

PARTNERSHIP DEVELOPMENT SCRUTINY COMMITTEE AGENDA

**Wednesday, 13th October 2021 at
7.15pm**

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

This meeting is open to the public and will be available to view via the Council's
webcast and YouTube channel
<http://www.braintree.gov.uk/youtube>

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

Councillor J Baugh	Councillor Mrs J Pell
Councillor G Courtauld (Vice-Chairman)	Councillor Mrs J Sandum
Councillor Mrs M Cunningham (Chairman)	Councillor P Thorogood
Councillor A Hensman	Councillor Mrs L Walters
Councillor T McArdle	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

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

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

Public Question Time – Registration and Speaking:

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk **by midday on the second working day** before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Friday, (where there is a bank holiday Monday you will need to register by midday on the previous Thursday).

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

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

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

Public Attendance at Meetings:

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

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

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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

Documents:

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

Data Processing:

For further information on how the Council processes data, please see the Council's Privacy Policy.

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Mobile Phones:

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

Webcast and Audio Recording:

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

Comments and Suggestions:

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

PUBLIC SESSION

1 Apologies for Absence

2 Declaration of Interests - Scrutiny Committee

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Partnership Development Scrutiny Committee held on 21st July 2021 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Scrutiny Review into Enforcement Procedures - Fourth Evidence Gathering Session

Rachel Penn, Recovery Officer at the Council, has been invited to attend the meeting in order to contribute to the Committee's evidence gathering for the Scrutiny Review into Enforcement Procedures at Braintree District Council.

During this session, Members will be invited to ask questions of Rachel on the Council's enforcement arrangements and partnership working on enforcement with regard to the Terms of Reference for this review (copy attached).

6 Scrutiny Review into Enforcement Procedures - Responses to Scrutiny Enquiry

6 - 12

7 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.

TERMS OF REFERENCE FOR SCRUTINY COMMITTEES

Partnership Development Scrutiny Committee – Enforcement Procedures at Braintree District Council

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 BDC and Chelmsford CC, Colchester BC, etc)?

Key Contacts: *Planning, Licensing, Operations, other L Auths, 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.*

Report Title: Scrutiny Review into Enforcement Procedures at Braintree District Council – Responses to Scrutiny Enquiry	
Report to: Partnership Development Scrutiny Committee	
Date: 13 th October 2021	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Jessica Mann, Governance and Members Officer	
Enquiries to: Jessica Mann, Governance and Members Officer Jessica.mann@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To ensure that the evidence base of the Partnership Development Scrutiny Committee is as robust and informative as possible, thus enabling Members to draw appropriate recommendations for submission to the Executive following the conclusion of the Scrutiny Review.

2. Recommendations

- 2.1 Members of the Partnership Development Scrutiny Committee are invited to note the responses provided by Officers in the Council's Licensing and Environmental Health teams in response to some questions raised by the Chairman, Councillor Mrs Cunningham.

3. Summary of Issues

- 3.1 On 31st March 2021, two Officers from the Council's Environmental Health Service, Colin Batchelor (Environmental Health Manager) and Dan Mellini (Environmental Health Manager, Food, Health and Safety and Licensing) were in attendance at the meeting of the Partnership Development Scrutiny Committee in order to contribute towards the Committee's evidence gathering for the Scrutiny Review into 'Enforcement Procedures at Braintree District Council.' Colin and Dan provided individual presentations which detailed their respective roles within the organisation and their experiences of partnership working on various enforcement matters.
- 3.2 Following the meeting on 31st March 2021, the Chairman submitted a number of questions to the Governance and Members team which regarded specific elements of the presentations. The questions were as follows:-
- 3.3 Question 1 – Colin's presentation

"Colin outlined a distressing case of a gentleman with mental health issues who had been unable to cope, and his home had become seriously unfit to live in. It was reported that the resident was unable to engage with the Mental

Health Team or vice versa, hence the serious state that his home fell into. It would be helpful to know if Colin felt that there was another agency or organisation that could have helped earlier to avoid the difficult outcome that the Council faced in the end and possibly a huge financial cost to the Authority?”

3.4 Question 2 – Dan’s presentation

“Dan said his department’s work over the last year in particular had been greatly helped by working with the Police and he would like to work further with the Police and particularly through the Community Hub. What other areas of his work would be enhanced by working further with the Police and does he see any barriers to achieving this?”

3.5 Officers in the Governance and Members team subsequently contacted the Environmental Health Officers in respect of the information requested by Councillor Mrs Cunningham. Responses to the questions raised were then received on 17th June 2021 (see Appendix 1) and 4th August 2021 (see Appendix 2) respectively.

3.6 On 16th September 2021, a further question was raised by the Chairman which pertained to the training opportunities available to staff within the organisation with regard to enforcement matters. As well as Officers in the Environmental Health Service, the Chairman indicated that she would like the question submitted more widely to Officers in the Council’s Operations team as well.

The question read as follows:-

3.7 Question 3

“What partners, or partnerships does the Council currently work with, or has done previously, in order to deliver training for staff on enforcement (e.g. Animal Welfare training), and can any examples of these partners be provided, internal or external to the organisation?”

3.8 As of 1st October 2021, two responses to Question 3 have been received from Colin Batchelor, Environmental Health Manager (see Appendix 3) and Dan Mellini, Environmental Health Manager, Food, Health and Safety and Licensing (Appendix 4).

4. Options

4.1 No matters arising out of this report.

5. Financial Implications

5.1 No matters arising out of this report.

6. Legal Implications

6.1 No matters arising out of this report.

7. Other Implications

7.1 No matters arising out of this report.

8. Equality and Diversity Implications

8.1 No matters arising out of this report.

9. List of Appendices

9.1 Response from Colin Batchelor to Question 1 (Appendix 1).

9.2 Response from Dan Mellini to Question 2 (Appendix 2).

9.3 Response from Colin Batchelor to Question 3 (Appendix 3).

9.4 Response from Dan Mellini to Question 3 (Appendix 4).

10. Background Papers

None.

Question 1 – Colin’s presentation

“Colin outlined a distressing case of a gentleman with mental health issues who had been unable to cope, and his home had become seriously unfit to live in. It was reported that the resident was unable to engage with the Mental Health Team or vice versa, hence the serious state that his home fell into. It would be helpful to know if Colin felt that there was another agency or organisation that could have helped earlier to avoid the difficult outcome that the Council faced in the end and possibly a huge financial cost to the Authority?”

Response from Colin Batchelor (received 17th June 2021)

“The gentleman being referred to was not accepting of assistance from any agencies and did not want to engage with anyone other than NHS when he needed ambulance/hospital assistance. Social services were aware of his situation and tried to assist but he was very rude to many people that tried to assist and frequently care staff would not return to his house. Mental Health services were also aware of the case but unless the resident agrees to it they are not able to intervene. The only time they could do so would be if he was assessed as being not of sound mind but it was quite clear that he was capable of making rational decisions, even if those would not be decisions that most other people would make under those circumstances! A multi-agency meeting was held to determine the most appropriate course of action with this individual. He agreed to place himself in residential care, self-supporting, where he passed away from medical complications associated with his lifestyle.

In this instance Environmental Health intervention was costly to bring the house to a habitable condition but all of these costs were recovered from the estate.”

Appendix 2

Question 2 – Dan’s presentation

“Dan said his department’s work over the last year in particular had been greatly helped by working with the Police and he would like to work further with the Police and particularly through the Community Hub. What other areas of his work would be enhanced by working further with the Police and does he see any barriers to achieving this?”

Response from Dan Mellini (received 4th August 2021)

“We work well with Essex Police across a number of services and a number of areas. In the future we intend to develop further work around the night time economy (including licensed premises and taxis as part of a joint plan).

We would also wish to develop possible work streams around dog breeding and gambling premises with the relevant partner agency.

To enable this to be successful we will need to ensure that we can prioritise resources effectively. Licensing is a small team with a wide ranging remit which has absorbed extra responsibilities particularly around Animal Welfare licensing generating significant levels of demand. This limits the amount of proactive compliance and enforcement activity that can be undertaken with the current resources available.

Our work with the Police is very positive, and this is partly because of how relationships and trust have been developed. We need to ensure that we have a good structure to this arrangement that can mitigate the impact of any change in resources in either organisation and maintain positive and high performing partnerships.”

Question 3 – Environmental Health and Operations

“What partners, or partnerships does the Council currently work with, or has done previously, in order to deliver training for staff on enforcement (e.g. Animal Welfare training), and can any examples of these partners be provided, internal or external to the organisation?”

Response from Colin Batchelor (received 28th September 2021)

“Environmental Health Officers are trained in enforcement as part of their basic qualification. This is supplemented on an ad hoc basis by appropriate training and refresher courses as considered necessary.

The Council has a membership to Mallard Consultancy which provides free training on various elements related to EH including various enforcement specialisms. These courses have been used on a regular basis to provide updates and revision in relevant areas. Training has also previously been provided by Trading Standards, Essex Police, County-wide specialist groups within LA’s, and external providers where appropriate.”

Question 3 – Environmental Health and Operations

“What partners, or partnerships does the Council currently work with, or has done previously, in order to deliver training for staff on enforcement (e.g. Animal Welfare training), and can any examples of these partners be provided, internal or external to the organisation?”

Response from Dan Mellini (received 1st October 2021)

“Environmental Health will work with a range of partners with respect to training of Officers on enforcement related matters. There isn’t a one fit solution and training will come from a number of providers which could include:

- Essex wide specialist Officer groups (Food, Health & Safety, Pollution, Licensing, Housing, Animal Welfare, Chief Officer, Contaminated land, infectious diseases (Inc Covid)). The groups will organise training on a variety of topics on a routine basis or in response to a particular issue.
- Professional body training (Chartered Institute of Environmental Health, Institute of Licensing, Institute of Acoustics). For example, officers will attend regional groups or National Training events such as the Licensing National conference.
- Government Depts/bodies (Gambling Commission, BEIS, OPSS, HSE, FSA, DEFRA, UK Health Surveillance, formerly Public Health England).
- Solicitors and specialist training providers (Mallard (Subscription Service), Poppleston Allen, City of London).

CPD

Qualified staff including Environmental Health Officers will need to maintain Continuing Professional Development (20 or 30 hours per year, if chartered)

Council Officers will also train colleagues from other partner agencies, the obvious being recent training provided to Essex Police by Licensing on Covid requirements and Taxi licensing.”