

PARTNERSHIP DEVELOPMENT GROUP AGENDA

Wednesday, 27th January 2021 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Councillor J Baugh

Councillor G Courtauld

Councillor Mrs M Cunningham (Chairman)

Councillor A Hensman

Councillor T McArdle

Councillor Mrs J Pell

Councillor I Pritchard

Councillor Mrs J Sandum

Councillor P Thorogood

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS’ INTERESTS

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

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

Public Question Time – Registration and Speaking:

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

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- 1 Apologies for Absence**

- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

- 3 Minutes of the Previous Meeting**
To approve as a correct record the minutes of the meeting of the Partnership Development Group held on 25th November 2020 (copy previously circulated).

- 4 Public Question Time**
(See paragraph above)

- 5 Enforcement Procedures at BDC - Introduction to Terms of Reference and Future Work Programme 2021-22** **5 - 15**

- 6 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Enforcement Procedures at Braintree District Council - Introduction to Terms of Reference and Future Work Programme 2021/22		Agenda No: 5
Portfolio	Overall Corporate Strategy and Direction Environment and Place	
Corporate Outcome:	A prosperous district that attracts business growth and provides high quality employment opportunities A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Emma Wisbey, Governance and Members Manager	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:	Public Report	
None.	Key Decision: No	
Executive Summary:		
<p>The report below outlines the Terms of Reference for the Scrutiny Review into 'Enforcement Procedures at Braintree District Council' which have been agreed by the Chairmen of the four 'Scrutiny' Committees, together with the support of officers and Management Board. The report also sets out the Future Work Programme 2021/22 for the Partnership Development Group.</p> <p>Members are invited to note the timetable of meetings included within the Future Work Programme and to agree the Terms of Reference for the Scrutiny Review. Members are also asked to start giving consideration as to what elements of the Scrutiny Review they would like to examine at the next meeting of the Partnership Development Group on 31st March 2021.</p> <p>Members are reminded that the Scrutiny Review into 'Enforcement Procedures' is due to conclude within the current Civic Year, with the intention that the resulting Scrutiny Report will be presented to Full Council at the meeting on 19th April 2021.</p>		

Recommended Decision:

Members are asked to:-

1. Agree the Terms of Reference for the Scrutiny Review into 'Enforcement Procedures at Braintree District Council;'
2. Note the Future Work Programme for 2021/22 as set out in the report.
3. To consider the steps they wish to take to commence the Scrutiny Review, including agreeing any additional meeting dates.

Purpose of Decision:

To ensure that the Scrutiny Review into role of the 'Enforcement Procedures at Braintree District Council' is completed within the stipulated timeframe and that it complies with the Council's procedural rules for Scrutiny.

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

Financial:	No matters arising out of this report.
Legal:	No matters arising out of this report.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	No matter arising out of this report.
Customer Impact:	No matters arising out of this report.
Environment and Climate Change:	No matters arising out of this report.
Consultation/Community Engagement:	There will be the potential opportunity for Member engagement with the Council's Stakeholders and/or Partners on the subject of 'Enforcement' during the course of the Scrutiny Review.
Risks:	There is the potential risk that the Scrutiny Review into 'Enforcement' will not be completed within the timeframe stipulated. As such, the Work Programme set out for Members within the report is intended to provide a level of structure that will help to ensure that the Scrutiny Review is conducted as effectively and succinctly as possible.

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1. Introduction to Terms of Reference and Work Programme 2021/22

- 1.1 In July 2020, all Members were invited to participate in the Call for Topics submission process for potential inclusion as the subject of a Scrutiny Review in 2021. The topics that were ultimately selected for Scrutiny Review were agreed based upon their individual merit and potential value to the organisation as the subject of a Review in the current climate.
- 1.2 Following the conclusion of the Call For Topics, the topics that were identified for Scrutiny Review as part of the 2021 Work Programme were confirmed as below:-
- “Enforcement Procedures at Braintree District Council”
 - “Cycling and Walking in the Braintree District”
 - “Commercialisation of Braintree District Council Services”
- 1.3 Extensive discussions then took place between the Chairmen of the four respective ‘Scrutiny Committees’ and officers in the Governance and Members Team in order to establish the key areas of topic focus that a Scrutiny Review might explore. The Chairmen were also given the opportunity to assign the topics to each Scrutiny Committee according to which Committee they deemed the most appropriate for a Scrutiny Review. Together with the support of officers and Management Board, the Chairmen have also produced and agreed a set of Terms of Reference for each Scrutiny Topic.
- 1.4 It was agreed that the topics would be allocated as follows:-
- **Enforcement – Partnership Development Group**
 - Cycling and Walking – *Community Development Group*
 - Commercialisation – *Performance Management Board*
- 1.5 The Chairman of the *Corporate Governance Group*, Councillor van Dulken, agreed that as the Committee already had its own definitive programme of work, it would not be appropriate for Members of the Group to undertake a separate Scrutiny Review at this point in time. Councillor van Dulken would continue to participate in topic discussions as one of the four ‘Scrutiny’ Chairmen and for the future reference of his Committee.

2. “Enforcement at Braintree District Council”

- 2.1 The topic of “Enforcement” was originally proposed by a Member who suggested that a Scrutiny Review into the subject might provide the Council with the opportunity to recommend a more integrated approach in terms of its enforcement delivery across the organisation. Upon examining the topic as proposed, Management Board were in agreement that the topic could

potentially be taken forward for Scrutiny Review, but added that there would need to be greater clarity as to the scope of the topic.

- 2.2 As directed by Management Board, the Chairmen of the Scrutiny Committees then gave further consideration to the scope of the topic. During their discussions, the Chairmen concluded that due to the potential broadness of the topic, it was unlikely that a meaningful Scrutiny Review could be conducted within the time frames allocated for a Review of that nature. As such, the Chairmen agreed that the topic should focus on specific services areas within the Council, such as Planning or Licensing, or the new enforcement powers bestowed to the Council in light of the Covid-19 pandemic. Alternatively, Officers in the Governance and Members Team suggested that a Scrutiny 'Review' could take the form of a knowledge gathering exercise that would serve to identify what external agencies the Council partnered with in order to enact different types of enforcement, and what powers it had for its own enforcement procedures. Furthermore, the effectiveness of the relationships between the Council and its various 'enforcement partners' could also be explored.
- 2.3 Having confirmed the scope of the topic and the Terms of Reference, the Chairmen agreed to assign the topic to the Partnership Development Group for the purposes of Scrutiny Review.
- 2.4 The Terms of Reference for the **Partnership Development Group** are set out in **Appendix 1** to the report.
- 2.5 An "Online Resources" list is also available for Members to utilise in Appendix 2.
3. **Partnership Development Group – Timetable of Meetings 2021/22**
 - 3.1 In addition to the Terms of Reference of the Scrutiny Review, Members are also asked to note the timetable of meetings below and future work programme for 2021/22 as set out in Appendix 3.
4. **Scrutiny Review into Enforcement at Braintree District Council**
 - 4.1 The following is intended to give Members an outline of how the Council can work with other bodies. These will be explored further in scrutiny review when examining the "enforcement partnerships".
 - 4.2 For the Council to work in partnership with another Authority or Agency there needs to be arrangements in place which sets out the enforcement power being exercised and the obligations, expectations of the parties including administrative and financial contributions.
 - 4.3 The nature of the arrangement will largely depend upon the matter subject to enforcement and whether it is a one off event or part of an enduring relationship.
 - 4.4 Local Authority Powers for enforcement are wide ranging and can be discretionary. While Authorities of the same tier (i.e. District/Borough Councils)

have the same powers, their approach to enforcement may differ having regard to their priorities for their respective Districts and communities.

4.5 Enforcement is a process which covers a large area of Local Authority functions and include the following (this is not exhaustive list)

- Animal breeding
- Anti-social Behaviour
- Building Control
- Council Tax
- Environmental Services
- Food
- Housing
- Housing Benefits
- Licensing
- Off street Parking
- Planning
- Public Health
- Waste and littering

4.6 Enforcement powers cover a range of activities which fall broadly into two areas:

- Compliance - Failing to comply to an obligation under a permission or licence or
- Enforcement – failing to comply with a legal requirement or the activity is unlawful.

4.7 Activities which fall within the term Enforcement includes:

- Administrative Penalties
- Cautions
- Closure Orders
- Financial penalties
- Forfeiture
- Informal Action i.e. Desist letters and voluntary undertakings
- Issuing of Penalty Charge Notices and Statutory Notices
- Prosecutions and Civil Proceedings including Injunctions and debt recovery; and
- Suspension/revocation of licences
- Warrants

4.8 There are four arrangement for working with Partners

1. Joint Committee

The Local Government Act 1972 enables a Local Authority to enter into arrangements for the discharge functions by way of a joint Committee with one or more other Authority,

The Joint Committee would provide a forum for local authorities to collaborate on and co-ordinate plans affecting a particular area and would be supported by a formal agreement which sets out all the appropriate arrangements for Joint Committee and the discharge of functions. Each authority entering into a Joint Committee would have to formally approve the delegation of the respective function to the Joint Committee and its members.

An example of a Joint Committee is the North Essex Parking Partnership (NEPP) – combined parking service for North Essex. In 2011 Braintree District Council delegated its off Street Parking enforcement under the Road Traffic Regulation Act 1984 to the NEPP. The NEPP is administered by Colchester Borough Council.

2. Delegation from another Local Authority.

The Local Government Act 1972 enables a Local Authority to arrange for its functions to be discharged by another Authority. The delegation would be supported by an agreement setting the powers delegated, purpose, governance arrangements and duration of the delegation. The Council would be required to formally delegate the function to the other authority, or formally agree to accept the delegation from another authority. Upon the acceptance of that delegation, the Authority who has delegated the function cannot exercise that function until the delegation is revoked or concludes under a provision of Agreement.

3. Enforcement alongside another Local Authority and Agency

The Local Authority can work alongside another Local Authority/Agency to tackle a particular issue. Each Authority/Agency retains their own powers and functions but work collaboratively on an agreed approach.

An example of this type of partnership working is the Council's Licensing Team working with the RSPCA on breaches of Animal Welfare legislation with a licensed animal breeder.

Other agencies which the Council would work with under this arrangement includes:

- Essex Police
- Trading Standards
- Neighbouring Council's
- Food Standards Agency
- Health and Safety Executive

4. Partnership working via Statute

Legislation can provide for Partnership working to address certain issues. The Crime and Disorder Act 1998 enabled the Community Safety Partnership for the purpose of reducing crime and disorder in the district through the joint consideration of the levels of problems in their area, consulting widely with the district population and devising strategy to tackle priority problems.

The Community Safety Partnership consists of the following:

- The Council
- Essex Police
- Fire Service
- Probation Services
- Health Authority
- Voluntary sector
- Local residents and businesses

List of Current Partners for purpose of Enforcement

Set out below are the Partners which the Council has worked with to take enforcement action:

Department of Work and Pension
Environment Agency
Essex Police
Neighbouring Licensing Authorities
RSPCA
Trading Standards

‘Enforcement at Braintree District Council’ - Terms of Reference

Key questions for Scrutiny Review:

- What areas of enforcement fall to the Council as the District Authority, and are these effective?
- What new enforcement powers were provided to the Council in light of new regulations arising out of the Covid-19 Pandemic?
- What partnerships does the Council have in place in order to strengthen its enforcement activity?
- How does the Council utilise intelligence it holds or it receives from third parties in order to work with its partners to implement enforcement (e.g. Community Safety Partnership Annual Report, Planning and Licensing Enforcement, Complaints procedures, NEPP, etc)?
- Under the Council’s original enforcement powers, what new approaches have the Council exercised over the past 12 months to strengthen the actions it takes, and which partners were involved? Future barriers (e.g. High Court Injunctions, Search Warrants, Dangerous Building Warrants, etc)?
- Going forward, how can the Council improve its relationships with its Partners in order to further strengthen its enforcement activities, and how could this be achieved (e.g. Litigation criticisms, management of complaints, crossover enforcement between the Council and neighbouring/near Councils i.e. Chelmsford City Council and Colchester Borough Council etc)?

Key Contacts: Planning, Licensing, Operations, other L Authorities, etc

Note: *Due to the potential broadness of the topic, Members are asked to focus on specific areas of enforcement such as Planning, Licensing, etc. Members are also asked to be mindful of unique pressures being faced by various departments within the Council at the moment, particularly around officer availability and resource capacity.*

Lead Officer: TBC (see above)

Timescale: **January 2021 to April 2021.** *Anticipated that final report will be presented to Full Council at the meeting on 19th April 2021, before being referred to Cabinet for response on 17th May 2021. Members of the Partnership Development Group will then consider their future programme of work for 2021/22.*

Members are asked to note the contents of the Terms of Reference and the time scale for the Scrutiny Review as indicated.

Online Resources Library – ‘Enforcement at Braintree District Council’

To assist Members with their knowledge and evidence gathering, a list of suggested online resources is provided below. Members are reminded that although officers and witnesses will provide them with guidance and advice, they should be conducting their own research and information gathering around the topic as well in order to support and inform the outcomes of their Scrutiny Review. The list below is intended to act as an aid only and will be updated as necessary.

- **Additional COVID-19 Local Authority Enforcement Powers (04/12/20):** <https://www.gov.uk/government/publications/additional-covid-19-local-authority-enforcement-powers/additional-covid-19-local-authority-enforcement-powers> / <https://www.gov.uk/government/publications/additional-covid-19-local-authority-enforcement-powers>
- **Local authority COVID-19 compliance and enforcement good practice framework, (LGA - December 2020):** <https://www.local.gov.uk/local-authority-covid-19-compliance-and-enforcement-good-practice-framework-december-2020>

Partnership Development Group – Timetable of Meetings 2021/22

<p>Partnership Development Group – 27th January 2021</p> <ul style="list-style-type: none">• Scrutiny Review into ‘Enforcement at Braintree District Council’ – first session <p>Reports to Governance: 12th January 2021 Agenda Publication: 19th January 2021</p>
<p>Partnership Development Group – 31st March 2021</p> <ul style="list-style-type: none">• Scrutiny Review into Enforcement at Braintree District Council – second evidence gathering session. Witness to attend to provide evidence (TBC).• Make any alterations / agree draft Scrutiny Review report <p>Reports to Governance: 16th March 2021 Agenda Publication: 23rd March 2021</p>
<p>Council AGM – 19th April 2021</p>
<p>Partnership Development Group – 12th May 2021</p> <ul style="list-style-type: none">• Future Work Programme (discussion)• Start of second Scrutiny Review <p>Reports to Governance: 27th April 2021 Agenda Publication: 4th May 2021</p>
<p>Partnership Development Group – 21st July 2021</p> <ul style="list-style-type: none">• Report of the Community Safety Partnership (either at July or September meeting - Tracey Parry to deliver presentation)• Scrutiny topic evidence gathering/research (content to be agreed/confirmed)• Future Work Programme (discussion) <p>Reports to Governance: 6th July 2021 Agenda Publication: 13th July 2021</p>
<p>Partnership Development Group – 29th September 2021</p> <ul style="list-style-type: none">• Report of CSP (if not delivered at July meeting)• Scrutiny topic evidence gathering/research (content to be agreed/confirmed)

- Future Work Programme (discussion)

Reports to Governance: 14th September 2021
 Agenda Publication: 21st September 2021

Partnership Development Group – 17th November 2021

- Scrutiny topic evidence gathering/research (content to be agreed/confirmed)

Reports to Governance: 2nd November 2021
 Agenda Publication: 9th November 2021

New Year - 2022

Partnership Development Group – 26th January 2022

- Scrutiny topic evidence gathering/research (content to be agreed/confirmed)

Reports to Governance: 11th January 2022
 Agenda Publication: 18th January 2022

Partnership Development Group – 30th March 2022

- Scrutiny topic evidence gathering/research (content to be agreed/confirmed)

Reports to Governance: 15th March 2022
 Agenda Publication: 22nd March 2022

Partnership Development Group – 11th May 2022

- Scrutiny topic evidence gathering/research (content to be agreed/confirmed)

Reports to Governance: 26th April 2022
 Agenda Publication: 3rd May 2022

NOTE:- The above timetable will be treated as a LIVE document, and as such will be updated accordingly throughout the year.