for a maximum of one year, the limit for Tier 2 is one month.

The combination of having a limited number of counterparties available, the current maximum limits on the amount invested and a higher amount of balances available to invest has resulted in investments being placed with other local authorities (achieving rates 0.35% to 0.5%) or the Debt Management Office (at a flat rate of 0.25% regardless of period).

As a consequence of the latest investment advice and the expectation of not achieving the budgeted interest for 2012/13, Councillors Siddall and O'Reilly Cicconi together with the Head of Finance and Financial Services Manager met with Arlingclose, on 17th April 2012, to undertake a review of the Council's Investment Policy.

Proposed Changes to Investment Policy 2012/13

The outcome from the meeting is a proposed revision to the Investment Policy to include:

- Counterparties included within Tier 1 to be extended to include Non-UK banks. Non-UK banks currently approved by Arlingclose are:
 - Australian – Australia and NZ Banking Group; Commonwealth Bank of Australia; National Australia Bank and Westpac Banking Group
 - Canadian – Bank of Montreal; Bank of Nova Scotia; Canadian Imperial Bank of Commerce; Royal Bank of Canada and Toronto-Dominion Bank
 - North American – JP Morgan Chase Bank
- Investments with Tier 1 counterparties to be limited to a maximum duration of one year but still subject to a shorter limit if advised by Arlingclose (current advice is a limit of 6 months). The maximum amount to continue to be the highest of 15% of cash balances or £5million.
- Tier 2 counterparties continue to be UK banks and building societies with a minimum long-term credit rating of A-.
- Investments with Tier 2 counterparties to be limited to a maximum duration of 6 months but still subject to a shorter limit if advised by Arlingclose (current advice is a

maximum of 100 days). The maximum amount to be increased to £3.5million (from £3million).

- Investments with Santander UK will continue to be limited to 'on-call' rather than the 35day maximum suggested by Arlingclose.
- Total investments in Money Market Funds (rated AAA) be increased to £15million from £12million. This will increase the number of Money Market Funds used from four to five.
- Investment with the Council's bank, the Co-operative Bank, to continue to be up to a maximum of £5million and the duration limited to 'on-call'.
- Investments (classified as non-specified) to continue at the levels specified in the current Investment Policy.

A summary of the Investment Policy, showing current and proposed, is provided at Appendix A.

Based on current market rates for investments over the proposed longer periods, it is anticipated that the estimated budget for interest for 2012/13, of £224,000 (based on an average return of 0.7%), will be achievable.

Specified Investments

Under CLG Guidance an investment is specified if it:

- Is sterling denominated
- Has a maximum maturity of one year
- Is not defined as capital expenditure i.e. excludes acquisition of share or loan capital in any body corporate
- Meets the “high credit quality” criteria as determined by the Council, or is made with the UK Government or another UK local authority.

For the purpose of determining a “highly credit rated” bank or building society the minimum criteria will be the lowest equivalent ratings assigned by either Fitch, Moody’s, or Standard & Poor’s

Rating	Comment
Long-term rating of at least A-	High credit quality with expectation of low risk i.e. institutions are assessed as having strong capacity to meet financial commitments
Short-term rating of F1 or F1+ (capacity for repayment over 13mth horizon)	Strongest categories
Support rating (from sovereign/ strong parent) of either 1 or 2	Extremely high and high categories

The Council will also take into account information on corporate developments of and market sentiment towards investment counterparties.

The following Specified Investments will be used:

Instrument	Current Policy		Proposed Policy	
	Counterparty	Maximum counterparty limits	Counterparty	Maximum counterparty limits
Term Deposits	Debt Management Office Account (UK Government)		Unchanged from Current	
Treasury Bills	UK Government		Unchanged from Current	
Term Deposits	Other UK Local Authorities (principal, police and fire authorities)		Unchanged from Current	
Term Deposits/ Call Accounts/ Certificates of Deposit or CD's	UK Banks and Building Societies meeting criteria for "highly credit rated" and having a long term rating of at least A+ or higher (Tier 1)	The higher of 15% of cash balances or £5million Duration limit of maximum 12 months, subject to shorter limits imposed based on advice from the Council's external treasury management advisors.	UK Banks, Non-UK Banks and UK Building Societies meeting criteria for "highly credit rated" and having a long term rating of at least A+ or higher (Tier 1)	Unchanged from Current
Term Deposits/ Call Accounts/ Certificates of Deposit or CD's	UK Banks and Building Societies meeting criteria for "highly credit rated" (Tier 2)	£3 million for a maximum duration of up to one month, subject to shorter limits imposed based on advice from the Council's external treasury management advisors.	Unchanged from Current	£3.5 million for a maximum duration of up to six months , subject to shorter limits imposed based on advice from the Council's external treasury management advisors.
Money Market Funds	AAA-rated Funds	Individual MMF 10% of cash balances (rounded up to nearest million) subject also to being less than 0.5% of Total Fund. Aggregate All MMF £12 million	Unchanged from Current	Individual MMF 10% of cash balances (rounded up to nearest million) subject also to being less than 0.5% of Total Fund. Aggregate All MMF £15million
Public Sector Reserve Account and/ or overnight/ next working day deposits	Co-operative Bank	Up to maximum of £5 million for short-medium term operational/ liquidity requirements. This limit may be	Unchanged from Current	Unchanged from Current

		exceeded in exceptional circumstances by the Corporate Director (Finance).		
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Counterparty limits will apply to individual institutions/ Group. Counterparty exposure through the Money Market Funds will not be aggregated with direct placements for the purpose of the counterparty limits.

Non-Specified Investments

Non-specified investments are any other type of investment not falling within the definition of specified set out above.

The maximum aggregate amount that will be invested in Non-specified investments will be £4m (this will also represent the Prudential Code limit on principal sums invested for periods of longer than 364 days for the financial years 2012/13 through to 2015/16).

The Council will always consult with its treasury advisors before placing any Non-Specified investments.

Having considered the risk associated with Non-specified investments, the following have been determined as appropriate for potential use by the Council:

Instrument	Current Policy		Proposed Policy	
	Counterparty	Maximum counterparty limit	Counterparty	Maximum counterparty limit
Term Deposits	Other UK Local Authorities (principal, police and fire authorities)	£4 million	Unchanged from Current	Unchanged from Current
Gilts	UK Government	£4 million	Unchanged from Current	Unchanged from Current
Bonds (max duration 10-years)	Multilateral development banks (E.g. European Investment Bank, World Bank etc.)	£4 million	Unchanged from Current	Unchanged from Current
Pooled Funds and Collective Investment Schemes which are not treated as capital expenditure under Statutory Regulation	E.g. Local Authority Property Fund	Aggregate all funds £4 million	Unchanged from Current	Unchanged from Current

COUNCIL
11th June 2012



Revised Constitution – New Standards Regime and Code of Conduct	Agenda No: 8
<p>Corporate Priority: Overall Corporate Strategy and Direction Report presented by: Councillor Graham Butland Report prepared by: Brian Keane, Head of Governance and Emma Wisbey, Monitoring Officer</p>	
<p>Background Papers: Reports and Minutes of the Local Government Reform Cabinet Sub-Group 12/4/11 and 9/2/12 and Developing Democracy Cabinet Sub-Group Government Reform Sub-Group 2/5/11</p>	Public Report
<p>Options: The Council is under a legal obligation to adopt a Code of Conduct for members.</p>	Key Decision: No
<p>Executive Summary:</p> <p>The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. Subject to further Regulations being published and coming into force, these changes will be implemented on 1st July 2012 (or as soon as the Regulations are in force if after this date). This report describes those changes and the choices available to the Council in preparing for the new regime. Included within the report is a recommendation to adopt a Code of Conduct and the establishment of a Standards Sub-Committee reporting direct to the Governance Committee.</p> <p>The purpose of this report is to present to Members for consideration and adoption the draft Code of Conduct for elected and co-opted Members of the Council to replace the existing Code as part of the Council's Constitution and also to agree certain ancillary matters relating to the new regime.</p> <p>The Monitoring Officers of Essex have jointly prepared the draft Code of Conduct which is largely based upon the current Statutory Code. Indications from the Monitoring Officers are that most authorities at District and County level in Essex are to adopt the draft Code.</p> <p>This report contains a number of recommendations which have been considered by the Local Government Reform Cabinet Sub-Group and the subsequent Developing Democracy Cabinet Sub-Group.</p>	

Decision: To recommend

Code of Conduct

1. From the 1st July 2012 or at any later date as specified by the Secretary of State the Council adopt the Code of Conduct for elected and co-opted Members as set out in Appendix A.
2. That, when the Disclosable Pecuniary Interest Regulations are published, the Monitoring Officer, after consultation with the Chairmen of the Governance Committee and the Developing Democracy Cabinet Sub-Group and Group Leaders, amend the draft Code provisions as considered appropriate for the registration and disclosure of interests as well as any consequential amendments.

Procedures for the handling of Complaints

3. That the Monitoring Officer be appointed as the Proper Officer to receive complaints for failure to comply with the Code of Conduct.
4. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that they be given discretion to refer decisions on investigation to the Governance Committee where they feel that it is inappropriate for them to take the decision, and to report annually to the Governance Committee on the discharge of this function.
5. Where the investigation finds no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned and to the Independent Person, and reporting the findings to the Governance Committee and the Standards Sub-committee for information.
6. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek a resolution in appropriate cases, with a summary report for information to the Standards Sub-Committee, but only if the complainant agrees. Where such resolution is not appropriate or not possible, the Monitoring Officer to report the investigation findings to the Sub-Committee for a hearing.
7. That Council delegate to the Standards Sub-Committee such of its powers as can be delegated to take decisions in respect of a member who is found following a hearing to have failed to comply with the Code of Conduct, such actions to include:
 - a. Reporting its findings to Council (*or to the Parish Council*) for information;
 - b. Recommending to Council that the member be issued with a formal censure or reprimand (or to the Parish Council)
 - c. Recommending to the Council and the member's Group Leader (or in the case of ungrouped members, recommend to Council) that they be removed from any or all Committees or Sub-Committees of the Council;

- d. Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - e. Instructing the Monitoring Officer to *(or recommend that the Parish Council)* arrange training for the member;
 - f. Recommending to Council (or Cabinet in the case of an Executive Appointment) the removal *(or recommend to the Parish Council that the member be removed)* from all or some outside appointments to which the Member has been appointed or nominated by the authority *(or by the Parish Council)*;
 - g. Withdrawing *(or recommend to the Parish Council that it withdraws)* facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
 - h. Excluding *(or recommend that the Parish Council exclude)* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
8. A detailed procedure for the handling of the complaints will be submitted and approved by the Governance Committee.

Appeals

9. A Member who is subject of a complaint may appeal the decision of the Standards Sub-Committee to the Appeals Committee (formally the Employment Appeals Committee).
10. An appeal must be made in writing within 14 days of receiving the decision notice of the Standards Sub-committee to the Monitoring Officer.

Independent Persons

11. That the Monitoring Officer advertises a vacancy of the appointment of 1 Independent Person and 2 reserve Independent Persons.
12. The appointment will be for a period of 4 years and for no more than 3 terms of office.
13. That a Committee comprising the Chairman and 2 other members of the Governance Committee be set up to short-list and interview candidates and to make a recommendation to Council for the appointments.
14. That the Monitoring Officer, in consultation with the Chairman of the Governance Committee and the Leader of the Council, be authorised to set the initial allowances and expenses for the Independent Person and any reserve Independent Persons, and this function subsequently be delegated to the Governance Committee.

Governance Committee and Standards Sub-Committee

15. That, the terms of reference of the Governance Committee be amended, such amendment to include the creation of a Standards Sub-Committee to discharge the Council's obligations under the arrangements for handling complaints in respect of

the Code of Conduct. Proposed terms of reference are set out in Appendix B.

16. That the composition and the terms of reference of the Standards Sub-Committee as set out in Appendix B are adopted.
17. Subject to approval of Recommendations 15 and 16, the Monitoring Officer be authorised to seek nominations from the Braintree Association of Local Council for non-voting Parish Representatives for the Standards Sub-Committee.

Register of Member's Interests

18. That the Monitoring Officer prepare and maintain a register of members interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;
19. That the Monitoring Officer ensure that all members are informed of their duty to register interests;
20. That the Monitoring Officer prepare and maintain new registers of members' interests for each Parish and Town Council to comply with the Act and any Code of Conduct adopted by each Parish and Town Council and ensure that it is available for inspection as required by the Act; and
21. That Standing Orders are amended to prohibit a Member with a Disclosable Pecuniary Interests (DPI) from participating in authority business and to withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which they have a DPI, except where they are permitted to remain as a result of the grant of a dispensation. In addition Standing Orders be amended to require a Member with a DPI to declare the existence and nature of the DPI at a meeting at which he is present.

Dispensations

22. That powers are delegated to the Monitoring Officer to grant dispensation on the following grounds and with an appeal to the Standards Sub-Committee
 - a) That so many members of the decision-making body have DPis in a matter that it would "impede the transaction of the business"; and
 - b) That, without a dispensation, no member of the Cabinet would be able to participate in the matter before the Council.
23. That powers are delegated to the Standards Sub-Committee, after consultation with the Independent Person to grant dispensation on the following grounds:
 - a) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - b) That the authority considers that the dispensation is in the interests of persons living in the authority's area;
 - c) That the authority considers that it is otherwise appropriate to grant a dispensation.

Employment Appeals Committee

24. That the Employment Appeals Committee is renamed the Appeals Committee.

25. To clarify and define the role and purpose of Appeals Committee (formerly the Employment Appeals Committee) and to enable the Appeals Committee to deal with appeals of the Decisions of the Standard Sub-Committee the Terms of Reference of the Appeals Committee are amended to the following:

- a) The Appeals Committee will make decisions on any appeal under the Council's employment procedures.
- b) The Appeals Committee will make decisions on any appeal by a member who is the subject of a complaint under the Code of Conduct.
- c) When considering the appeal the Appeals Committee may:
 - (i) Uphold the original decision of the Standards Sub-Committee;
 - (ii) Uphold the original decision of the Standards Sub-Committee and substitute the sanction determined by the Standards Sub-Committee with one which the Appeals Committee considers appropriate, after consultation with the Monitoring Officer and the Independent Person.
 - (iii) Overturn the decision of the Standards Sub-Committee.

26. The Appeals Committee will comprise of any 3 Members of the Council and substitutes may be appointed EXCEPT when dealing with an appeal of a decision of the Standards Committee, the Appeals Committee will comprise of the Chairman of the Governance Committee and 2 Members of the Governance Committee who were not involved in the original decision.

Training

27. The Monitoring Officer to provide training on the Standards Regime to all District, Parish and Town Councillors.

Purpose of Decision:

To ensure that the Council adopts a Code of Conduct and procedures for the Standards regime, including the creating of Sub-Committee of the Governance Committee to discharge the Council's standards functions.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	Costs met from existing budget
Legal:	<p>The Council must adopt a Code of Conduct by 1st July 2012. Unlike the previous regime, there is no automatic application of the Code, should the Council fail to adopt a Code of Conduct by 1st July 2012.</p> <p>The current Statutory Code of Conduct as adopted by Full Council in May 2007, including the sanctions, ceases to have effect from 1st July 2012 and cannot be simply re-adopted.</p>
Equalities/Diversity	None arising directly
Customer Impact:	None arising directly
Environment and Climate Change:	None arising directly
Consultation/Community Engagement:	Set out in the report
Risks:	<p>Government may not publish the Regulations to finalise the draft Code of Conduct until after the meeting of Full Council.</p> <p>The Council must adopt a Code of Conduct before 1st July 2012. Failure to do so will result in the Council being in breach of the Legislation.</p>
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The Localism Act 2011

The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members. The date for implementation of these changes was proposed to be the 1st April 2012 however other than the abolition of the Standards Board for England on the 31st March 2012, it is envisaged that the remaining local elements of the current regime, including statutory standards committees with the power to suspend members will be abolished on the 1st July 2012.

1. Duty to promote and maintain high standards of conduct

Braintree District Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members.

2. The Code of Conduct

The current ten General Principles and Model Code of Conduct, as adopted by the Council in May 2007, will be repealed and Members will no longer have to give an undertaking to comply with the Code of Conduct.

The Council will however be required to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity. The Council's new Code of Conduct must, viewed as a whole, be consistent with the following seven principles ("the Nolan Principles"):

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven Nolan Principles. However, Regulations yet to be made under the Act will require the registration and disclosure of "Disclosable Pecuniary Interests" ("DPIs"), broadly equating to the current prejudicial interests.

It is not yet possible to draft Code provisions which reflect the definition of DPIs which will appear in the regulations, but it is possible to give an indicative view of what the Council might consider that it might be appropriate to include in the Code in respect of the totality of all interests, including DPIs, other pecuniary interests and non-pecuniary interests.

The Act prohibits members with a DPI from participating in authority business and the Council can adopt a Standing Order requiring members to withdraw from the meeting room.

In light of the above, a draft Code of Conduct has been prepared to deal with the following matters:

- General conduct rules, to give effect to the seven Nolan Principles. This corresponds broadly with Paragraphs 3 to 7 of the current Code of Conduct. The Council can amend its Code of Conduct subsequently if the need arises; and

- Registration and disclosure of interests other than DPIs – effectively, replacing the current personal interest provisions. The Act requires that the Code contains “appropriate” provisions for this purpose, but, until the regulations are published, defining DPIs, it is difficult to suggest what additional disclosure would be appropriate.

The draft Code of Conduct is at Appendix A.

3. Dealing with Misconduct Complaints

“Arrangements”

The Act requires that the Council adopt “arrangements” for dealing with complaints of breaches of the Code of Conduct both by District Council members and by Parish Council members and such complaints can only be dealt with in accordance with such “arrangements”.

The “arrangements” must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the Code of Conduct.

The Act repeals the requirements for separate Referrals, Review and Hearings Sub-Committees and enables the Council to establish its own process, which can include delegation of decisions on complaints. Indeed as the statutory provisions no longer give the Standards Committee or Monitoring Officer special powers to deal with complaints, it is necessary for Council to delegate appropriate powers to a Committee and to the Monitoring Officer.

Decision whether to investigate a complaint

In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It is sensible to take advantage of the new flexibility to delegate to the Monitoring Officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent Person and the ability to refer particular complaints to a Committee where the Monitoring Officer feels that it would be inappropriate for them to take a decision on it, for example where they have previously advised the member on the matter or the complaint is particularly sensitive.

These arrangements would also offer the opportunity for the Monitoring Officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation. If this function is delegated to the Monitoring Officer, it is right that they should be accountable for its discharge.

For this purpose it would be appropriate that the Monitoring Officer makes a report to either the Governance Committee on an annual basis, which would enable them to report on the number and nature of complaints received and draw to the Council’s attention areas where training or other action might avoid further complaints and keep the Committee advised of progress on investigations and costs.

“No Breach of the Code” finding on investigation

Where a formal investigation finds no evidence of a failure to comply with the Code of Conduct, the current requirement is that this is reported to the Referrals Sub-Committee and the Sub-Committee takes the decision to take no further action. In practice, it would be reasonable to delegate this decision to the Monitoring Officer, but with the power to refer a matter to a Committee if they feel it is appropriate.

It would be sensible if copies of all investigation reports were provided to the Independent Person to enable them to get an overview of current issues and pressures and that the Monitoring Officer provides a summary report of each such investigation to a Committee for information.

“Breach of the Code” finding on investigation

Where a formal investigation finds evidence of a failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity for a local hearing. Sometimes the investigation report can cause a member to recognise that their conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action. However it is suggested that at this stage it would only be appropriate for the Monitoring Officer to agree to this as a resolution after consultation with the Independent Person and where the complainant is satisfied with the outcome.

In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, it would be necessary for a Committee (in practice a Hearings Panel constituted as a Sub-Committee) to hold a hearing at which the member against whom the complaint has been made can respond to the investigation report, and the Sub-Committee can determine whether the member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result.

Action in response to a Hearing finding of a failure to comply with the Code

The Act does not give the Council any powers to impose sanctions such as suspension.. So, where a failure to comply with the Code of Conduct is found, the range of actions which the authority can take in respect of the member is limited and must be directed to securing the continuing ability of the authority to continue to discharge its functions effectively, rather than “punishing” the member concerned. In practice this might include the following:

- Reporting its findings to Council (*or to the Parish Council*) for information;
- Recommending to Council that the member be issued with a formal censure or reprimand (or to the Parish Council)
- Recommending to the Council and the member’s Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that they are removed from any or all Committees or Sub-Committees of the Council;
- Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to (*or recommend that the Parish Council*) arrange training for the member;

- Removing *(or recommend to the Parish Council that the member be removed)* from all outside appointments to which they have been appointed or nominated by the authority *(or by the Parish Council)*;
- Withdrawing *(or recommend to the Parish Council that it withdraws)* facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- Excluding *(or recommend that the Parish Council exclude)* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Act creates a particular difficulty in respect of Parish Councils, as it does not give the Governance Committee any power to do any more in respect of a member of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of the member. Parish Councils will be under no obligation to accept any such recommendation. The only way round this would be to constitute a Committee and Sub-Committee as a Joint Committee and Joint Sub-Committees with the Parish Councils and seek the delegation of powers from Parish Council to the Sub-Committee so that the Sub-Committee can effectively take decisions on any actions on behalf of the particular Parish Council. This is discussed later in the report.

Appeals

There is no requirement to put in place any appeals mechanism against such decisions. The decision would be open to judicial review by the High Court if it was patently unreasonable or if it were taken improperly or if it sought to impose a sanction which the authority had no power to impose.

The Council has to decide what "arrangements" it will adopt for dealing with standards complaints and for taking action where a member is found to have failed to comply with the Code of Conduct.

On the basis that the new regime is focused on securing the continuing ability of the authority to continue to discharge its functions effectively, rather than "punishing" the member concerned, it is considered that the Member who is the subject of the complaint should be able to appeal the decision of the Standards Sub-Committee including the sanction imposed and that appeal should be made to a separate committee of the Council. An appeal should be made in writing to the Monitoring Officer within 14 days of receipt of written notice of the Standards Sub-Committee's decision.

It is proposed that the Employment Appeals Committee which deals with appeals under the Council's employment procedure will act as the appeal Committee for the Standards Regime. The Employment Appeals Committee will be renamed the Appeals Committee and its terms of reference revised to reflect its wider function as follows:

The Appeals Committee will make decisions on any appeal under the Council's employment procedures.

The Appeals Committee will make decisions on any appeal by a member who is the subject of a complaint under the Code of Conduct for Members.

When considering the appeal the Appeals Committee may:

- Uphold the original decision of the Standards Sub-Committee;
- Uphold the original decision of the Standards Sub-Committee and substitute the sanction determined by the Standards Sub-Committee with one which the Appeals Committee considers appropriate, after consultation with the Monitoring Officer and the Independent Person.
- Overturn the decision of the Standards Sub-Committee.

The Appeals Committee will comprise of any 3 Members of the Council and substitutes may be appointed EXCEPT when dealing with an appeal of a decision of the Standards Sub-Committee, the Appeals Committee will comprise of the Chairman of the Governance Committee and 2 Members of the Governance Committee who were not involved in the original decision.

A detailed procedure for the handling of the complaints will be submitted and approved by the Governance Committee.

4. Independent Person(s)

The “arrangements” adopted by Council must include provision for the appointment by the Council of at least one Independent Person.

“Independence”

The Independent Person must be appointed through a process of public advertisement, application and appointed by a positive vote of a majority of all members of the District Council (not just of those present and voting).

A person is considered not to be “independent” if:

They are, or have been within the last 5 years, an elected or co-opted member or an officer of the District Council or of any of the Parish Councils within its area;

They are, or have been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the District Council or of any of the Parish Councils within its area (which would preclude any of the current co-opted independent members of Standards Committees from being appointed as an Independent Person); or

They are a relative or close friend of a current elected or co-opted member or officer of the District Council or any Parish Council within its area, or of any elected or co-opted member of any Committee or Sub-Committee of such Council.

For this purpose, “relative” comprises-

- the candidate’s spouse or civil partner;
- any person with whom the candidate is living as if they are spouses or civil partners;
- the candidate’s grandparent;
- any person who is a lineal descendent of the candidate’s grandparent;
- a parent, brother, sister or child of anyone in Paragraphs (a) or (b);
- the spouse of civil partner of anyone within Paragraphs (c), (d) or (e); or

- any person living with a person within Paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

Functions of the Independent Person

The functions of the Independent Person(s) are-

- They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any resolution of the complaint, or on any finding of a breach and on any decision on action as a result of that finding);
- They may be consulted by the authority in respect of a standards complaint at any other stage; and
- They may be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

How many Independent Persons?

The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, there would appear to be little advantage in appointing more than one Independent Person, provided that a couple of reserve candidates are retained and can be activated at short notice, without the need for re-advertisement, in the event that the Independent Person is no longer able to discharge the function.

It is suggested that the Independent Person is appointed for a 4 year term and will serve a maximum of 3 terms.

Remuneration

As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.

In comparison to the current Chairman of the Standards Committee, the role of the Independent Person is likely to be less onerous. They are likely to be invited to attend all meetings of a Committee and Sub-Committee, but not to be a formal member of the Committee or Sub-Committee (they could be co-opted as a non-voting member but cannot chair as the Chair must exercise a second or casting vote). The Independent Person will need to be available to be consulted by members against whom a complaint has been made, although it is unclear what assistance they could offer.

Where they have been so consulted, the Independent Person would be unable to be involved in the determination of that complaint.

It is suggested that the Independent Person also be involved in the resolution of complaints and in the grant of dispensations. However, it would be appropriate to undertake a proper review of the function before setting the remuneration.

It is recommended that the Monitoring Officer, in consultation with the Chairman of the Governance Committee and the Leader of the Council, be authorised to set the initial allowances and expenses for the Independent Person and any Reserve Independent Persons. It is recommended that this function subsequently be delegated to the Governance Committee.

5) **Standards Committee**

The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. There will as from the 1st July 2012 be no requirement for a Standards Committee. However there will still be a need to deal with standards issues and case-work, so that it is likely to remain convenient to have a Committee in some form. It will however be a normal Committee of Council, without the unique features conferred by the previous legislation. As a result:-

- a) The composition of the Committee will be governed by proportionality, unless Council votes otherwise with no member voting against. The present restriction to only one member of the Cabinet on the Standards Committee will cease to apply;
- b) The current co-opted independent members will cease to hold office. The Act establishes a new category of Independent Persons (see section 3 of this report) who must be consulted at various stages, but provides that the existing co-opted independent persons cannot serve as Independent Persons for 5 years. The new Independent Persons may be invited to attend meetings of a Committee, but are unlikely to be co-opted onto the Committee.
- c) District Councils will continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils, but the current Parish Council representatives cease to hold office.
- d) District Councils can choose whether it wants to continue to involve Parish Council representatives and if so how many Parish Council representatives it wants.

The choice is between establishing a Committee as:

1. Committee comprising of District Council Councillors only
2. Establishing a Committee as a Joint Committee with the Parish Councils within the District (or as many of them as wish to participate) and having a set number of Parish Council representatives as voting members of the Committee (which could then take operative decisions in respect of members of Parish Councils, where the Parish Council had delegated such powers to such a Joint Standards Committee).
3. A Committee of the District Council with co-opted but non-voting Parish Council representatives (which could then only make recommendations in respect of Parish Council members),

Option 1 is not ideal for the consideration of complaints against Parish and Town Councillors. The current Standards Committee membership includes Parish Representatives, one of which is required to be involved in the consideration of a complaint

against a Parish Councillor. Their involvement and contribution has been invaluable when considering complaints, as they bring first hand knowledge of Parish and Town Council procedures and issues. This option limits the knowledge of the Committee.

Option 2 is not feasible at this time. Following initial discussions and consultations with Braintree Association of Local Council (BALC), there is little indication from the Parish Council that they are prepared to delegate such powers to a joint committee at the present time. This could be left as an option to explore and pursue at a future date, should, say, two thirds of the Parish and Town Councils wish to delegate powers to a Joint Committee.

Option 3 closely replicates the current Standards Committee; however, the Co-opted Parish Councillor will not be able to vote. Their involvement will be limited to providing a parish/town Council's perspective on the complaint. Parish Representative will be nominated by the BALC

Last year the Local Government Reform Cabinet Sub-Group considered the possibility of merging the audit and standards by creating a Governance Committee and found that there was merit in bringing the functions together. It would be possible for the Governance Committee to appoint a sub-committee to deal with matters under the "arrangements" referred to in Section 2 of this report.

It is proposed that the Governance Committee's terms of reference are amended to form a Standards Sub-Committee to discharge the Council's obligations under the arrangement for handling complaints in respect of the Code of Conduct in accordance with option 3.

6. The Register of Members' Interests

The Register of Members' Interests

The Act abolishes the concepts of personal and prejudicial interests. Instead, regulations will define "Disclosable Pecuniary Interests" (DPs). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council's website. The Monitoring Officer is also responsible for maintaining the register for Parish Councils, which also have to be open for inspection at the District Council offices and on the District Council's website.

At present we do not know what Disclosable Pecuniary Interests will comprise, but they are likely to be broadly equivalent to the current prejudicial interests. The intention was to simplify the registration requirement, but in fact the Act extends the requirement for registration to cover not just the member's own interests, but also those of the member's spouse or civil partner, or someone living with the member in a similar capacity.

The provisions of the Act in respect of the Code of Conduct require any authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests.

The Monitoring Officer is required by the Act to set up and maintain registers of interest for each Parish Council, available for inspection at the District Council offices and on the District Council's website and, where the Parish Council has a website, provide the Parish Council with the information required to enable the Parish Council to put the current register on its own website.

Each elected or co-opted member must register all DPIs within 28 days of becoming a member. Failure to register is made a criminal offence, but would not prevent the member from acting as a member.

In so far as the Code of Conduct which the Council adopts requires registration of other interests, failure to do so would not be a criminal offence, but merely a failure to comply with the Code of Conduct.

There is no continuing requirement for a member to keep the register up to date, except on re-election or re-appointment, but it is likely that members will register new interests from time to time, as this avoids the need for disclosure in meetings. When additional notifications are given, the Monitoring Officer has to ensure that they are entered into the register.

The preparation and operation of the register, not just for this authority but also for each Parish Council, is likely to be a considerable administrative task, especially where different Parish Councils adopt different Code requirements for registration and disclosure in respect of interests other than DPIs. There is no provision for the District Council to recover any costs from Parish Councils.

The Monitoring Officer will prepare and maintain a new register of member's interests for District, Parish and Town Council to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act.

The Monitoring Officer is required to ensure that all members are informed of their duty to register interests and receive training. The Monitoring Officer will also work with the Braintree and Essex Associations of Local Councils to inform and arrange to train Parish Clerks on the new registration arrangements.

7. Disclosure of Interests and Withdrawal from Meetings

As set out above, DPIs are broadly equivalent to prejudicial interests, but with important differences. So:

The duty to disclose and withdraw arises whenever a member attends any meeting of Council, a committee or sub-committee, or of Cabinet or a Cabinet committee, and is aware that they have a DPI in any matter being considered at the meeting. So it applies even if the member would be absent from that part of the meeting where the matter in question is under consideration.

Where these conditions are met, the member must disclose the interest to the meeting (i.e. declare the existence and the nature of the interest). However, in a change from the current requirements, the member does not have to make such a disclosure if they have already registered the DPI, or at least sent off a request to the Monitoring Officer to register it (a "pending notification"). So, members of the public attending the meeting will in future need to read the register of members' interests, as registered interests will no longer be disclosed at the meeting.

Where the member does make a disclosure of a DPI, they must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the register of interests.

If a member has a DPI in any matter, they must not-

- Participate in any discussion of the matter at the meeting. The Act does not define “discussion” but this would appear to preclude making representations as currently permitted under paragraph 12(2) of the model Code of Conduct; or
- Participate in any vote on the matter

Unless they have obtained a dispensation allow them to speak and/or vote.

Failure to comply with the requirements becomes a criminal offence, rather than leading to sanctions.

The Council’s Code of Conduct must make “appropriate” provisions for disclosure and withdrawal for interests other than DPIs, but failure to comply with these requirements would be a breach of the Code of Conduct but not a criminal offence.

The requirement to withdraw from the meeting room and the desirability of declaring the existence and nature of a DPI can be covered by Standing Orders, which would apply to all Council meeting, cabinet, Committee, Sub-Committee and Panels, so that failure to comply would be neither a criminal offence nor a breach of the Code of Conduct, although the meeting could vote to exclude the member.

It is proposed that the Council’s Standing Orders are amended to require a member with a DPI to withdraw from a meeting. This reflects the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which they have a DPI, except where they are permitted to remain as a result of the grant of a dispensation.

The Act effectively removes the rights of a member with a prejudicial interest (DPI) to make representations as a member of the public which is currently permitted under Paragraph 12(2) of the current Code of Conduct.

It is recommended that Member continue with the current practise to declare the nature of all interest at the appropriate time or when it become apparent that they have an interest.

8. Disclosure and Withdrawal in respect of matters to be determined by a Single Member

The Act recognises that matters can be decided by a single member acting alone where the member is Cabinet Member acting under Portfolio powers, or where the member is a Ward Councillor and the Council chose to delegate powers to Ward Councillors.

The Act provides that, when a member becomes aware that they will have to deal with a matter and that they have a DPI in that matter-

- Unless the DPI is already entered in the register of members’ interests or is subject to a “pending notification”, they have 28 days to notify the Monitoring Officer that they have such a DPI; and

- The member must taken no action in respect of that matter other than to refer it to another person or body to take the decision

15. Sensitive Interests

The Act effectively re-enacts the existing Code of Conduct provisions on Sensitive Interests.

Where a member is concerned that disclosure of the detail of an interest (either a DPI or any other interest which they would be required to disclose) at a meeting or on the register of members' interest could lead to the member or a person connected with them being subject to violence or intimidation, the Member may request the Monitoring Officer to agree that the interest is a "sensitive interest".

10. Dispensations

The provisions on dispensations are significantly changed by the Act.

At present, a member who has a prejudicial interest may apply to the Standards Committee for a dispensation on 2 grounds:-

- That at least half of the members of a decision-making body have prejudicial interests (this ground is of little use as it is normally only at the meeting that it is realised how many members have prejudicial interests in the matter, by which time it is too late to convene a meeting of the Standards Committee); and
- That so many members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter (this ground would require that the members concerned were entirely predetermined, in which case the grant of a dispensation to allow them to vote would be in appropriate).

In future, a dispensation will be able to be granted in the following circumstances –

- i. That so many members of the decision-making body have DPIs in a matter that it would "impede the transaction of the business". In practice this means that the decision-making body would be inquorate as a result;
- ii. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate;
- iii. That the authority considers that the dispensation is in the interests of persons living in the authority's area;
- iv. That, without a dispensation, no member of the Cabinet would be able to participate on this matter (so, the assumption is that, where the Cabinet would be inquorate as a result, the matter can then be dealt with by an individual Cabinet Member. It will be necessary to make provision in the scheme of delegations from the Leader to cover this, admittedly unlikely, eventuality); or

- v. That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify how long it lasts for, up to maximum of 4 years.

The next significant change is that, where the Local Government Act 2000 required that dispensations be granted by the Standards Committee, the Act gives discretion for this power to be delegated to the Standards Committee or a Sub-Committee, or to the Monitoring Officer.

Grounds i and iv above are largely objective, so it may be appropriate to delegate dispensations on these grounds to the Monitoring Officer, with an appeal to the Standards Committee, thus enabling dispensations to be granted “at the door of the meeting”.

Grounds ii, iii and v are rather more subjective and so it may be appropriate that the discretion to grant dispensations on these grounds remains with the Standards Sub-Committee, after consultation with the Independent Person.

It is recommended that powers to grant dispensation are delegated to the Monitoring Officer on grounds i and iv and powers are delegated to the Standards Sub-Committee to grant dispensation after the consultation with the Independent Person on grounds ii, iii and v above.

16. Training

Following discussion with the Local Government Reform Cabinet Sub-Group with BALC, it was agreed that training on the Code of Conduct and the arrangement for handling complaints would be given to all Members including the Parish and Town Councillors. With the aim of reaching as many members as possible and to provide consistent advice and guidance to those Members who are twin or triple hatted it has been agreed that training will be provided at 3 venues within the area of Braintree, Witham and Halstead.

17. Transitional arrangements

Regulations under the Act will provide for:

- Transfer of Standards for England cases to local authorities following the abolition of Standards for England;
- A transitional period for the determination of any outstanding complaints under the current Code of Conduct. The Government has stated that it will allow 2 months for such determination, but it is to be hoped that the final Regulations allow a little longer;
- Removal of the power of suspension from the start of the transitional period; and
- Removal of the right of appeal to the First Tier Tribunal from the start of the transitional period.

Councillor Code of Conduct

PART 1 - GENERAL PROVISIONS

Introduction and interpretation

As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011

In this Code - “meeting” means any meeting of:

- (a) the authority
- (b) the Executive of the authority
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees or areas committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
- (d) any briefings by officers and site visits organised by the authority

“member” includes a co-opted member.

1. Who does the Code apply to?

- (1) This Code applies to all members of Braintree District Council, including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

2. What does the Code apply to?

- (a) You must comply with this Code whenever you -
 - (a) conduct the business of your authority, or
 - (b) you are acting as a representative of your authority,
- (b) This Code has effect in relation to your conduct in your official capacity.
- (c) Where you act as a representative of your authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- (1) You must treat others with respect.
- (2) You must uphold the law
- (3) You must not -
 - (a) Do anything which may cause your authority to breach any of the equality enactments
 - (b) Bully any person;
 - (c) Intimidate or attempt to intimidate any person who is or is likely to be -
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. Confidential Information

You must not-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is-
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. Conferring an advantage or disadvantage

You –

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority-
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2 MEMBERS INTERESTS

6. Disclosable Pecuniary Interests

6.1. You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 2¹ below and is either:

- (a) An interest of yours
- (b) An interest of your spouse
- (c) An interest of your civil partner
- (d) An interest of a person you are living with as a spouse or civil partner

And in the case of paragraphs 1 (b) – 1 (c) you are aware that that other person has the interest

6.2 “Disclosable pecuniary interest” are defined by *(regulations still awaited)* and are:-

- (a) *(to be completed when regulations are issued)*

7. Other Pecuniary Interests²

7.1 You have a pecuniary interest in any business of your authority where either-

- (a) It relates to or is likely to affect:
 - (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

¹ Regulations still awaited. Paragraphs 6.2 and 7 should be given further consideration when regulations are available

² Regulations still awaited. Paragraphs 6.2 and 7 should be given further consideration when regulations are available

- (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph (iv);
- (vi) any land in your authority's area in which you have a beneficial interest;
- (vii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (iv) is, the tenant;
- (viii) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (ix) a decision in relation to that business might reasonably be regarded as affecting your financial position or financial position of a relevant person to a greater extent than the majority of-
 - a) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - b) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area

8. Non-Pecuniary Interests

8.1 You have a non-pecuniary interest in any business of your authority where either:-

- (a) it relates to or is likely to affect-
 - i. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - ii. Any body-
 - 1. exercising functions of a public nature;
 - 2. directed to charitable purposes; or
 - 3. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); of which you are a member or in a position of general control or management;

- iii. The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- iv. A decision in relation to that business might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of:-
 - (a) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

9. “Relevant Persons”

- 9.1 For the purposes of paragraphs 7.1(a) ix and 8.1(a) iv a relevant person is-
- (a) A member of your family or any person with whom you have a close association;
 - (b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company or which they are directors;
 - (c) Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) Any body of which such persons are a member or in a position of general control or management and to which you are appointed or nominated by your authority
 - (e) any body of a type described in paragraph 8(a) i. and ii. of which such persons are members or in a position of general control or management

10. Disclosure of Interests

- 10.1 Subject to sub-paragraphs 10.2 to 10.5, where you have a disclosable pecuniary interest, any other pecuniary interest or a non-pecuniary interest in any business of your authority and you are present at a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your register of Interests or for which you have made a pending notification.
- 10.2 Sub-paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary interest.
- 10.3 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 10.1 but by virtue of paragraph 14 (sensitive interests) details of the interest are not registered in your authority’s published register of members’ interest and that the interest is a disclosable pecuniary interest (if that is the case) but you need not disclose the nature of the interest to the meeting.
- 10.4 Where you have a pecuniary interest in any business of your authority and a function of your authority may be discharged by you acting alone in relation to

- that business, you must ensure you notify the authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- 10.5 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 10.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest.
- 10.6 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

11. Disclosure of Interests generally³

- 11.1 Subject to sub-paragraph 11.2 where you have a pecuniary interest in any business of your authority you also have a disclosable pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest.
- 11.2 You do not have a disclosable pecuniary interest in any business of your authority where that business –
- i. does not affect your financial position or the financial position of a person or body described in paragraph 8.1 (a) i. and ii.;
 - ii. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8.1 (a) i and ii; or
 - iii. relates to the functions of your authority in respect of -
 - i. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - iv. an allowance, payment or indemnity given to members;
 - v. any ceremonial honour given to members; and
 - vi. setting council tax or a precept under the Local Government Finance Act 1992

³ Regulations from the Secretary of State are currently awaited as to the definition of "pecuniary interests and disclosable pecuniary interests". This paragraph may become superfluous

12. Effect of Disclosable Pecuniary Interests on participation

12.1 You may not-

- a. if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
- b. you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
- c. you are aware that sub-paragraph 12.1.b is met:
 - i. participate, or participate further, in any discussion of the matter at the meeting, or
 - ii. participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the authority's proper officer

- d. exercise executive functions in relation to that business and
- e. seek improperly to influence a decision about that business

12.2 If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself)

12.3 If you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered your must:-

12.3.1 Disclose the existence and nature of the interest in accordance with paragraph 10.1 (but subject to paragraph 10.3)

12.3.2 Withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from your authority's proper officer in a case where paragraph 12.3 applies immediately after making your representations or in any other case when the business is under consideration unless you have obtained a dispensation from your authority's proper officer

PART 3 - REGISTER OF MEMBERS INTERESTS

13. Registration of Members' Interests

Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:
 - (i) disclosable pecuniary interests⁴ as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
 - (ii) pecuniary interests referred to in paragraph 7 that you have
- (c) Subject to paragraph 14, you must within 28 days of becoming aware of any new disclosable pecuniary interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any disclosable pecuniary interest registered under paragraphs 13. i. or ii above by providing written notification to your authority's Monitoring Officer

14. Sensitive Information

- 14.1 Where you have a disclosable pecuniary interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and your authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 14.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify your authority's monitoring officer.

⁴ Regulations from the Secretary of State are currently awaited as to the definition of "pecuniary interests and disclosable pecuniary interests"

14.3 In this Code “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

CODE OF CONDUCT

APPENDIX 1

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFLESSNESS

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

INTEGRITY

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

OBJECTIVITY

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

ACCOUNTABILITY

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

OPENNESS

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

HONESTY

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

LEADERSHIP

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

Terms of Reference for Governance Committees and Standards Sub-Committee

Amendment to the Governance Committee's Terms of Reference:

The Governance Committee's Terms of Reference to be amended to add the following to Article 10 of the Council's Constitution:

Purpose of the Governance Committee:

The Governance Committee is also responsible to promote and maintain high standards Member conduct

Delegation of Functions:

The Governance Committee can establish one or more sub-committees consisting of at least 5 Members drawn from the Council, not including more than 1 member of the Authority's Executive and including 2 co-opted non-voting parish/town council representatives nominated by BALC and 1 Independent Person and arrange for the discharge of any functions exercisable by it, by either a Sub-Committee or an Officer.

Functions of the Governance Committee:

Except where there is a specific delegation to the Standards Sub-Committee, the Governance Committee will perform the following functions:

1. Promoting and maintaining high standards of conduct by Members and Co-opted Members of the authority;
2. Advising and assisting Parish Council(s) and Councillors to maintain high standards of conduct and to make recommendation to Parish Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with the Code of Conduct
3. Advising the Council on the adoption or revision of the Members' Code of Conduct;
4. Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
5. Advising, training or arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
6. Assisting Councillors and co-opted Members to observe the Members' Code of Conduct;

7. Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council
8. Maintaining oversight of the Council's arrangements for dealing with complaints
9. Informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
10. Granting exemptions to politically restricted posts.
11. To set the allowances and expenses of the Independent Person and Reserve Independent Person.
12. Appointment of Sub-Committee to discharge the Council's arrangement for Complaints in respect of the Code of Conduct, including:
 - a) To conduct hearings on behalf of the Parish Council
 - b) To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria
 - c) Hearing and determining complaints about Members and Co-opted Members referred to it by the Monitoring Officer;
 - d) To grant dispensations after consultation with the Independent Person pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
 - e) Hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

Standards Sub-Committee Terms of Reference:

The Governance Committee's Terms of Reference to be amended to add the following to Article 10 of the Council's Constitution:

Purpose of the Standards Sub-Committee

To promote and maintain high standards of conduct

Composition of the Standards Sub-Committee

The Governance Committee can establish one or more sub-committees consisting of at least 5 Members drawn from the Council, not including more than 1 member of the Authority's Executive and including 2 co-opted non-voting parish/town council

<p>representatives nominated by BALC and 1 Independent Person The Chair shall be elected by the Sub-Committee at each meeting.</p> <p>Independent Person: Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011.</p>
<p>Quorum:</p>
<p>At least 3 voting Members.</p>
<p>Frequency:</p>
<p>As and when required.</p>
<p>Venue:</p>
<p>To be determined by the Monitoring Officer.</p>
<p>Functions of the Standards Sub-Committee:</p>
<p>To conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.</p> <p>Following a Hearing, make one of the following findings:</p> <p>That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed</p> <p>The sub-committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.</p> <p>After making a finding the sub-committee shall, as soon as reasonably practicable provide written notice of its findings and the reasons for its decision to the Member and complainant.</p>
<p>Relationship with other committees:</p>
<p>The Decision of the Standards Sub-Committee may be appealed to the Appeals Committee.</p>

Overview and Scrutiny Scrutiny of Local Highways Liaison with Essex County Council and The Highway Agency	Agenda No: 9
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Corporate Priority:	Protect our environment Deliver excellent customer service Keep our District clean and tidy
Report presented by:	Councillor James Abbott Chairman, Local Highways Liaison Task and Finish Group
Report prepared by:	

Background Papers: Overview and Scrutiny Committee – 13 July 2011	Public Report
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Options	Key Decision: No
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Executive Summary:

As part of its work programme for 2011-12 the Overview and Scrutiny Committee agreed to establish a Task and Finish Group (TFG) to review local highway liaison with Essex County Council (ECC) as the Highway Authority. In considering the scope of the review the group decided to broaden their work to incorporate the work of the Highways Agency (HA) which is directly responsible for two of the key strategic routes (A Roads) in the Braintree District, the A12 and A120.

A particular focus of the group was to scrutinise in detail the various processes and procedures in place used by ECC and HA to deal with service requests/issues from initial report/identification through to resolution.

As part of its review the group invited ECC and HA to give a presentation followed by questions and answers, In addition the group considered it important to obtain direct feedback from a number of key stakeholders including District Members, Town and Parish Councils and also members of the Public. With the latter an advert was placed directly in local newspapers inviting comments by letter or e-mail. A separate highways scrutiny e-mail address was established to capture the responses received. Representatives from BDC Planning were also invited to a meeting of the group to discuss their experiences of how well the liaison worked between ECC and HA.

The key findings of the group can be summarised as follows:

1. Improvements to the ECC Highways customer service system are needed. Multiple reporting of the same issues leads to a waste of public resources and to unnecessary inconvenience for customers.
2. The ECC intervention criteria for maintenance issues are too rigid and this combined with the inefficient customer services system can lead to long delays in basic maintenance issues being addressed.

3. Under the previous ECC highway structure, the Mid Essex Area that covered Braintree had a designated team of Officers with local knowledge. There needs to be a named ECC officer, preferably working for at least part of the week, based in Braintree District, who would be a point of contact for parish councils and BDC Members on local highways issues, including for local site meetings.
4. The new arrangements for the Braintree Local Highways Panel (as proposed) raise a number of concerns, including the potential elimination of the direct involvement of Parish and Town Councils, further reappraisal of already agreed local schemes and potential barriers to openness. Whilst it is accepted that ECC Members should be on the Panels, the direct involvement of town and parish councils is considered vital. ECC stated in evidence that local safety and improvement schemes should be led by parishes. The Highways Panel is now the primary delivery mechanism for local schemes.

The Local Highways Panel's new Terms of Reference covers a broad range of highway issues including the promotion of parking restrictions to address serious safety or congestion issues. The Panel can make suggestions in relation to Traffic Regulation Order requests, albeit the final decision rests with the North Essex Parking Partnership.

5. There needs to be further joint working between ECC, BDC and the Highways Agency to improve service delivery, efficiency and value for money.
6. There needs to be greater clarity in public information as to "who does what" in highways roles to remove confusion currently experienced by service users.

To address the above the group makes the following recommendations to Cabinet:

ECC Highways Customer Service

- (a) Makes revisions to the reference number system to make it simpler and more intuitive.
- (b) Implements as soon as possible its new highways interactive website to provide customers with an on-line tracking facility to monitor progress on maintenance issues (to be widely advertised when in place).
- (c) Writes to all Parish/Town Councils and District Members to explain how the new system works and what the key benefits and added value is to the customer.
- (d) Publishes up to date service standards on its website and communicates these to BDC and Parish Councils.

ECC Intervention Criteria for Maintenance Issues

- (a) Develops a more flexible intervention criteria, especially in responding to issues reported by parish councils who have a useful role as the "eyes and ears" of their local communities.
- (b) Considers extending the principle of the existing Highways Ranger service to parish councils that are willing to carry out minor works at a local level.
- (a) Reviews and extends the role of the existing Highway Ranger service to cover as many of the locally reported issues as possible that ensures a speedy and quick completion of all minor works.

ECC Contact

- (a) Nominates a named officer (who could be based at Causeway House given the future joint use of the building) to work with District Members and Officers and Parish Councils on local highways issues, including attending site meetings.

Braintree Local Highways Panel

- (a) An equal membership of 4 County, 4 District and 4 Town/Parish representatives on the Braintree Local Highways Panel.
- (b) That all Panel meetings are held in public (unless there is a specific confidentiality issue) and that minutes and agendas are published on the BDC website as normal.
- (c) That already identified and evidenced local improvement schemes, as agreed at the February 2012 Braintree Highways Panel meeting are not delayed by a further re-appraisal.
- (d) That a simple scoring matrix be developed that can be used to evaluate all future schemes to determine priorities locally as part of the decision making process.
- (a) The Local Highways Panel or small Advisory Group comprising representatives of the Panel, review and comment locally on all new Traffic Regulation Order requests prior to their being determined by the North Essex Parking Partnership Joint Committee.

Joint Working Between ECC, BDC and the Highways Agency

- (a) BDC and ECC use existing officers attending the reconstituted Local Highways Panel to develop a more collaborative way of working together and with the HA on local issues.
- (b) The HA publishes schedules (agreed with BDC) for cyclical/routine maintenance on the A12 and A120, including litter clearance and sweeping and ensures that this is communicated to relevant Parish Councils and District Members.

Public Information

- (a) BDC, ECC and the HA ensure that clear and concise information is made available on their websites and in relevant publications, as to which organisation is responsible for the various elements of the highway service, with contact details to access the correct service provider.

Full Report

A copy of the full report is enclosed with this agenda

Decision:

Members are invited to consider the recommendations and to refer the report to Cabinet.

Purpose of Decision:

To consider the Overview and Scrutiny report on Local Highway Liaison.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	None.
Legal:	None.
Equalities/Diversity	None.
Customer Impact:	The aim of the review is to identify how improvements can be delivered in the quality of the customer service being provided by Essex County Council and the Highways Agency.
Environment and Climate Change:	None.
Consultation/Community Engagement:	<p>Consultation has been carried out with relevant stakeholders including:</p> <ul style="list-style-type: none"> • Essex Police • Essex County Fire & Rescue Service • East of England Ambulance Service • All District Councillors • Town and Parish Councils • Bus operators • Greenfields Community Housing Association • BDC Departments of Planning and Waste • North Essex Parking Partnership
Key Risks:	Not applicable.
Contact:	Councillor James Abbott
E-mail:	Cllr.jabbott@braintree.gov.uk

COUNCIL
11th June 2012



Appointment of Head of Paid Service (Chief Executive)	Agenda No: 10
Corporate Priority: Leadership of the organization Report presented by: Councillor Graham Butland, Leader of the Council Report prepared by: Helen Krischock, HR and O&D Manager	
Background Papers:	Public
Council Constitution	
Options:	Key Decision:
To appoint or not to appoint to the post of Head of Paid Service	YES
Executive Summary: The purpose of this paper is to establish the arrangements to appoint a Head of Paid Service (Chief Executive) due to the retirement of the current postholder.	
Decision: That an Appointment Committee is established to deal with the appointment of Head of Paid Service.	
Purpose of Decision: To appoint a Head of Paid Service	

Any Corporate implications in relation to the following should be explained in detail	
Financial:	Within current base budget. Salary agreed under recent pay policy review.
Legal:	Required to appoint a Head of Paid Service.
Equalities/Diversity	Process will meet the Council's recruitment policy.
Customer Impact:	Potential impact upon the culture and style of the organisation's relationship with customers.
Environment and Climate Change:	None
Consultation/Community Engagement:	Key partners to be involved in any recruitment process.
Risks:	<ul style="list-style-type: none"> • No suitable candidates. • Lack of organisational leadership through non-appointment.
Officer Contact:	Helen Krischock
Designation:	HR and O&D Manager
Ext. No.	2711
E-mail:	Helen.krischock@braintree.gov.uk

INTRODUCTION

Within Part 4 of the Constitution are the rules for the recruitment and appointment of the Head of Paid Service. Set out below are the relevant paragraphs from the Constitution:

"2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) *the duties of the officer concerned; and*
 - (ii) *any qualifications and/or qualities to be sought in the person to be appointed;*
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) *make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.*

3. Appointment of Head of Paid Service

The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council which has been delegated by Council to deal with the matter.

4. Appointment of chief officers

- (a) *A committee or sub-committee of the Council will appoint chief officers. That committee or sub-committee must include the Leader and at least one other member of the Cabinet and the Chairman of the Scrutiny Panel or appropriate Policy Group*
- (b) *An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received."*

APPOINTMENT PROCESS

It is therefore the intention to establish an Appointment Committee to manage the overall process and consequential action arising from any appointment.

PROPOSAL

- (i) Establish an Appointment Committee of five Members:
 - Leader of the Council
 - Two Administration Members
 - Two Opposition Members (one to be Chairman of Scrutiny or nominee in accordance with the Constitution)
- (ii) That any recruitment process involves key partner organisations in an advisory capacity.
- (iii) That an external independent adviser to the Committee is appointed to assist in assessing the management competencies during the interview process.

**COUNCILLOR JOANNE BEAVIS –CABINET MEMBER,
PEOPLE**

Agenda No: 11(i)(b)

**Report to Council on Portfolio Area of People for the
period ending 19th May 2012**

Leisure Contract

The new Leisure Contract has been awarded to Fusion, a London based company that was established in 2000. The new contract will start on the 1st September 2012 and will run for 10 years with the option of a 5 year extension. Fusion will install new fitness equipment into all of our leisure centres (Halstead, Braintree and Witham) from the 1st September 2012.

Discussions will begin with Fusion to explore the opportunities of the new contract including the proposal to invest approximately one million pounds on improving the fitness facilities at the Braintree centres. A recommendation could come to Full Council later this year if the Council wishes to invest the funds itself for a higher revenue return. The new contract will ensure that participation in sport and fitness is increased in line with the Council's Corporate Priorities. The new contract will see significant savings year on year for the Council.

The Witham Leisure Centre (WLC)

Award for the design and build contract of the new WLC will be presented to Cabinet in July. All the tender papers are currently being assessed against the Council's criteria.

With ground clearance well on the way the new WLC is scheduled to be open for Christmas 2013.

The Town Hall, Braintree

Following a successful opening in April the Town Hall refurbishments are now almost completed. Once the Portland Stone, which was used to repair the Clock Tower, has settled the bell will be allowed to chime again signalling the final completion. The renovations of the Town Hall were completed on time and within budget.

OLYMPICS 2012 – Cultural Olympiad – The Sparks Will Fly

The Sparks Will Fly promotional booklet has now been completed and circulated signalling the start of the Cultural Olympiad. 1800 volunteers have, to date, been involved with the preparations - thanks to Braintree District Arts. The main events will be during the week commencing Saturday 2nd June to Saturday 9th June 2012.

The Torch Relay

Preparations are on course to receive the Olympic Torch to the district in July. Hatfield Peverel, being the chosen host village for the district, is being supported both locally and by the District Council to ensure the event is a success.

Service Level Agreement with Rural Community Council of Essex (RCCE)

Discussions have been taking place with the RCCE regarding the establishment of a new agreement with them to support the Council and Parish and Town Councils, as well as ensure effective communications and engagement on such issues as neighbourhood planning, localism, community rights etc. I have taken a delegated decision on this new agreement which will cost in the region of £30,000 for a period of two years. This funding will be met as a one-off cost and therefore will not impact upon base budgets.

Witham Neighbourhood Pilot

As a first step, the Cabinet met with the local ward members and representatives from Witham Town Council to tour Witham and discuss local issues. The meeting highlighted a multitude of areas where greater collaboration might lead to targeted community benefits. A discussion paper will be produced which will allow the key stakeholders and members to engage. Following the consultation and feedback a more meaningful paper will be produced to progress the project further.

Member Development

The Member Development Programme was endorsed by the Cabinet in May. The Programme for 2012/13 includes events on the Council's Corporate Priorities, Localism and Community engagement, the Council's Budget as well as Community Safety and Standards/Code of Conduct for members.

Community Projects

Community projects have begun in Silver End (Silver End Bowl), Sible Hedingham (Riverside Walk), Halstead St. Andrew's (The River Walk) and Bocking (Skate Bowl). I've met with Braintree Rugby Club to learn about their "Field of Dreams" scheme. The scheme supports/encourages young people from the Braintree district to take up rugby and other sports as well as participating in other community led events. An exchange group has been set up with youngsters from Africa and this October Braintree will be this year's host town.

Further information on the content of this report can be obtained by contacting Councillor Joanne Beavis or Councillor Peter Tattersley.

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COUNCIL
11th June 2012

**COUNCILLOR LADY NEWTON – CABINET MEMBER
FOR PROSPERITY**

Agenda No: 11(i)(c)

**Report to Council on Portfolio Area of Prosperity for
the period ending 23rd May 2012**

PLANNING POLICY

Site Allocations and Development Management Policies DPD

The LDF Sub-Committee considered site allocations in a further 10 villages at their meeting on 23rd May, which almost completed the Council's preparation of the draft site allocations in the rural areas. Further reports will come forward in respect of employment land, retail needs and care home provision. Public consultation on the Draft Site Allocations DPD and Development Management DPD is planned to take place in autumn 2012.

Freeport Footbridge

Construction commenced on site on 14th May. The bridge will be lifted in place in October 2012 (as there are no railway works permitted during the Olympics period) and should be open to the public by November 2012.

ECONOMIC DEVELOPMENT

Broadband

The final version of the BDUK Broadband Plan for Essex has been submitted. Through a combination of public and private sector contributions, there will be £25.84m available for investment in broadband solutions across Essex. The broadband plan sets out how and where BDUK funding will be spent in Essex.

The key objectives of the Plan are:

- At least 90% of premises across Essex will have access to Superfast Broadband (24Mbps)
- All premises in the intervention areas can gain access to 8Mbps by the end of the contract

From the plan we understand that Braintree District will be well placed for early intervention and delivery of BDUK funded. This project will be aimed at the rural north of the county as a priority and the roll out will focus on areas where economic uplift will be experienced soonest and will focus on delivering investment in infrastructure for small businesses.

The project set-up, procurement and contract award will run from May 2012– January 2013. Broadband delivery will commence at the earliest in January 2013 – December 2015. Workshops with Parish/District Councillors and a separate event for local businesses will take place in the next few months to promote the new ‘Demand Stimulation’ tool to ensure all areas register their interest and evidence the need for delivery in their local area.

ASSET MANAGEMENT

Land East of High Street, Halstead

Tesco have reviewed the scheme and confirmed they are committed to proceed. They are now working on submission of a planning application, but may need to extend the contract (required to submit planning by 22nd June 2012).

Causeway House

The Agreement for Lease exchanged on the 2nd April 2012. The refurbishment works are due to complete on the 21st May 2012 and ECC will commence in occupation soon thereafter.

HOUSING

Consultation on a revised Housing Allocations Policy

The Council has a legal duty to maintain a housing allocations policy.

We are now consulting on changes to our policy that sets out how social housing is allocated.

We are reviewing the policy in light of the Localism Act and Welfare Reform Act and have already undertaken consultation with a range of stakeholders to help us formulate the documents.

The consultation documents are available on our web-site, setting out the recommended changes. The documents include a detailed outline of the background to the revisions we propose, a summary of the revisions and a questionnaire.

The consultation period is from the 8th May 2012 - 30th July 2012.

Consultation on the Strategic Tenancy Policy

The Localism Act also includes a duty for Councils to publish a Strategic Tenancy Policy. The council has been working with other local councils to develop the draft Policy.

The policy is a new requirement and arises because of new types of tenancies that may be used by housing associations.

The key issues the policy deals with includes:-

- What we consider to be ‘affordable’ locally
- What protection we would want for tenants at the end of a fixed term tenancy
- How we want to work with housing providers to secure housing development, given the additional resources released by higher rent charges

The draft Policy is being prepared and we expect to commence the consultation in the very near future.

An event is being organised to inform Members on both these policies and a date will be sent out shortly.

Further information on the contents of this report can be obtained by contacting Councillor Lady Newton.

Councillor Lady Newton
Cabinet Member – Enterprise, Housing and Development

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**COUNCILLOR WENDY SCHMITT–CABINET MEMBER,
PLACE**

Agenda No: 11(i)(d)

**Report to Council on Portfolio Area of Place for the
period ending 17th May 2012**

REPORT COVERS ACTIVITY ENDING 17th May 2012

ENVIRONMENT

BBE: As part of the partnership a new initiative to reduce the regulatory burden on petrol stations has been introduced. Trading Standards will now undertake the vapour recovery inspection on behalf of Braintree District Council resulting in fewer inspections to the same business. This not only benefits the regulatory services, but also the business themselves as they will no longer have to host two separate visits with overlapping scope.

WASTE MANAGEMENT

Food Waste: The food waste service will be expanded to encompass a further 16,500 households in September 2012 which will further increase our overall recycling rate to 60% in 2013/14.

Four Day Working Week: As part of Operations' Improvement Programme, consideration is being given to introducing a four day working week for refuse/recycling collections from June 2013. This is subject to consultation with unions and staff and Cabinet will receive a further report in due course. There are in excess of 30 local authorities that have introduced this arrangement including Colchester, Chelmsford and Uttlesford Councils.

Deep Clean of Town Centres: The recent cleaning of the town centres has prompted some extremely positive feedback from members of the public. In addition, we have undertaken some refurbishment of the street furniture in the three towns including repainting of litter bins, railings, cleaning of seats, etc.

National Recycling Awards 2012: I am pleased to report that the Council has been shortlisted in the finals of the National Recycling Awards 2012 which will be held in July. The category is the Local Authority Innovation Award and relates to our new Food Waste Service. Reaching the finals is a significant achievement for the Council given the number of organisations participating.

PUBLIC CONVENIENCES

Works at the public toilets in Earls Colne were completed on 14th May 2012 and the transfer of these facilities to the Parish Council is currently underway. In addition, essential maintenance work has been carried out at Braintree and Witham public toilets.

PARKS & OPEN SPACES

Construction is about to begin on Meadowside skate bowl on Coldnailhurst Avenue in Braintree. This has been funded through BDC and Greenfields Community Housing's CHIP Fund, as part of over £600,000 of funding allocated to improve the Coldnailhurst Avenue and Tabor Avenue area.

The historic drinking fountain in Halstead Public Gardens which was gifted by the Portway family to the community has been refurbished

The allotment site at Feering has been formally transferred to the Parish Council.

A Lease for the transfer of the Football Pavilion at Rickstones Sports Ground in Witham is due to be signed by the Valley Green Football Club

LANDSCAPES & COUNTRYSIDE

Business Plan Projects: A project to achieve Local Nature Reserve designation for a specific area of Hoppit Mead Public Open Space is taking place in liaison with Natural England.

Public Open Space Enhancement Projects:

Hedingham River Walk: To improve access across an existing area of Public Open Space to enable a pedestrian link (via a new bridge) between Alderford Street and the River Walk. Funding for the project is partly through Section 106 contributions and partly through a successful bid to the ECC Community Initiative Fund.

Silver End: Schemes for the enhancement of public open spaces were developed in conjunction with the Town Council and the Greener Silver End Group. These Open Space enhancements are funded by Section 106 monies. The first phase has tidied up trees provided new hedges along Boars Tye Road as well as a new area of native trees at the site of the old BMX track at Temple Lane. The second phase will see a new wildlife & picnic area being created in a quiet corner of the Memorial Gardens.

Halstead River Walk: Officers are assisting with the formation of and support to a new Friends Group which will help with the management of the recently upgraded river walk (funded by Section 106 monies) and will also help progress plans for the delivery of the eastern section of the River Walk.

Jubilee Oak Project: A permanent record of each tree planting is being created detailing the locations of each tree which will be displayed in the Main Reception Area of Causeway House. This record will also be available to view online.

Community Engagement Projects:

Southview Special School; A project to deliver a community allotment garden. The flooring for the allotment area to allow access for wheelchair users is being done by the school and volunteers.

Mill Green Halstead: Help is being given to residents who wish to help manage the open space and wildflower area. The area has been submitted as part of the Anglia in Bloom judging to take place on 10th July for 'Best Community Project'.

Witham Tree Group: Officers have been supporting the formation of a group whose objective is to provide a strategic approach to tree planting and maintenance, and safeguarding the protection of trees in an urban environment. It will involve members of Witham Town Council and other members of the community.

Volunteering: A programme of volunteer activities is being created for Air Cadets, Brownies, Venture Scouts and the NHS (Corporate Volunteer Scheme) who have all approached BDC for conservation type volunteer work. The activities will be designed to enhance green space.

COMMUNITY SAFETY

Crucial Crew will take place from 26th June to 5th July for year 6 children.

The latest Crime statistics show that ASB is down 22.4%

Further Information

Further information on the content of this report can be obtained by contacting Councillor Wendy Schmitt or Councillor Robert Mitchell

Cllr W Schmitt
Cabinet Member, Place

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**COUNCILLOR CHRIS SIDDALL –CABINET MEMBER,
PERFORMANCE**

Agenda No: 11(i)(e)

**Report to Council on Portfolio Area of Place for the
period ending 18th May 2012**

Treasury Management

As Members will be aware returns improve the longer the duration of the investment, our advisors Arlingclose have recently included extensions to the duration of investments with its approved institutions, currently the limitations set in our Investment Policy agreed by council on 15th February 2012 do not allow us to take advantage of these recommendations and the associated improvements on returns, this together with higher than expected balances due to factors such as the return of monies from Icelandic Bank investments together with a VAT repayment have led to proposed revision of our investment Policy 2012/13.

A meeting took place on 17th April between myself Councillor O'Reilly Cicconi, Head of Finance and our Financial Services Manager. As a result of this meeting I recommend that that the Investment Policy should be changed. The revised policy went to Cabinet on 9th May 2012 where it was approved that the revised investment Policy as described in the Cabinet appendices pages 2 thru 4 should be recommended to the Council for approval, I therefore seek your support to the changes of the Investment Policy.

The key points I would like to highlight to members are, the changes will allow:

- Greater flexibility
- Still working within the recommendations from our advisors Arlingclose
- Will allow a better return to be achieved
- Without the changes there would be a real possibility we will not achieve our targets set for investment income
- The changes are designed to address changes in the Council's circumstances

Causeway House Refurbishment

The project has now moved into the final phase and our partner organisation ECC is expected to start moving into the building during June 2012. I would like to remind members the investment made in this building has now made Causeway House fit for purpose for many years into the future, I am delighted with the results and hope you too share the pride of what has been achieved. By sharing this building in this way, Income generated from our partners ECC will have a very positive effect on this Council's revenue and does show true partnership working at its best.

Efficiency Review Programme Board

I would like report to Members that as part of my portfolio I have now setup this board. The purpose of the Board is to Review Council services over the coming months. Several services the council provides have already undergone an Efficiency Review or may currently have one in progress. We now have a time table for all the remaining services to undergo a Review during a period from now through to 2015.

HR and Organisational Development

A pay award of 1% was agreed at Cabinet on the 9th of May 2012, Members should study the Cabinet papers of the 9th May 2012, where the Cabinet agreed to make a 1% pay award to Staff. This pay award is within the budget approved by council earlier this year. Although this is a modest pay award I feel this sends a clear message to staff that they have done a great job for the Council over what has been a very challenging time. In order ensure complete transparency the paper highlights this will also mean a 1% increase in Members Allowances.

New Leisure Contract

There are significant financial benefits for the council which will come from the awarding of new Leisure contact from the 1st September 2012, this was approved by Cabinet on 9th May 2012. Members should study the paper and I am sure this will also be highlighted by Cllr Beavis in her report to Council. Very well done to all those who were involved in this project.

Cllr Chris Siddall
Cabinet Member – Efficiency And Resources

Further information on this report can be obtained by contacting:
Cllr Chris Siddall Tel 01376 565302
Cllr John O'Reilly-Cicconi Tel 01787 466030

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COUNCIL
11th June 2012



LIST OF PUBLIC MEETINGS HELD SINCE LAST COUNCIL MEETING	Agenda No: 11(iv)
Corporate Priority: Not applicable Report presented by: Not applicable Report prepared by: Alastair Peace – Member Services Manager	
Background Papers:	Public Report
Published Minutes of the meetings listed within the report below.	
Options:	Key Decision: No
Report for noting	
Executive Summary: Since the last Council meeting held on 16 th April 2012, the following minutes have been published for the meetings held in public session: <ul style="list-style-type: none"> (1) Planning Committee – 10th April 2012 (2) Local Development Framework Panel – 11th April 2012 (3) Council Annual General Meeting – 26th April 2012 (4) Planning Committee – 8th May 2012 (5) Cabinet – 9th May 2012 (6) Planning Committee – 22nd May (7) Local Development Framework Sub-committee – 23rd May 2012 (8) Overview and Scrutiny Committee – 30th May 2012 	
Decision: Members are invited to note the minutes published.	
Purpose of Decision: Not applicable	
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Business of External Organisations	Agenda No: 13(a)
Rivenhall Playing Fields Association	
Report presented by: Councillor James Abbott	
Report prepared by: Councillor James Abbott	
Background Papers: None	Public Report: Yes
Options: Report for information	Key Decision: No
<p>The Rivenhall Playing Fields Association (RPFA) manages Rivenhall Village Hall and the nearby Albert Moss Playing Fields. The RPFA Committee meets regularly and as BDC Representatives we attend as many meetings as we can.</p> <p>2011/12 has been busy for the RPFA. A new lease is being negotiated with BDC, which will secure the hall for the community for another 25 years.</p> <p>The hall underwent a major refurbishment by BDC in 2007. Since that time further improvements have been made by the RPFA, most recently the purchase of new chairs and extra tables, a state of the art PA System connected to the hearing loop, and uplighters inside the hall to create better mood lighting for social functions. The RPFA employs a cleaning and maintenance team which keeps the hall looking good, with many compliments from hirers about the condition of the hall.</p> <p>The Village Hall website http://www.rivenhallvillagehall.co.uk/default.html went live in 2011. Every Rivenhall Club and society has its own page, as have other regular hirers of the hall. The website has had a positive impact on the number of hire sessions, with many enquiries generated from the website via both telephone and e-mail. A PayPal account has also been set up so that payments for hire can now be accepted online – which many prospective hirers had enquired about.</p> <p>Bookings, both private and commercial hire, are increasing through the website and by recommendation.</p> <p>Local community social evenings are held including the Race Night, Quiz and Magical Comedian evenings - all of which were a great success this last year and which raised funds for local organisations.</p> <p>The success of the hall in being increasingly well booked has resulted in occasional concern regarding local access, but the RPFA is keen to support local activities and the hall continues to be used by local groups and organizations including Carpet Bowls, Gardening Club, a Mother and Toddler Group, Nature Care, Scottish Country Dancing, Bingo and the weekly Coffee Morning.</p> <p>The RPFA is a member of the Rural Community Council of Essex (RCCE) which has provided helpful information and professional advice and training in connection with the running of this important community building.</p>	