

# Council AGENDA



**THIS MEETING IS OPEN TO THE PUBLIC**

*(Please note this meeting will be webcast and audio recorded)*

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**Date: Monday, 22nd February 2016**

**Time: 7.15pm**

**Venue: Council Chamber, Braintree District Council, Causeway House,  
Braintree, CM7 9HB**

## **Membership:**

Councillor J Abbott	Councillor J Goodman	Councillor R Ramage
Councillor Mrs J Allen	Councillor A Hensman	Councillor F Ricci
Councillor C Bailey	Councillor P Horner	Councillor B Rose
Councillor M Banthorpe	Councillor D Hufton-Rees	Councillor Miss V Santomauro
Councillor J Baugh	Councillor D Hume	Councillor Mrs W Scattergood
Councillor Mrs J Beavis	Councillor H Johnson	Councillor Mrs W Schmitt
Councillor D Bebb	Councillor Mrs A Kilmartin	Councillor P Schwier
Councillor R Bolton	Councillor S Kirby	Councillor C Siddall
Councillor K Bowers	Councillor D Mann	Councillor Mrs G Spray
Councillor Mrs L Bowers–Flint	Councillor J McKee	Councillor P Tattersley
Councillor G Butland	Councillor R Mitchell	Councillor Mrs C Thompson
Councillor S Canning	Councillor Mrs J Money	Councillor Miss M Thorogood
Councillor J Cunningham	Councillor Lady Newton	Councillor R van Dulken
Councillor Mrs M Cunningham	Councillor J O'Reilly-Cicconi	Councillor Mrs L Walters
Councillor T Cunningham	Councillor Mrs I Parker	Councillor Mrs S Wilson
Councillor M Dunn	Councillor Mrs S Paul	
Councillor J Elliott	Councillor Mrs J Pell	

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

N BEACH  
Chief Executive

## QUESTION TIME

The agenda allows for a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

**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>

We welcome comments from members of the public to make our 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.....

.....

.....

.....

Contact details.....

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 [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk)

## **INFORMATION FOR MEMBERS**

### **Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest:-**

Any member with a Disclosable Pecuniary Interest or other Pecuniary Interest to indicate in accordance with the Code of Conduct. Such Member must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest 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 SESSION**

**Page**

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Apologies for Absence</b>   |                |
| <br>     |  |                |
| <b>2</b> | <b>To receive any announcements/statements from the Chairman and/or Leader of the Council.</b>   |                |
| <br>     |  |                |
| <b>3</b> | <b>Declarations of Interest</b><br>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.  |                |
| <br>     |  |                |
| <b>4</b> | <b>Public Question Time</b><br>(See paragraph above)   |                |
| <br>     |  |                |
| <b>5</b> | <b>Minutes of the Previous Meeting</b><br>To approve as a correct record the minutes of the meeting of Council held on 25th January 2016 (copy previously circulated).   |                |
| <br>     |  |                |
| <b>6</b> | <b>Corporate Strategy 2016-2020</b>  | <b>7 - 14</b>  |
| <br>     |  |                |
| <b>7</b> | <b>Council Budget and Council Tax 2016-17 and Medium Term Financial Strategy 2016-17 to 2019-20</b><br><br>1. Recommendations from Cabinet held on 4 <sup>th</sup> February 2016 –Council Budget and Council Tax 2016/17 and Medium-Term Financial Strategy 2016/17 to 2019/20.<br>2. Council Tax Resolution for 2016/17 (Report to follow).<br><br><i>Members are requested to bring to this meeting the Cabinet Report item 7a - Council Budget and Council Tax 2016/17 and Medium-Term Financial Strategy 2016/17 to 2019/20 report, previously circulated.</i> | <b>15 - 22</b> |
| <br>     |  |                |
| <b>8</b> | <b>Contract Procedure Rules</b>  | <b>23 - 53</b> |

## **9 Reports from the Leader and Cabinet Members**

To receive the following reports from each Portfolio Holder.

Oral Questions to the Cabinet:

Members are reminded that following the presentation of each Cabinet Member's report, Members may put questions to the Cabinet Member on matters relating to their portfolio, the powers and duties of the Council or the District. Questions are not restricted to the contents of the Cabinet Member's report.

Where a verbal response cannot be given, a written response will be issued to all Members. (Council Procedure Rules 29.1 to 29.4 apply).

A period of up to 1 hour is allowed for this item.

<b>9a</b>	<b>Councillor G Butland - Leaders Report to Council</b>	<b>54 - 55</b>
<b>9b</b>	<b>Councillor Mrs J Beavis - Health and Communities</b>	<b>56 - 59</b>
<b>9c</b>	<b>Councillor D Bebb - Finance And Performance</b>	<b>60 - 61</b>
<b>9d</b>	<b>Councillor T Cunningham - Economic Development</b>	<b>62 - 63</b>
<b>9e</b>	<b>Councillor Lady Newton - Planning and Housing</b>	<b>64 - 65</b>
<b>9f</b>	<b>Councillor J McKee - Corporate Services and Asset Management</b>	<b>66 - 67</b>
<b>9g</b>	<b>Councillor Mrs W Schmitt - Environment and Place</b>	<b>68 - 70</b>
<b>10</b>	<b>List of Public Meetings held since last Council Meeting</b>	<b>71 - 71</b>

**11 Chairmen's Statements**

To receive statements from those Chairmen who have given prior notification in accordance with Council Procedure Rule 33.1 and to respond to questions on such statements.

***None have been received.***

**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 32.1. ***None have been received.***

**13 External Organisations**

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

***None have been received.***

**14 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**

**15 Leader's or Cabinet Member Statements - Private Session**

Leader's Statements or statements by Cabinet Members containing exempt information on a key issue.

***None have been received.***

**16 Policy Recommendations and References - Private Session**

***None have been received.***

**17 Reports from the Leader or Cabinet Members - Private Session**

To receive any reports from the Leader of the Council and each Portfolio Holder containing exempt information and to ask questions on matters contained in the reports.

Where a verbal response cannot be given, a written response will be issued to all Members. (Council Procedure Rules 29.1 to 29.4 apply).

***None have been received.***

**18 Private Meetings Held Since the Last Council Meeting**

To raise any matters arising from the Minutes of meetings that have been held in Private Session since the Council meeting of <insert date>.

***None have been received.***

**19 Chairmen's Statements - Private Session.**

To receive statements from those Chairmen who have given prior notification in accordance with Council Procedure Rule 33.1 and to respond to questions on such statements.

***None have been received.***

**20 Statements by Members - Private Session**

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 32.1. ***None have been received.***

Corporate Strategy 2016-20		Agenda No: 6
Portfolio	Overall Corporate Strategy and Direction	
Corporate Priority:	Corporate Strategy	
Report presented by:	Councillor Graham Butland. Leader of the Council	
Report prepared by:	Nicola Beach, Chief Executive	
Background Papers:		Public Report
Summary of consultation responses Corporate Priorities 2016-2020 Report and Minutes of Cabinet – 4 <sup>th</sup> February 2016		Key Decision: No
Executive Summary:		
<p>This report sets out the priorities for the Council for the next four years.</p> <p>The Corporate Strategy informs the organisation’s Annual Plan and Business Plans for each service, which are all designed to deliver the priorities set out in the strategy. Progress against the Annual Plan is reported quarterly to Cabinet.</p> <p>Consultation on the corporate priorities was carried out using a survey on the website, via the Contact magazine which went out to every household in December and with key partners. This exercise was undertaken between November 2015 and mid January 2016 and the summary of results is contained in the body of the report.</p> <p>This consultation is complemented by an evidence base compiled from previous performance information, customer and business feedback, emerging issues both locally and nationally and research materials gathered both internally and externally. All of which has led to the development of the corporate priorities set out in the report.</p> <p>The climate within which Braintree District Council is operating is changing at a fast pace. To reflect this, there will be an annual review and refresh of the Corporate Strategy to ensure that the priorities still remain relevant throughout the life of the strategy.</p> <p>Cabinet considered the Corporate Strategy on 4<sup>th</sup> February 2016 and recommended it to Council. The Corporate Strategy appended to this report incorporates the changes made by Cabinet.</p>		
Decision:		
Members are asked to adopt the Corporate Strategy for 2016-2020.		

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<b>Purpose of Decision:</b>
To set the Council's priorities over the next four years.

Any Corporate implications in relation to the following should be explained in detail	
<b>Financial:</b>	Agreement of the priorities document will not have any financial impact. Each project to deliver the corporate priorities will have a business case which will detail financial implications.
<b>Legal:</b>	Agreement of the priorities document itself does not have any legal impact. Each business case will detail legal implications.
<b>Safeguarding</b>	There is a specific priority within the Health and Communities theme to protect the vulnerable, which encompasses our safeguarding responsibilities.
<b>Equalities/Diversity</b>	Equality impact assessments will be carried out for each project individually.
<b>Customer Impact:</b>	<p>The corporate priorities are designed to improve the quality of life, economic prospects, access to services and environment for our residents and businesses. A range of customer feedback has been used to develop the Corporate Priorities.</p> <p>Customer Impact assessments will be conducted as part of the planning for each document.</p>
<b>Environment and Climate Change:</b>	<p>Adoption of the priorities document will not have any environmental impact. The Environment and Place theme has a number of priorities that are designed to have a positive impact on the environment and climate change.</p> <p>Each Business Case will detail environmental and climate change implications.</p>
<b>Consultation/Community Engagement:</b>	A range of customer feedback and consultation/survey responses were used to develop the priorities. There has also been consultation carried out since the draft priorities were developed to get feedback on our plans.
<b>Risks:</b>	If the Corporate Strategy is not adopted, there will be no overall Council Plan from which to set our Annual and Business Plans.
<b>Officer Contact:</b>	Nicola Beach
<b>Designation:</b>	Chief Executive
<b>Ext. No.</b>	2000
<b>E-mail:</b>	nicola.beach@braintree.gov.uk







# CORPORATE STRATEGY | 2016 - 2020

# Welcome to our Corporate Strategy for 2016-2020



When formulating the Corporate Strategy, which sets out our priorities for the next four years, we were mindful that our district is changing, people are living longer; we need more homes,

more jobs, more investment and more opportunities for everyone who lives and works in the district. The district will grow significantly in the coming decades, so we need to make sure the right foundations are in place to support this growth whilst being careful to maintain the character and quality of the district that our residents value.

Like many organisations in the public sector we have had to tighten our belts, but through prudent management we are in a good position and have aligned our budgets to support the delivery of the key priorities within this Corporate Strategy:

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## **Environment and Place:**

We want to make sure our district is a pleasant clean place to live and work.

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## **Strategic Growth and Infrastructure:**

We want to ensure our district has the right foundations to support new and existing communities

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**Economic Development:** We want more jobs and opportunities for everyone who lives and works in our district and we will do this by supporting local businesses

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**Health and Communities:** We want our residents to be healthy and live well

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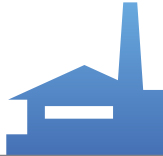






**Finance and Performance:** We want to maintain our key services and provide our taxpayers with value for money

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A stylized, handwritten signature in black ink, appearing to read 'Graham Butland'.

**Councillor Graham Butland**  
Leader of the Council

Our priorities over the next four years are:

 <b>Environment and Place</b>  <b>Vision/Outcome</b> A sustainable environment and a great place to live, work and play  <b>PRIORITIES</b> <ul style="list-style-type: none"><li>• Minimising the waste produced across the district</li><li>• Maintaining high quality green spaces for all to enjoy</li><li>• Reducing our energy consumption and carbon emissions and supporting others to do the same</li><li>• Keeping our district clean and tidy</li></ul> 	 <b>Strategic Growth and Infrastructure</b>  <b>Vision/Outcome</b> A well connected and growing district with high quality homes and infrastructure  <b>PRIORITIES</b> <ul style="list-style-type: none"><li>• Developing a Local plan that meets the future needs of the district</li><li>• Increasing the number of homes that meet the needs of our current and future residents</li><li>• Improving the availability of affordable homes in the district</li><li>• Supporting the delivery of strong sustainable transport infrastructure links</li></ul> 	 <b>Economic Development</b>  <b>Vision/Outcome</b> A prosperous district that attracts business growth and provides high quality employment opportunities  <b>PRIORITIES</b> <ul style="list-style-type: none"><li>• Enabling suitable employment sites and premises</li><li>• Providing support to help businesses to start and grow</li><li>• Developing educational attainment and skills that are attractive to employers</li><li>• Supporting our urban and rural economy</li><li>• Securing modern high speed broadband links throughout the district to support our businesses</li></ul> 	 <b>Health and Communities</b>  <b>Vision/Outcome</b> Residents live well in healthy and resilient communities where residents feel supported  <b>PRIORITIES</b> <ul style="list-style-type: none"><li>• Supporting our residents to be healthy and live well</li><li>• Protecting the vulnerable</li><li>• Improving services to meet the needs of older people in the district</li><li>• Encouraging independent and resilient communities</li><li>• Expanding access to services for young people</li></ul> 	 <b>Finance and Performance</b>  <b>Vision/Outcome</b> A high performing organisation that delivers excellent and value for money services  <b>PRIORITIES</b> <ul style="list-style-type: none"><li>• Regularly review our services and processes to ensure that they continue to offer value for money</li><li>• Strengthening the Council's financial independence</li><li>• Improving performance in services that are a priority for our customers</li><li>• Improving access to services through use of technology</li></ul> 	 <b>Overall strategy and direction</b>  <b>Vision/Outcome</b> Delivering better outcomes for residents and businesses and reducing costs to taxpayers  <b>PRIORITIES</b> <ul style="list-style-type: none"><li>• Working with Councils, other public bodies and the private sector across Essex, to achieve greater local control of decisions to enable us to deliver better outcomes for residents, businesses and customers</li><li>• We will continue to develop our strategic partnerships with public, private and voluntary organisations to provide excellent and cost effective services that are valued by our residents and businesses</li></ul> 
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Delivering the strategy

- Developing and governing organisation to meet the challenges of the future
- Delivering Customer Service Excellence
- Keeping people informed
- Emphasising our Business focus
- Robust and transparent performance management

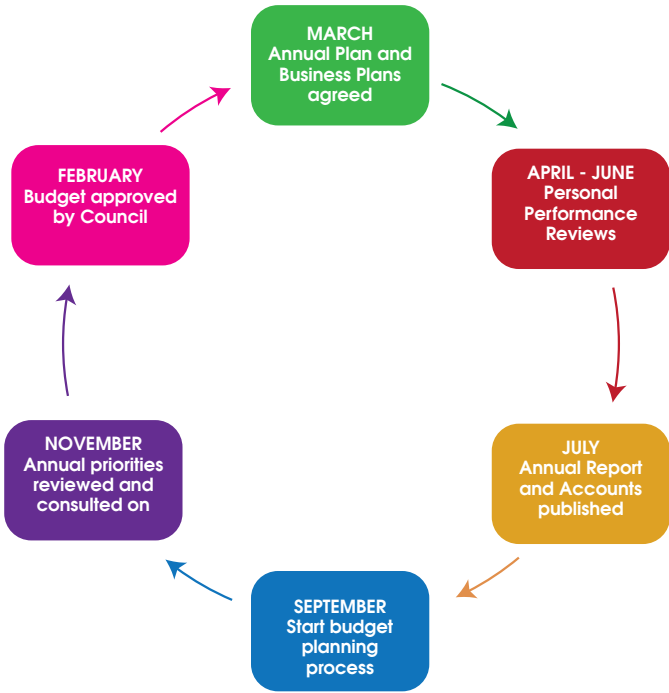
# Delivering the Strategy

Our Strategy sets out our priorities for the four years from 2016 - 20. To deliver this we have an Annual Plan which sets out our actions against each priority and our performance is regularly reported to Cabinet.

We also have business plans for each of our services which set out how the service will meet the priorities and actions required of it over the coming year to support the Annual Plan and Corporate Strategy.

# Our Corporate Planning and Business Cycle

There are key tasks that happen throughout the year to allow us to plan and review against our priorities. This ensures that we focus our spending and resources on the things that matter most to our residents and communities and set our budget effectively.



# How our plans fit together

We need to ensure that every member of staff contributes to our priorities. Our high level strategies link right the way through to our personal performance plans to ensure that we can be clear about these links.



# Managing our Finances

We regularly review our services and processes to ensure that they continue to offer value for money. We keep our budgeting and decision making transparent to our residents so that they have access to information about how their tax is spent.

The Medium Term Financial Strategy (MTFS) is our plan to balance the budget over the next four years and works with our Corporate Strategy and the Annual Plan to give a full picture of what we are doing. The MTFS is reviewed on an annual basis to update it for current economic conditions and to adapt to our customers' changing needs and priorities.

We always welcome comments, suggestions and feedback (critical or otherwise) on our plans and improvements and in the way that we write our documents and communicate them.

## If you would like to comment, you can:

call our Customer Service Centre on  
**01376 552525.**

e-mail our Customer Service Centre at:  
**csc@braintree.gov.uk.**

write to any of our main or area offices at:

**Braintree District Council,**  
Causeway House  
Braintree, Essex CM7 9HB

**Halstead Public Library**  
Bridge Street,  
Halstead, CO9 1HU

**Witham Public Library,**  
18 Newland Street  
Witham CM8 2AQ

or at any other library in the District  
- please ensure letters are clearly  
addressed to Braintree District Council.

Contact your local Councillor  
- you can speak to your local Councillor  
who will be able to pass your  
comments back if you wish.



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<p><b>Recommendations from the Cabinet, 4<sup>th</sup> February 2016</b></p> <p><b><u>Council Budget And Council Tax 2016/17 And Medium Term Financial Strategy 2016/17 To 2019/20</u></b></p>	<p><b>Agenda No: 7</b></p>
<p><b>Background Papers:</b> Overview and Scrutiny Committee Agenda and Minutes 27<sup>th</sup> January 2016 Cabinet Agenda and Minutes 4<sup>th</sup> February 2016</p>	<p><b>Public Report</b></p>

<p><b>Minute Extract:</b></p>
<p><b>CABINET – 4<sup>TH</sup> FEBRUARY 2016</b></p> <p><b>58 <u>COUNCIL BUDGET AND COUNCIL TAX 2016/17 AND MEDIUM TERM FINANCIAL STRATEGY 2016/17 TO 2019/20</u></b></p> <p><b>INFORMATION:</b> Members were advised that an amendment had been made to Appendix C of the report in relation to the penultimate line on page 64, to replace Great Notley Parish with Great Yeldham.</p> <p>Members were informed that the final allocation of funding from Central Government was yet to be confirmed and a supplementary report would be presented to Council.</p> <p>The provisional settlement indicated that there had been a large reduction to the allocation of Settlement Funding Assessment (SFA) for the next year of 16.21%. The reduction in SFA between the current year and 2019/20 is £2.555million or 44.7%. The Revenue Support Grant would be phased out completely in 2019/20, however the business rates tariff adjustment had awarded a negative grant of - £291,482 which had not been anticipated.</p> <p>The Government had offered to make a four year funding settlement which the Council would be evaluating. Government had also provided the indication of the Councils core spending power which would be reduced by 13.1% over the four year period.</p> <p>The business rates retention scheme had an estimated benefit over the baseline</p>

of £800,000, notwithstanding any other tariffs that might have been awarded. The Council would be entering in to the business rates pooling arrangements and intend to achieve £366,000 which would be awarded the following year in 2017/18.

The detail of the provisional settlement was broadly in line with assumptions made, including the initial budget proposals agreed by Cabinet on 30<sup>th</sup> November 2015. The Council faces a significant challenge to provide services required by residents, businesses and communities across the district and to balance its finances in the years following 2016.

**DECISION:** That it be Recommended to Council that the following, together with the amendment to Appendix C (the penultimate line on page 64) to replace Great Notley Parish with Great Yeldham, be approved:

1. Delegated authority is given to the Corporate Director responsible for Finance, in consultation with the Cabinet Member for Finance and Performance, to determine whether the Council accepts the Government's offer of a four-year settlement;
2. The budget variations to the current base budget as detailed in Section 3 of the main report;
3. The savings as detailed in Section 6 of the main report;
4. The Investment bids for a provision of £180,000 for a Councillor Grant scheme and associated administrative costs, and the allocation of £20,362 of the estimated surplus on the Council Tax Collection Fund to Town/Parish Councils, as detailed in Section 4 of the main report;
5. The unavoidable budget demands, totalling £260,580 in 2016/17, as detailed in Section 5 of the main report;
6. The package of support to claimants experiencing difficulties through changes in the Local Council Tax Support scheme as detailed in Section 10.7 of the main report;
7. The Council's discretionary fees and charges for 2016/17 as detailed in Appendix A to the main report;
8. Delegated authority is given to the appropriate Cabinet Member to determine the level of Trade Waste charges, Planning pre-application fees, land charges and Environmental permits for 2016/17;
9. The Council's housing rents are reduced by 1% for 2016/17, as detailed in Appendix A to the main report;



10. That delegated authority is given to the appropriate Cabinet Member to agree variations to Trade Waste, Town Hall Centre, Building Control and Car Parking fees and charges for commercial purposes;
11. Discretionary council tax discounts and exemptions for 2016/17 are set as detailed in Appendix D to the main report;
12. The Council's Pay Policy for 2016/17 as detailed in Appendix F to the main report;
13. A transfer of £352,500 to the General Fund unallocated balance in 2016/17;
14. Transfers between earmarked reserves and estimated drawdown from report;

### **Capital**

15. The General Fund Capital bids for 2016/17 listed in Appendix K to the main report;

### **Treasury Management**

16. The Prudential Indicators and limits set out in Appendix M to the main report;
17. The Policy on Minimum Revenue Provision as recommended in Appendix M to the main report;
18. The Treasury Management Strategy, including annual investment strategy, for 2016/17 (Appendix M to the main report);

### **Council Tax**

19. The proposed estimates (producing a budget requirement for council tax purposes of £13,542,557) as detailed in Appendix G and the Council Tax for 2016/17 of £162.72 for a Band D property, having taking into consideration:
  - The consultation feedback received (Appendix E to the main report);
  - The assessment of risks in the budget assumptions;
  - The Equalities Impact Assessments and
  - The Section 151 Officer's report on the robustness of the estimates and the adequacy of balances (Appendix O to the main report).

**REASON FOR DECISION:** To determine the Budget and Council Tax level proposals for 2016/17 to be submitted to Full Council for consideration, in accordance with the Budget and Policy Framework Procedure Rules contained in the Constitution.

### **2016/17 Final Financial Settlement Update**

The Final Local Government Finance Settlement 2016/17 was issued on Monday 8th February 2016.

The Council will benefit from additional resources in 2016/17 of £82,533; £70,415 in 2017/18; £13,657 in 2018/19 and £17,754 in 2019/20.

Revenue Support Grant and Business Rates Retention – no change from provisional figures for any of the years - 2016/17 to 2019/20

Rural Services Grant of £21,988 in 2016/17 and £17,754 in 2017/18 (increases for two years only announced – 2018/19 and 2019/20 remain at £13,657 and £17,754 respectively).

Transition Grant of £52,844 in 2016/17 and £52,661 in 2017/18 (two years only).

Returned funding of £7,701 in 2016/17 (monies held back for New Homes Bonus but not required).

The Secretary of State for Communities and Local Government also announced that all district councils will be allowed to increase council tax up to the higher of 2% or £5.00 per property in 2016/17.

The options for the council tax rate are now under consideration and an update report will be issued next week along with the council tax resolution.

#### **Updated Documents:**

- 1) Appendix C - the penultimate line on page 64 to replace Great Notley Parish with Great Yeldham Parish Council, a revised copy is attached to this report.
- 2) The additional resources announced in the final settlement have been incorporated in a Revised General Fund Revenue Profile 2015/16 to 2019/20 (Appendix G in the report to Cabinet), a revised copy is attached to this report replacing pages 84 and 85.

#### **Decision For Full Council**

A consolidated resolution will be provided when there has been full consideration of the options for the council tax rate.

## Allocation of the estimated Surplus on the Council Tax Collection Fund as at 31st March 2016

Parish/Town Councils and District Council	District/ Parish Precept 2015/16 £	Allocation £
Braintree District Council	£7,937,331	94,628
Alphamstone and Lamarsh	£2,800	33
Ashen	£4,071	49
Belchamp Otten	£1,000	12
Belchamp St Paul	£3,000	36
Belchamp Walter	£4,529	54
Birdbrook	£11,382	136
Black Notley	£48,000	572
Borley	£1,269	15
Bradwell	£7,569	90
Bulmer	£4,494	54
Bures Hamlet	£24,507	292
Castle Hedingham	£22,369	267
Coggeshall	£154,213	1,838
Colne Engaine	£21,802	260
Cressing	£31,147	371
Earls Colne	£48,187	574
Feering	£38,660	461
Finchingfield	£36,319	433
Foxearth and Liston	£6,403	76
Gestingthorpe	£4,715	56
Gosfield	£28,136	335
Great Bardfield	£27,300	325
Great Maplestead	£3,561	42
Great Notley	£60,655	723
Great Saling	£5,149	61
Great Yeldham	£38,922	464
Greenstead Green	£4,784	57

Parish/Town Councils and District Council	District/ Parish Precept 2015/16 £	Allocation £
Halstead	£136,447	1,627
Hatfield Peverel	£53,274	635
Helions Bumpstead	£11,810	141
Hennys, Middleton & Twinstead	£4,565	54
Kelvedon	£75,943	905
Little Maplestead	£2,605	31
Little Yeldham	£4,930	59
Tibury Juxta Clare & Ovington		
Panfield	£16,054	191
Pebmarsh	£6,550	78
Pentlow	£5,000	60
Rayne	£36,091	430
Ridgewell	£13,073	156
Rivenhall	£9,450	113
Shalford	£12,784	152
Sible Hedingham	£85,332	1,017
Silver End	£55,473	661
Stambourne	£4,397	52
Steeple Bumpstead	£34,777	415
Stisted	£8,904	106
Sturmer	£5,255	63
Terling & Fairstead	£14,261	170
Toppesfield	£11,068	132
Wethersfield	£22,000	262
White Colne	£9,516	113
White Notley and Faulkbourne	£11,026	131
Wickham St Paul	£10,629	127
Witham	£402,239	4,795
Total	£9,645,727	£114,990
Total allocated to Parish/Town Councils		20,362

## General Fund Revenue Profile 2015/16 to 2019/20

## APPENDIX G

Revised 9th February 2016

	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>
	£	£	£	£	£
Base Budget brought forward from previous year	15,317,986	15,624,426	13,601,192	13,410,781	13,264,979
<b><u>Inflation:</u></b>					
Pay - annual award and incremental progression	256,100	189,590	255,790	213,230	202,520
Other Expenditure Inflation	66,040	74,910	68,770	82,330	102,890
Income Inflation	0	0	(50,000)	(10,000)	(10,000)
Pension Fund and National Insurance contribution adjustments	80,710	293,420	99,820	61,410	63,270
<b><u>New Demands:</u></b>					
Priority Area Investment, Bids and Unavoidable Budget Changes previously profiled	(1,078,360)	(24,910)	0	0	0
New Bids Ongoing	272,380				
One-off Growth Items 2015/16	2,101,106	(2,101,106)			
Reduction of Council Tax Support and Housing Benefit Administration Subsidy	97,920	126,060	46,750	43,480	43,480
Allowance for Reduced Income/Increased costs		260,580	515,100		
Priority Investment - one-off provision		200,362	(200,362)		
<b><u>Reductions:</u></b>					
Savings/Additional Income agreed previously profiled	(1,490,290)	(79,844)	(19,830)	0	0
Proposed savings - Members' decision		(131,340)	(85,420)	(111,100)	(84,450)
New savings - Agreed by Management		(485,250)	(6,350)	(1,750)	
New additional income		(432,790)	(181,710)	(11,470)	(7,000)
<b>Council Tax Freeze Grant 2014/15 and 2015/16</b>	834	87,084	0		
<b>Additional Savings Required</b>	<b>0</b>		<b>(632,969)</b>	<b>(411,932)</b>	<b>(429,280)</b>
<b>Updated Base Budget</b>	<b>15,624,426</b>	<b>13,601,192</b>	<b>13,410,781</b>	<b>13,264,979</b>	<b>13,146,409</b>
(Use of) / Addition to Balances	(864,574)	<b>435,033</b>			

## General Fund Revenue Profile 2015/16 to 2019/20

## APPENDIX G

Revised 9th February 2016

	<u>2015/16</u> £	<u>2016/17</u> £	<u>2017/18</u> £	<u>2018/19</u> £	<u>2019/20</u> £
Contribution from Balances for one-off growth items / Investment Bids 2013/14 and 2014/15	(29,910)	0			
Contribution from Earmarked reserves		(411,135)			
<b>Budget Requirement</b>	<b>14,729,942</b>	<b>13,625,090</b>	<b>13,410,781</b>	<b>13,264,979</b>	<b>13,146,409</b>
Government Grant - Revenue Support Grant	(2,556,001)	(1,602,495)	(777,347)	(272,480)	0
Retained Business Rates - Baseline amount	(3,164,806)	(3,191,180)	(3,253,945)	(3,349,939)	(3,457,008)
- Growth above baseline	(573,934)	(800,493)	(816,237)	(840,317)	(575,693)
Transition and Rural Services grants and returned funding		(82,533)	(70,415)	(13,657)	(17,754)
Collection Fund Balance - Business Rates (Surplus)/Deficit	(325,570)	411,135			
Collection Fund Balance - Council Tax (Surplus)/Deficit	(172,300)	(114,990)			
<b>BDC Requirement from Council Taxpayers</b>	<b>7,937,331</b>	<b>8,244,534</b>	<b>8,492,837</b>	<b>8,788,586</b>	<b>9,095,954</b>
Tax base (+1% p.a growth in properties for 2017/18 and +1.5% for 2018/19 and 2019/20 and collection rate of 99%)	49,742	50,667	51,174	51,942	52,721
Council Tax (Band D)	£ 159.57	£ 162.72	£ 165.96	£ 169.20	£ 172.53
Council Tax per week	£ 3.07	£ 3.13	£ 3.19	£ 3.25	£ 3.32
<b>Percentage Increase</b>	<b>0.0%</b>	<b>1.97%</b>	<b>1.99%</b>	<b>1.95%</b>	<b>1.97%</b>
Increase per week	£ -	£ 0.06	£ 0.06	£ 0.06	£ 0.07

<b>Contract Procedure Rules</b>		<b>Agenda No: 8</b>
<b>Portfolio</b>	<b>Corporate Services and Asset Management</b>	
<b>Corporate Priority:</b>	<b>Providing value for money, Delivering excellent customer service, Improving our services through innovation</b>	
<b>Report presented by:</b>	Councillor John McKee, Cabinet Member For Corporate Services And Asset Management	
<b>Report prepared by:</b>	Trevor Wilson, Head of Finance	
<b>Background Papers:</b>		<b>Public Report</b>
Report and Minutes of the Developing Democracy Group (Cabinet Sub-Committee) of 13 <sup>th</sup> January 2016		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>The Developing Democracy Group considered a revised version of the Council's Contract Procedure Rules on 13<sup>th</sup> January 2016. Members are reminded that Cabinet approved the Procurement Strategy 2014 to 2018 on 21<sup>st</sup> July 2014.</p> <p>The report and draft Contract Procedure Rules were presented to the Group by the Head of Finance and the Procurement Manager. Having received satisfactory responses to a number of questions and clarification on some points of detail the group agreed that the Revised Contract Procedure Rules be recommended to Council for approval and inclusion with the Council's Constitution.</p> <p>The Revised Contract Procedure Rules are attached at Appendix A.</p> <p>The Council's Contract Procedure Rules are detailed within Chapter Two 'Council Procedure Rules' of the Constitution. The Rules have been reviewed and amended to reflect the changes to the Public Sector Procurement Contract Regulations that came into force in 2015.</p> <p>The key changes in the Public Contract Regulations (PCR) are:</p> <ul style="list-style-type: none"><li>• the removal of Pre-Qualification Questionnaires (PQQ's) for contracts with a value less than the Official Journal of the European Union (OJEU) contract thresholds;</li><li>• the thresholds at which opportunities should be advertised; and</li><li>• the phasing-in of the usage of e-tendering systems for all procurement exercises.</li></ul>		

## **Key changes to the Contract Procedure Rules**

### **Simplification of thresholds**

It is proposed that there will be just four procurement thresholds reduced from the current six. These proposed thresholds are:

- up to £1,499 (1 quote),
- £1,500 - £24,999 (3 Quotes),
- £25,000 to OJEU thresholds (advertise), and
- OJEU thresholds and above (advertise).

The new OJEU levels from 1<sup>st</sup> January 2016 are: Goods & Services - £164,176 and Works - £4,104,394. As mentioned above, a PQQ can no longer be undertaken for contracts with a value less than the OJEU thresholds.

### **Advertising of Requirement / Contract Opportunities**

All requirements with an estimated value of over £25,000 to be advertised on Contracts Finder ([www.gov.uk/contracts-finder](http://www.gov.uk/contracts-finder)), this is a single government portal for ease of supplier access to opportunities.

The Council currently uses an e-tendering system (BiP Delta) to advertise opportunities. This system has a link with the "Contracts Finder" system so that only one system needs to be used for multiple advertising and to meet the new requirement.

The e-tendering system manages all procurement requirements electronically from advertising, receiving and posting clarifications as well as receipting the bidder's submissions. The proposals will still allow for hard copy of tender returns until legislation enforces the sole use of e-tendering solutions. This is likely to be by 2017.

In addition to meet Transparency Code requirements all contract award information will also be placed on "Contracts Finder"; this is in addition to being recorded in the Council's current Contracts Register.

### **Waivers of Standing Orders / Exemptions**

It is intended that waivers of standing orders / Contract exemptions will be kept to a minimum but where required these will continue to be sought via permission from the Section 151 Officer or the Head of Governance.

### **Bidding Process**

It is proposed to add a bidding procedure for external opportunities that the Council may wish to bid for. The full details can be view under section 25 of the procedure rules. The reason for inclusion is to provide officers with a procedure to assist them in responding to external opportunities effectively.



<b>Decision</b>
<ol style="list-style-type: none"><li>1) To approve the Contract Procedure Rules attached to this report to take effect from 23<sup>rd</sup> February 2016 and for inclusion in Chapter Two of the Constitution.</li><li>2) To authorise the Head of Governance to make any typographical or related consequential amendments to produce publication versions of the document.</li></ol>
<b>Purpose of Decision:</b>
To ensure the Council has up-to-date Constitution which reflects the needs of the authority and to meet the Public Sector Procurement Contract Regulations 2015

Any Corporate implications in relation to the following should be explained in detail	
<b>Financial:</b>	The Council currently has a five-year agreement for the e-tendering system; the annual cost of £7,000 is shared between the six members of the Procurement Hub.
<b>Legal:</b>	The Contract Procedure Rules are issued in accordance with section 135 of the 1972 Local Government Act, the European Union Public Contracts Directive 2014 and the Public Contracts Regulations 2015.
<b>Safeguarding</b>	Contractors will be expected to adhere to and adopt the Council's Policy, where appropriate.
<b>Equalities/Diversity</b>	Contractors will be expected to adhere to and adopt the Council's Policy, where appropriate.
<b>Customer Impact:</b>	Advertising opportunities on the 'Contracts Finder' will provide greater transparency for local suppliers.
<b>Environment and Climate Change:</b>	Contractors will be expected to adhere to and adopt the Council's Policy, where appropriate.
<b>Consultation/Community Engagement:</b>	Consultation has been carried out with Management Board. As set out in the report the Developing Democracy Group considered a report on 13 <sup>th</sup> January 2016.
<b>Risks:</b>	<p>Non-compliance with the Public Contracts Regulations 2015 could lead to court action by unsuccessful suppliers or suppliers not given the opportunity to bid.</p> <p>Failure to have an up-to-date and appropriate Constitution would expose the Council to the risk of failing to comply with its legal obligations.</p>
<b>Officer Contact:</b>	Trevor Wilson
<b>Designation:</b>	Head of Finance
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**BRAINTREE DISTRICT COUNCIL**

**CONTRACT PROCEDURE RULES**

<b>CONTENTS</b>	<b>PAGE</b>
THE CONTRACT PROCEDURE RULES	
1. EXEMPTIONS	4
2. GENERAL ADVICE	4
3. CALCULATION OF TOTAL VALUES FOR PURCHASE OR DISPOSAL	5
4. FOR WORKS / GOODS / SERVICES UP TO £24,999	6
5. FOR WORKS / GOODS / SERVICES FROM £25,000 TO EU THRESHOLD	6
6. FOR WORKS / GOODS / SERVICES ABOVE EU THRESHOLD	7
7. FOR ALL WORK / GOODS / SERVICES ABOVE EU THRESHOLD	7
• Choice Of Procurement Procedure	7
• Pre-Tender Market Research and Consultation	8
• Standards and Award Criteria	8
• Collaborative, Partnership and E-Procurement Arrangements	9
8. ADVERTISING AND FRAMEWORK AGREEMENTS	10
• Identifying and Assessing Potential Tenderers	10
• Framework Agreements	11
9. INVITATIONS TO TENDER/ QUOTATIONS	11
10. SHORTLISTING	12
11. SUBMISSION, RECEIPT AND OPENING OF TENDERS OVER £25,000	12
12. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION	13
13. EVALUATION, AWARD OF CONTRACT AND DEBRIEFING TENDERERS	14
14. ASSETS FOR DISPOSAL	14
15. RECORDS TO BE RETAINED	15
16. APPOINTMENT OF CONSULTANTS TO PROVIDE SERVICES	16
17. CONTRACT FORMALITIES	16
18. PUBLICATION OF INFORMATION REGARDING CONTRACTS AWARDED	17
19. CONTRACT DOCUMENTS	17
20. SEALING	18
21. BONDS AND PARENT COMPANY GUARANTEES	18
22. PREVENTION OF CORRUPTION	18
23. DECLARATION OF INTERESTS	19
24. CONTRACT MANAGEMENT	19
• Managing Contracts	19
• Risk Assessment And Contingency Planning	19
• Contract Monitoring, Evaluation and Review	20

<b>25. BIDDING PROCEDURE</b>	<b>20</b>
• Pre-Bid Requirements	21
• Bid Submission and Preparation	21
• Successful Bids	21
• Unsuccessful Bids	22
• Contract Records	22
<b>26. DEFINITIONS APPENDIX</b>	<b>23</b>

## THE CONTRACT PROCEDURE RULES

These contract procedure rules (issued in accordance with section 135 of the 1972 Local Government Act, The European Union Public Contracts Directive 2014 and the Public Contracts Regulations 2015) are intended to promote good purchasing practice and public accountability and deter corruption.

### 1. EXEMPTIONS

- 1.1 Exemption from any of the following provisions of these standing orders may be made by direction of the Council, the Cabinet or a Committee duly authorised in that behalf, by the Monitoring Officer or S151 Officer or their duly authorised representative where they are satisfied that the exemption is justified in special circumstances.
- 1.2 A record of any exemptions made will be retained by the Procurement Section.

### 2. GENERAL ADVICE

- 2.1 Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.
- 2.2 Officers responsible for purchasing or disposal must comply with these contract procedure rules. They lay down minimum requirements and detail more thorough procedures that may be appropriate for a particular contract.
- 2.3 General Advice includes:
  - 2.3.1 For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and fax transmissions as well as hard copy.
  - 2.3.2 Follow the rules if you purchase goods or services or order building work.
  - 2.3.3 Take all necessary legal, financial and professional advice and be consistent with the highest standards of integrity.
  - 2.3.4 Declare any personal financial interest in a purchase or contract.  
[http://www.braintree.gov.uk/intranet/downloads/file/342/declaration\\_conflict\\_of\\_interest\\_form](http://www.braintree.gov.uk/intranet/downloads/file/342/declaration_conflict_of_interest_form)
  - 2.3.5 Ensure that the purchase is Value for Money
  - 2.3.6 Check whether there is an existing Framework Agreement you can make use of before undergoing a competitive process.
  - 2.3.7 Where a tender is required then normally allow at least four weeks for submission of bids (not to be submitted by fax or e-mail).
  - 2.3.8 Keep bids confidential.

- 2.3.9 Issue an official order via Marketplace or complete a written contract before the supply or works begin.
- 2.3.10 Identify a project manager with responsibility for ensuring the purchase/contract delivers as intended.
- 2.3.11 Keep records of dealings with suppliers.
- 2.3.12 Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.
- 2.3.13 Support the Council's corporate and departmental aims and policies.
- 2.3.14 Comply with the Council's corporate Procurement Strategy.
- 2.3.15 Officers responsible for purchasing or disposal must comply with Financial Regulations and with all UK and European Union binding legal requirements. Officers must ensure that any Agents, Consultants and contractual partners acting on their behalf also comply.
- 2.3.16 Considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
- 2.3.17 Consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring.
- 2.3.18 Drafting the terms and conditions that are to apply to the proposed contract.
- 2.3.19 There is Council or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution.
- 2.4 When any employee either of the Council or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

### **3. CALCULATION OF TOTAL VALUE FOR PURCHASE OR DISPOSAL**

- 3.1 The Officer must calculate the total value or estimated for a single purchase or disposal calculated as follows:
  - 3.1.1 where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period.

- 3.1.2 where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months.
- 3.1.3 An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these contract procedure rules.
- 3.1.4 where the contract is for an uncertain duration, by multiplying the monthly payment by 48.
- 3.1.5 for feasibility studies, the value of the actual study.

#### **4. FOR WORKS / GOODS / SERVICES UP TO £24,999**

<b>Total Value of Works / Goods / Services</b>	<b>Quotations required</b>
Up to £1,500	2 comparable prices where possible
From £1,501 to £24,999	3 quotations including e-mail and fax transmissions or hard copy. All quotations shall be recorded in the Quotations Register

#### **5. FOR WORKS / GOODS / SERVICES FROM £25,000 TO EU THRESHOLD**

- 5.1 All Invitations to tender will be advertised through Contracts Finder via the Procurement Section. All tenders shall be recorded in the Quotations Register.

#### **6. FOR WORKS / GOODS / SERVICES ABOVE EU THRESHOLD**

- 6.1 A compliant EU Procurement Procedure is required.
- 6.2 The European Commission revise and publish thresholds every two years for the application of the procedures for the award of contracts under the EU public procurement directives. Details of the current thresholds can be located on the staff intranet or from the Procurement Section.
- 6.3 Where it can be demonstrated that there are an insufficient number of suitably qualified suppliers/ contractors to meet the competition requirement, all must be invited.
- 6.4 Where the EU Procedure is required, the Officer shall consult the Procurement Section to determine the method of conducting the purchase.
- 6.5 All tenders shall be recorded in the Quotations Register.



## 7. FOR ALL WORKS / GOODS / SERVICES ABOVE THE EU THRESHOLD

### 7.1 Choice of Procurement Procedure

7.1.1 The Public Contracts Regulations 2015 provides for award procedures that may be used:

7.1.1.1 The open procedure under which all those interested may respond to the advertisement in the OJEU by submitting a tender for the contract.

7.1.1.2 The restricted procedure under which a selection is made of those who respond to the advertisement and only they are invited to submit a tender for the contract. Provided that there are sufficient suitable candidates the Public Contracts Regulations requires a minimum of five to be selected.

7.1.1.3 The competitive dialogue procedure under which a selection is made of those who respond to the advertisement and this Council enters into dialogue with potential bidders, to develop one or more suitable solutions for its requirements and on which chosen bidders will be invited to tender. Provided that there are sufficient suitable candidates the Public Contracts Regulations requires a minimum of three to be selected.

7.1.1.4 The competitive procedure with negotiation under which a selection is made of those who respond to the advertisement and only they are invited to submit an initial tender for the contract. The Council may then open negotiations with the tenderers to seek improved offers. Provided that there are sufficient suitable candidates the Public Contracts Regulations requires a minimum of three to be selected.

7.1.1.5 The innovation partnership procedure under which a selection is made of those who respond to the advertisement and the Council uses a negotiated approach to invite suppliers to submit ideas to develop innovative works, supplies or services aimed at meeting a need for which there is no suitable existing 'product' on the market. The Council is allowed to award partnerships to more than one supplier.

### 7.2 Pre-Tender Market Research and Consultation

7.2.1 The Officer responsible for the purchase:

7.2.1.1 may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential tenderer, **but**

7.2.1.2 must not seek or accept technical advice on the preparation of a tender invitation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential tenderers or distort competition, **and**

7.2.1.3 should seek advice from the Procurement Section.

### **7.3 Standards Criteria**

- 7.3.1 The Officer must ascertain what are the relevant British, European or international standards which apply to the subject matter of the contract. The Officer must include those standards which are necessary to describe the required quality. The Procurement Section must be consulted if it is proposed to use standards other than European standards.

### **7.4 Award Criteria**

- 7.4.1 The Officer, in conjunction with the Procurement Section, must define the Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the Council. The basic criteria shall be:

7.4.1.1 'lowest price' where payment is to be made by the Council

7.4.1.2 'highest price' if payment is to be received, or

7.4.1.3 'most economically advantageous', where considerations other than price also apply.

7.4.2 If the last criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations.

7.4.3 These may include price, service, quality of goods, running costs, technical merit, technical capacity, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, social value, technical assistance and any other relevant matters.

7.4.4 Award Criteria must not include non-commercial considerations such as:

7.4.4.1 The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').

7.4.4.2 Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.

7.4.4.3 Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.

7.4.4.4 The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').

- 7.4.4.5 The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.
- 7.4.4.6 Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.
- 7.4.4.7 Financial support or lack of financial support by contractors for any institution to or from which the Council gives or withholds support.
- 7.4.4.8 Use or non-use by contractors of technical or professional services provided by the Council under the Building Act 1984 or the Building (Scotland) Act 1959. Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Value for Money or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 1981 (TUPE) may apply.
- 7.4.4.9 Matters which discriminate against suppliers from the European Economic Area – The members of the European Union, Norway, Iceland and Liechtenstein or signatories to the Government Procurement Agreement - The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.

## **7.5 Collaborative, Partnership and E-Procurement Arrangements**

- 7.5.1 The Procurement Section must be consulted prior to commencing any procurement process using the Crown Commercial Service Contracts. The terms and conditions of contract applicable to any Crown Commercial Service Contracts arrangement, including the requirement to undertake competition between providers, must be fully complied with.
- 7.5.2 In order to secure Value for Money, the Council may enter into collaborative/partnership procurement arrangements. The Officer must consult the Procurement Section where the purchase is to be made using collaborative or partnership procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
- 7.5.3 All purchases made via a local authority purchasing consortium are deemed to comply with these contract procedure rules and no exemption is required. However, purchases above the EU Threshold must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their framework agreement or contract in accordance with the EU Procedures on behalf of the Council and other consortium members.
- 7.5.4 Any contracts entered into through collaboration or partnership with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the

leading organisation, will be deemed to comply with these contract procedure rules and no exemption is required. However, advice must be sought from the Procurement Section.

- 7.5.5 The use of e-procurement technology does not negate the requirement to comply with all elements of these contract procurement rules, particularly those relating to competition and Value for Money.

## **8. ADVERTISING AND FRAMEWORK AGREEMENTS**

### **8.1 Identifying and Assessing Potential Tenderers**

- 8.1.1 Officers shall ensure that, where proposed contracts, irrespective of their Total Value, might be of interest to potential tenderers located in other member states of the EU, a sufficiently accessible advertisement is published.

- 8.1.2 Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- 8.1.2.1 Contracts Finder (compulsory)

- 8.1.2.2 BiP Online Portal website specifically created for contract advertisements

- 8.1.2.3 the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure)

- 8.1.2.4 Construction Line

- 8.1.2.5 expressions of interest in a particular contract submitted in response to a public advertisement and/or by social media

- 8.1.3 Officers are responsible for ensuring that all tenderers for a Relevant Contract are suitably assessed. The assessment process shall establish that the potential tenderers have sound technical ability and capacity to fulfil the requirements of the Council.

### **8.2 Framework Agreements**

- 8.2.1 The term of a Framework Agreement itself must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number. Contracts let under Framework agreements may, if justifiable, vary from the actual term of the framework agreement itself as long as the contract was formed when the framework agreement itself is live and has not expired.

- 8.2.2 Contracts based on Framework Agreements may be awarded by either:

- 8.2.2.1 applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- 8.2.2.2 where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
  - 8.2.2.2.1 inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written quotes;
  - 8.2.2.2.2 fixing a time limit which is sufficiently long to allow quotes for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
  - 8.2.2.2.3 awarding each contract to the bidder who has submitted the best quotation on the basis of the Award Criteria set out in the specifications of the Framework Agreement.

## **9. INVITATIONS TO TENDER / QUOTATIONS**

- 9.1 The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this clause shall be considered.
- 9.2 All Invitations to Tender shall include the following:
  - 9.2.1 A specification that describes the Councils requirements in sufficient detail to enable the submission of competitive offers.
  - 9.2.2 A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
  - 9.2.3 A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
  - 9.2.4 Notification that Tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
  - 9.2.5 A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance.
  - 9.2.6 Notification that no Tender will be considered unless it is enclosed in a sealed envelope or container which bears the word 'Tender' followed by the subject to which it relates, but no other name or mark indicating the sender.

- 9.2.7 A stipulation that any Tenders submitted by fax or other electronic means shall not be considered with the exception of the Council's electronic tender portal.
- 9.2.8 The method by which any arithmetical errors discovered in the submitted Tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the Tender or vice versa.
- 9.3 All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply.
- 9.4 The Invitation to Tender or Quotation must state that the council is not bound to accept any Tender or Quotation.
- 9.5 All Tenderers invited must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

## **10. SHORTLISTING**

- 10.1 Any Shortlisting must have regard to the financial and technical standards relevant to the contract and the Award Criteria. Special rules apply in respect of the EU Procedure.

## **11. SUBMISSION, RECEIPT AND OPENING OF TENDERS OVER £25,000**

- 11.1 Tenderers must be given an adequate period in which to prepare and submit a proper quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods.
- 11.2 All Tenders must be returned to the Head of Governance.
- 11.3 Tenders received by fax or other electronic means (e.g. email) must be rejected, unless they have been sought in accordance with an electronic tendering system approved by the Procurement Section.
- 11.4 The Officer must not disclose the names of Tenderers to any staff involved in the receipt, custody or opening of Tenders.
- 11.5 For tenders received electronically the e-tendering system will not allow access to the submissions until the pre-determined opening time and date has lapsed. At this point the documents can be accessed by the nominated contact point within the Procurement section.
- 11.6 For hard copy responses the Head of Governance shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be suitably recorded so as to subsequently verify the date and precise time it was received and adequately protected immediately on receipt to guard against amendment of its contents recorded immediately on receipt in the electronic quotations register.

11.7 The Head of Governance must ensure that all Tenders are opened at the same time when the period for their submission has ended. The Officer or his or her representative must be present. Tenders must be opened in the presence of two officers representing the Head of Governance and a representative from Procurement Section, neither of whom can be the Officer.

11.8 Upon opening, a summary of the main terms of each Tender (i.e. significant issues that are unique to each Tender submission and were not stated in the Tender invitation documents such as Tender sum, construction period, etc.) must be recorded in the online quotations register. The summary must be initialled on behalf of the Head of Governance.

## **12. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION**

12.1 Providing clarification of an Invitation to Tender to potential or actual tenderers or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a tender and before the award of a contract with a view to obtaining clarifications on price, delivery or content must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.

12.2 Post-tender clarification must only be conducted by a member of the Procurement Section.

12.3 Where post-tender clarification results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

### **13. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING TENDERERS**

- 13.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of tenders and the identity of the tenderers must be preserved at all times and information about one tenderer's response must not be given to another Tenderer.
- 13.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- 13.3 The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the Tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.
- 13.4 Officers may accept tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts that are expected to exceed £25,000 the approval of the relevant Head of Service.
- 13.5 For tenders up to the EU threshold it is best practice to inform all tenderers of the intention to award and give unsuccessful tenderers an opportunity to request feedback on their submission.
- 13.6 The Officer shall debrief in writing all those tenderers who submitted a bid about the characteristics and relative advantages of the winning bidder. No information, other than the following, should be given without taking the advice of the Procurement Section
- 13.6.1 how the Award Criteria were applied
- 13.6.2 the evaluation score (for price and if applicable Quality), reasons for the decision and relative characteristic of the winning bidder
- 13.6.3 the name of the company awarded the contract
- 13.7 If a Tenderer requests in writing the reasons for a contracting decision the Officer, via the Procurement Section, must give the reasons in writing within 15 days of the request. If requested the Officer, with the assistance of the Procurement Section, may also give the debriefing information above to Tenderers who were deselected in a pre-tender Shortlisting process.

### **14. ASSETS FOR DISPOSAL (other than land)**

- 14.1 Assets for disposal must be sent to either:
- 14.1.1 public auction (including electronic auction sites such as eBay) or by



14.1.2 inviting Quotations and Tenders dependent on value

14.2 Dependent on item(s) to be disposed, Parish Councils, local charities and community organisations may also be considered where relevant.

14.3 The method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the Section 151 Officer or his duly authorised representative.

## **15. RECORDS TO BE RETAINED**

15.1 Where the Total Value of acquisitions and disposals is less than £24,999, the following records must be kept:

15.1.1 Invitations to Quote and Quotations

15.1.2 a record of the reason if the lowest price is not accepted

15.1.3 written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

15.2 Where the Total Value of acquisitions and disposals exceeds £25,000 the Officer must record:

15.2.1 the method for obtaining bids

15.2.2 any Contracting Decision and the reasons for it

15.2.3 any exemption together with the reasons for it

15.2.4 the Award Criteria in descending order of importance

15.2.5 Tender documents sent to and received from tenderers

15.2.6 pre-tender market research

15.2.7 pre and post-tender clarification by the Procurement Section (to include minutes of meetings)

15.2.8 the contract documents

15.2.9 post-contract evaluation and monitoring

15.2.10 communications with tenderers and with the successful contractor throughout the period of the contract.

15.3 Records required by this rule must be kept for six years after the end of the contract. However, written documents which relate to unsuccessful tenderers may be electronically scanned or stored by some other suitable method for

12 months from award of contract, provided there is no dispute about the award.

## **16. APPOINTMENT OF CONSULTANTS TO PROVIDE SERVICES**

16.1 Consultant architects, engineers, surveyors and other professional Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined below:

<b>Total Value of Work/ Service</b>	<b>Quotations Required</b>
Up to £1,500	2 comparable prices where possible
£1,500 to £24,999	Three written Quotations
£25,000 to EU Threshold	Invitation to Tender via Contracts Finder
Above EU Threshold	A Compliant EU Procurement Procedure

16.2 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.

16.3 All tenders or quotations for consultancy appointments shall be recorded in the Quotations Register.

16.4 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the Insurance Section for the periods specified in the respective agreement.

## **17. CONTRACT FORMALITIES**

17.1 Contracts and Orders shall be completed as follows:

<b>Total Value</b>	<b>Method of Completion</b>	<b>By</b>
Up to £24,999	Electronic order or written contract	Authorised Officer on Marketplace
Above £25,000	Electronic order or written contract	Authorised Officer for Payments certified under contract on marketplace

17.2 All contracts must be concluded in writing or by email before the supply, service or construction work begins.

17.3 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

17.4 All contract documents must be held securely by the Procurement Section, Solicitor or Head of Governance.

## **18. PUBLICATION OF INFORMATION REGARDING CONTRACTS AWARDED**

18.1 Where a public contract is awarded and within a reasonable period of time, information will be published on Contracts Finder.

## **19. CONTRACT DOCUMENTS**

19.1 All Contracts, irrespective of value, shall clearly specify:

19.1.1 what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)

19.1.2 the provisions for payment (i.e. the price to be paid and when)

19.1.3 the time, or times, within which the contract is to be performed

19.1.4 the provisions for the Council to terminate the contract.

19.2 Standard terms and conditions issued by a relevant professional body must be used wherever possible.

19.3 In addition, every Contract of purchase over £25,000 must also state clearly as a minimum:

19.3.1 that the contractor may not assign or sub-contract without prior written consent

19.3.2 any insurance requirements

19.3.3 health and safety requirements

19.3.4 ombudsman requirements

19.3.5 data protection requirements, if relevant

19.3.6 that charter standards are to be met if relevant

19.3.7 Equalities Act requirements

19.3.8 Freedom of Information Act requirements

19.3.9 where Consultants are used to let contracts, that Consultants must comply with the Council's contract procedure rules

19.3.10 a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.

19.3.11 The formal advice of the Council's Head of Governance or Solicitor must be sought where it is proposed to use a supplier's own terms.

## **20. SEALING**

20.1 Where contracts are completed by each side adding their formal seal, such contracts shall be signed in accordance with the Council's Standing Orders.

20.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.

20.3 A contract must be sealed where:

20.3.1 the Council may wish to enforce the contract more than six years after its end

20.3.2 the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services

## **21. BONDS AND PARENT COMPANY GUARANTEES**

21.1 The Officer must consult the S151 Officer or their duly authorised representative about whether a Parent Company Guarantee is necessary when a Tenderer is a subsidiary of a parent company and:

21.1.1 the Total Value exceeds £250,000, or

21.1.2 award is based on evaluation of the parent company, or

21.1.3 there is some concern about the stability of the Tenderer

21.2 The Officer must consult the S151 Officer or their duly authorised representative about whether a Bond is needed:

21.2.1 where the Total Value exceeds £250,000, or

21.2.2 where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Tenderer.

## **22. PREVENTION OF CORRUPTION**

22.1 The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to below:

22.2 The following clause must be put in every written Council contract:

22.3 *"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:*

*22.3.1 offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or*

*22.3.2 commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972, or*

*22.3.3 commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause."*

## **23. DECLARATION OF INTERESTS**

23.1 If it comes to the knowledge of a Member or an employee of the Council that a contract in which he or she has a pecuniary interest has been or is proposed to be entered into by the Council, he or she shall immediately complete the Conflict of Interest electronic declaration form.

23.2 Such declaration is required irrespective of whether the pecuniary interest is direct or indirect. An indirect pecuniary interest is distinct from a direct pecuniary interest in as much as it is not a contract to which the Member or employee is directly a party.

23.3 A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the lesser) is not a pecuniary interest for the purposes of this standing order.

23.4 The S151 Officer or their duly authorised representative shall maintain a record of all declarations of interests notified by Members and Officers.

## **24. CONTRACT MANAGEMENT**

### **24.1 Managing Contracts**

24.1.1 Heads of Service in sponsoring departments are to name contract managers for all new contracts. All contracts must have a named Council contract manager for the entirety of the contract.

### **24.2 Risk Assessment and Contingency Planning**

24.2.1 A business case must be prepared for all procurements with a potential value over the EU Threshold.

24.2.2 Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

24.2.3 For all contracts with a value of over £25,000, contract managers must:

24.2.3.1 maintain a risk register during the contract period;

24.2.3.2 undertake appropriate risk assessments and for identified risks;

24.2.3.3 ensure contingency measures are in place.

### **24.3 Contract Monitoring, Evaluation and Review**

24.3.1 All contracts which have a value higher than the EU Threshold limits or which are High Risk, are to be:

24.3.1.1 subject to regular formal review with the contractor

24.3.1.2 The Council's approved project management methodology must be applied

24.3.2 During the life of the contract, the Officer must monitor in respect of:

24.3.2.1 performance;

24.3.2.2 compliance with specification and contract cost;

24.3.2.3 any Value for Money requirements;

24.3.2.4 user satisfaction and risk management.

24.3.3 Where the Total Value of the contract exceeds £250,000 per annum, the Officer must make a written report evaluating the extent to which the purchasing need and the contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

## **25. BIDDING PROCEDURE**

25.1 The purpose of this procedure is to ensure that the Council has a coherent approach towards the management of all external bidding opportunities and knows the commitments and risks placed upon it.

25.2 All external bids must support the Council's strategic priorities and support the 'Better at Business principles'.

25.2.1 Appropriate approval and records are maintained which will (a) support the on-going completion of contract returns, and (b) form an audit trail of evidence for internal and external audits.

25.2.2 This guidance applies to all bids, including those written by Council staff and/or external consultants.

25.3 No bid will be an amount less than the actual costs of all aspects of the provision and delivering the service.

## **25.4 Pre-Bid Requirements**

25.4.1 Having identified a potential external opportunity a Business Case will be completed and approval obtained as follows:

25.4.1.1 estimated bid value up to £50,000 per annum – Head of Service in consultation with the relevant Corporate Director

25.4.1.2 estimated bid value between £50,001 and £99,999 per annum – Corporate Director in consultation with the relevant Cabinet Portfolio Holder

25.4.1.3 estimated bid value over £100,000 per annum – Cabinet Portfolio Holder in consultation with the relevant Corporate Director

## **25.5 Bid Submission and Preparation**

25.5.1 Once approved the project proposals can then move on to the formal bid writing stage.

25.5.2 All bids must clearly state the timescales, the inputs, the expected outcomes, risks and financial values.

25.5.3 All bids must have financial aspects reviewed by the Head of Finance prior to submission to ensure that the bid is financially achievable and that there are no issues regarding eligibility or other funding rules.

25.5.4 All terms and conditions relating to the bid must be reviewed and approved by the Head of Governance prior to submission.

25.5.5 In order to maximise the quality and compliance of bids, all bid submissions must be reviewed by the Council's Procurement department prior to submission.

25.5.6 Prior to submission, all bids must be approved by the relevant Corporate Director.

## **25.6 Successful Bids**

25.6.1 The contracting manager will review all contract documents to ensure they reflect the delivery plans submitted in the bid. Managers must ensure the resources are identified to deliver the contract informing relevant support service departments of their requirements.

25.6.2 The relevant Corporate Director, or their approved nominee, must sign all Contract documents. Copies must be sent to the Finance Section.

25.6.3 Where a contract is to be executed as a deed this will be signed by a Corporate Director in consultation with the Head of Governance or an authorised signatory.

## **25.7 Unsuccessful Bids**

25.7.1 All unsuccessful bids shall request feedback from the contracting organisation in order to gain reasons for the decision and relative characteristics of the winning bidder. This will enable the Council to learn and improve for future bidding opportunities.

## **25.8 Contract Records**

25.8.1 Detailed contract records must be maintained in order to provide:

25.8.1.1 Documentation to support contract management

25.8.1.2 Records that meet internal and external audit requirements.



## 26. DEFINITIONS APPENDIX

WORD	DEFINITION
<b>Agent</b>	A person or organisation acting on behalf of the council or on behalf of another organisation.
<b>Award Criteria</b>	The criteria by which the successful <i>Quotation</i> or <i>Tender</i> is to be selected (see Rule 7.4).
<b>Award Procedure</b>	The procedure for awarding a contract as specified in Rule 7.1.
<b>Best Value</b>	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the council.  This terminology is also often referred to as Value for Money.
<b>Bond</b>	An insurance policy: if the contractor does not do what it has promised under a contract with the council, the council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the council against a level of cost arising from the contractor's failure.
<b>Candidate</b>	Any person who asks or is invited to submit a <i>Quotation</i> or <i>Tender</i> .
<b>Chief Executive</b>	The Council's <i>Head of Paid Service</i> has defined in the <i>Constitution</i> .
<b>Chief Finance Officer</b>	The Officer Designated Chief Finance Officer (Section 151 Officer) by the Council.
<b>Code of Conduct</b>	The code regulating conduct of <i>Officers</i> issued by the <i>Chief Executive</i> .
<b>Constitution</b>	The constitutional document approved by the council which: <ul style="list-style-type: none"> <li>• allocates powers and responsibility within the council and between it and others</li> <li>• delegates authority to act to the <i>Committees</i>, and <i>Officers</i></li> <li>• regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.</li> </ul>
<b>Consultant</b>	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the council has no ready access to employees with the skills, experience or capacity to undertake the work.
<b>Contracting Decision</b>	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of <i>Invitation to Tender</i></li> <li>• whom to invite to submit a <i>Quotation</i> or <i>Tender</i></li> <li>• <i>Shortlisting</i></li> <li>• award of contract</li> <li>• any decision to terminate a contract.</li> </ul>

<b>Director</b>	The officer defined as such in the <i>Constitution</i> .
<b>Essex Procurement Hub</b>	The council's central procurement service charged with providing strategic direction and advice to secure <i>Value for Money</i> in the Council's procurement activities. The hub also has EU regulations expertise.
<b>EU Procedure</b>	The procedure required by the EU where the <i>Total Value</i> exceeds the <i>EU Threshold</i> .
<b>EU Threshold</b>	The contract value at which the EU public procurement directives apply.
<b>European Economic Area</b>	The 15 members of the European Union, and Norway, Iceland and Liechtenstein.
<b>Financial Officer</b>	The most senior <i>Officer</i> representing the <i>Head of Financial Services</i> or designated by him to provide financial advice to the <i>Head of Service</i> .
<b>Financial Regulations and Procedures</b>	The financial regulations and procedures outlining <i>Officer</i> responsibilities for financial matters issued by the <i>Chief Finance Officer</i> in accordance with the <i>Constitution</i> .
<b>Financial Services</b>	The service of the Council that includes responsibility for discharging the Council's procurement responsibilities.
<b>Framework Agreement</b>	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
<b>Government Procurement Agreement</b>	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the <i>European Economic Area</i> are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
<b>Head of Financial Services</b>	Head of Service responsible for financial and procurement activities.
<b>Head of Governance</b>	Head of Service responsible for legal and governance activities.
<b>Head of Paid Service</b>	The Council's Chief Executive.
<b>Head of Service</b>	One of seven Heads of Service responsible for operational delivery of services and designated as such in the <i>constitution</i> .
<b>High Profile</b>	A high-profile purchase is one that could have an impact on functions integral to council service delivery should it fail or go wrong.
<b>High Risk</b>	A high-risk purchase is one which presents the potential for substantial exposure on the council's part should it fail or go wrong.
<b>High Value</b>	A high-value purchase is where the value exceeds the <i>EU Threshold</i> values.
<b>Invitation to Tender</b>	Invitation to tender documents in the form required by these contract procedure rules.
<b>Key Decision</b>	Decisions that are defined as key decisions in the <i>Constitution</i> .

<b>Line Manager</b>	The <i>Officer's</i> immediate superior or the <i>Officer</i> designated by the <i>Head of Service</i> to exercise the role reserved to the line manager by these contract procedure rules.
<b>Members</b>	Persons currently elected to serve on the Council.
<b>Nominated Suppliers and Sub-contractors</b>	Those persons specified in a main contract for the discharge of any part of that contract.
<b>Non-commercial Considerations</b>	<p>(a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</p> <p>(b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value;</p> <p>or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 1981 (<i>TUPE</i>) may apply.</p>
<b>Officer</b>	The officer designated by the Head of Service to deal with the contract in question.

<b>Parent Company Guarantee</b>	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the council, the council can require the parent company to do so instead.
<b>Priority Services</b>	Those services required to be tendered as defined in the EU public procurement directives.
<b>Procurement Department</b>	The council's central procurement service charged with providing strategic direction and advice to secure <i>Value for Money</i> in the Council's procurement activities.
<b>Procurement Strategy</b>	The document setting out the council's approach to procurement and key priorities for the next few years.
<b>Project Management Methodology</b>	The process set up by the Council to ensure that a project is executed in a disciplined and structured manor.
<b>Purchasing Guidance</b>	The suite of guidance documents, together with a number of standard documents and forms, which supports the implementation of these Contract Procedure Rules. The guidance is available on the council's intranet.
<b>Quotation</b>	A quotation of price and any other relevant matter (without the formal issue of an <i>Invitation to Tender</i> ).
<b>Relevant Contract</b>	Contracts to which these contract procedure rules apply (see Rule 4).
<b>Section 151 Officer</b>	See "Chief Finance Officer"
<b>Service</b>	The services provided by the Council are currently broken down into areas, each under the responsibility of a <i>Head of Service</i> .
<b>Short-listing</b>	The process of selecting <i>candidates</i> who are to be invited to quote or bid or to proceed to final evaluation.
<b>Solicitor</b>	Any Solicitor designated by the Head of Governance.
<b>Standing Orders</b>	Part of the Council's <i>Constitution</i> specifying rules for how business shall be conducted.
<b>Supervising Officer</b>	The <i>Line Manager's</i> immediate superior.
<b>Tender</b>	A <i>Candidate's</i> proposal submitted in response to an <i>Invitation to Tender</i> .

<b>Total Value</b>	<p>The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:</p> <p>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</p> <p>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</p> <p>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</p> <p>(d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result</p> <p>(e) for <i>Nominated Suppliers and Sub-contractors</i>, the total value shall be the value of that part of the main contract to be fulfilled by the <i>Nominated Supplier or Sub-contractor</i>.</p>
<b>TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)</b>	<p>Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p>
<b>Value for Money</b>	<p>Value for money is not the lowest possible price; it combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.</p>

**LEADER'S REPORT TO COUNCIL**

**Agenda No: 9a**

**OVERALL CORPORATE STRATEGY AND DIRECTION**

**Update on Greater Essex Devolution**

At Cabinet on 4<sup>th</sup> February 2016 I presented the update below on progress to date and the timeline.

**Previous Timeline**

4 September – Statement of intent sent to Government  
7 October – Further detailed submission to Government  
17 November – Engagement with Education and Skills Board  
24 November – Engagement with Greater Essex Business Board  
3 December – Leaders Meeting  
11 December - Engagement with SELEP  
11 December 2015 – Further submission to Government - *updated position – a draft deal document was shared by officers with civil servants in late December*  
January 2016 – *updated position – ongoing dialogue with Government (civil servants) in late January and February.*  
February/March – share draft deal document with civil servants and internally with Members and officers.

**Update since December 2015**

I attended the Leaders' devolution meeting on 3<sup>rd</sup> December 2015, a draft deal document was presented which was generally well-received with some amendments and clarifications requested. It was agreed that an updated version should be shared with civil servants as background to setting up discussion meetings in the New Year. This was done in late December and feedback received from civil servants was that the format and content of the draft deal document were helpful ahead of meetings commencing in late January 2016. The Leaders also agreed to change their meetings to operate as a Devolution Board, with business conducted as a Board with agendas and reports produced in advance and notes to be agreed.

On 22<sup>nd</sup> January 2016, I attended the Leaders' Devolution Board meeting. Meetings and workshops have been held with civil servants in late January 2016 and will continue in February and March. It was agreed that the third version of the draft deal should be shared by Leaders internally to seek views from Members during February and March.

The Board also discussed the major infrastructure projects needed to unlock Essex's growth potential and to explore further a long-term investment fund to stimulate public and private sector investment in large-scale growth projects. The Board also supported the establishment of an Independent Economic Commission to help overcome persistent weaknesses in our economic evidence-base; access independent economic

advice and analysis; shift the national devolution debate from cities and to include multi-centred economies and two-tier areas; and crucially influence national decisions. A number of influential economists have signalled a commitment to participate in a Greater Essex Commission on a pro-bono basis; I will update Members as details are confirmed. The next Devolution Board meeting will be on 26<sup>th</sup> February 2016 and the main item on the agenda will be the new governance arrangements.

### **Communications and Engagement**

Engagement with business organisations and the Universities continues to be very positive in helping shape the draft deal. There has also been further engagement with Members of Parliament and briefing sessions are being arranged.

A second Greater Essex Devolution Newsletter was published and shared widely in December 2015. The website is now live ([www.greateressex.org.uk](http://www.greateressex.org.uk).) and content will be added and updated as the programme progresses.

There will be a second special briefing session for Braintree DC Members on devolution on Thursday 3<sup>rd</sup> March at 6.30pm, presented by the Leader and Chief Executive, part of which will include sharing the latest draft deal document and proposed governance arrangements.

Councillor Graham Butland  
Leader of the Council

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**REPORT TO COUNCIL – PORTFOLIO AREA OF HEALTH  
AND COMMUNITIES**

**Agenda No: 9b**

**Health Improvement**

**The Braintree District Health and Wellbeing Panel**

The Braintree District Health and Wellbeing Panel (BDHWP) met on 7<sup>th</sup> January 2016. The Panel considered the BDHWP Grant Scheme for 2016/17. The two priorities that have been identified by the BDHWP for improvement are: Obesity and Hip Fractures (in the over 65's). The grant scheme will be available to fund any partnering organisations' projects which will address these two priority areas.

- The bids must reflect the priority areas.
- Must be started within two months of receiving grant funding.
- Can be small or large and include capital or revenue projects from £500 - £15,000

I will make sure that the application process for bids is forwarded to all Councillors to enable them to take a local lead for this scheme.

**Body Science Exhibition**

Every Councillor would have received, by now, their invitation to attend the Body Science exhibition at the Braintree District Museum. This is a health-focused exhibition and workshop package being made available to the Key Stage 1 and Key Stage 2 children of the Braintree District. The exhibition runs from 9<sup>th</sup> February to 28<sup>th</sup> April 2016 and aims to inform children and adults about maintaining a healthy lifestyle.

**Connect Well**

Connect Well officially launched in the Braintree District on 9<sup>th</sup> February at the Braintree District Museum. Connect Well is a new social prescribing project for people in the districts of Braintree, Maldon and the City of Chelmsford. Social prescribing is 'more than just medicine' – it's a new way to help people find support for their social, emotional and practical wellbeing.

Throughout the UK, social prescribing projects are transforming wellbeing in the community and helping to ease pressure on traditional health and social care services. Using trained advisors called 'prescribing champions' and an online referral system called Essex Connects, Connect Well creates an easy way to access a wide variety of support and services within our district.

It can help signpost and connect people to activities including:-

- Volunteering opportunities
- Befriending and social activities
- Support and self-help groups
- Physical activities
- Managing your money
- Community transport



Braintree Town is set to host its second Sports Relief Mile on Sunday 20<sup>th</sup> March. Local heroes from the Braintree District will be walking and running themselves proud to raise money for Sport Relief 2016. Details are available from [www.sportrelief.com](http://www.sportrelief.com).

In January the Braintree District Livewell campaign launched a new initiative called #IfIcan. The campaign is designed to show how people have overcome obstacles which prevent them from taking part in health and fitness activities. The campaign is proving to be extremely popular amongst our residents with many posting their own story about how they are improving their health by being more active. The campaign has drawn interest from other councils wanting to replicate it and has resulted in double page stories in the local press. The Livewell campaign was introduced in 2014 and aims to help improve the health of the people of the Braintree District where 68% of adults are obese.

### **The Braintree District Obesity Project**

I'm pleased to report that Essex County Council Public Health has allocated funding towards a pilot childhood obesity project in the Braintree District. A fixed amount of £20k is being given annually for a three year period to investigate ways in which organisations can come together to halt the rise in obesity in school children.

Since 2006, the National Child Measurement Programme (NCMP) has collected data on primary school aged children. The Braintree District has been recognised by the Director of Public Health at Essex County Council as requiring support to halt the increase in childhood obesity.

The approach is to be a 'whole-systems' project which is looking to be established, working in partnership, in Witham, Braintree and Halstead. I have been pleased to receive a presentation from Dr. Nick Parry-Jones, Senior GP at the Douglas Grove Surgery, Witham, on the launch of a 'Healthy Witham' project and I hope to link this to the Braintree District Obesity project – Witham area.

### **Active Communities**

Cllr. Tattersley and I have completed a tour of the Council's leisure facilities. The tour presented an opportunity for us to meet staff and users of our facilities in order to help us to monitor and understand the Council's Leisure Contract at the 'coal face'.

Customer satisfaction remains high at 95%. The works on the filters at the Halstead Leisure Pool were completed on time. Participation at our centres is up on last year, which is pleasing. 3,500 young children from the Braintree District attend Swim School each week (we were glad to have vacated all facilities before the schools finished!).

I continue to be impressed by the level of outside activities being provided by Fusion Lifestyle (the Council's Leisure provider) and their commitment to working in partnership within our communities.

### **The Active Braintree District Network (ABDN)**

In January I attended the ABDN. Every local authority area in Essex has an Active Network which receives funding from Sport England via Active Essex. I'm delighted to report that the Chief Executive Officer of Active Essex promotes the Braintree District as an example of excellence. The current projects are too numerous to report but I can confirm the activity of the ABDN supports 1000s of people to be active in the Braintree District. I continue to receive plentiful invites to visit sports clubs around the District and I fit these in as best I can.

## **Community Services**

### **SET Child Sexual Exploitation Strategy 2015-16**

This has been developed and ratified by the Southend, Essex and Thurrock Safeguarding Children's Boards and outlines the overarching approach to tackling CSE across the whole county.

### **Safeguarding**

The Council continues to develop its safeguarding responsibilities and to ensure that staff are fully aware of the new guidelines. Staff training sessions are being held during February and March. Members will be given the opportunity to attend a development session later on in the year.

### **Community Transport**

This service continues to be very popular with our most vulnerable residents. A workshop has been held with Essex County Council to help understand the future funding arrangements for the Community Transport Service. I will keep Councillors updated of any news. The new replacement minibus has arrived and will enable staff and volunteers to continue to carry out a first class service within our District.

### **Dementia Friends training**

I have been delighted (but not surprised) by the staff take-up to become Dementia Friends. Dementia Friends training continues to take place and I joined a session during January. The training was given by a volunteer who works within the NHS and was just a reminder of how cohesive the District of Braintree continues to be in supporting the needs of others.

### **School Readiness**

The Mid Essex Children's Partnership Board has picked the Braintree District for a pilot on school readiness. The Braintree District is at the bottom of the Essex County Council School Readiness Table and has the largest gender gap of all the Essex Local Authority areas.

The priorities for the pilot are to increase boys school readiness attainment, improve attainment levels for disadvantaged children and support English as an additional language.

I, along with a large number of local partners and service providers, attended the Braintree District School Readiness Pilot Conference. I was hugely impressed by the level of commitment and determination of practitioners to work with our young children. I will report this area of work back to Full Council at regular intervals.

### **Essex Rural Partnership**

The next meeting will be in February where the main topic will be the launch of the new Essex Rural Partnership Strategy. I will update Full Council in due course.

## **Heritage Services**

### **Braintree District Museum**

Free admission will accompany the Body Science exhibition which will launch on 8<sup>th</sup> February 2016 and run until 30<sup>th</sup> April 2016. The refurbishment of the Museum saw the completion of the Gallery extension in December 2015 and will now extend to the Events Hall, Kitchen, Education Room, Volunteer and Staff Rooms. The works will be funded by a generous bequest from the estate of Mr Anthony Miller. Strong school bookings continue supported by the recruitment of a new team of freelance Education staff. The Museum has welcomed new groups hiring the Events Hall including Boccia, Slimming World and Rethink Mental Illness art group.

### **Braintree Town Hall**

The diversity of meetings held by the Town Hall continues with groups and events including Braintree Interfaith Forum, Drawing and Talking Teacher Training, a Biodiversity Conference, Mill Court Residents, Braintree Ladies Choir, Harlow College, Office of the Traffic Commissioner, Premier Life Group, New Fieldwork Company, Essex Boys and Girls Club and Catch 22. The Town Hall Christmas Market was held with good attendance and feedback. Braintree Town Hall will also have a Community Rated Ceremony Room in the Lounge with effect from 1<sup>st</sup> April 2016, following the move of Registration Services by Essex County Council. Bookings are being taken with couples impressed by the elegant surroundings of the Grade II\* town centre building.

### **Warner Textile Archive**

The Warner Textile Archive Fabric Collection 2016 is launched in Braintree on 18<sup>th</sup> February 2016 and London on 23<sup>rd</sup> February 2016, followed by New York and Los Angeles, and is featured in the March edition of "House & Garden". The *Designers in Print* exhibition based on Warner Textile Archive art prints was on display in Braintree Library during December 2015 and January 2016 and will also feature in the Textile Fair on Sunday 15<sup>th</sup> March 2016. Some workshops in the 2016 visitor programme are already fully booked and full details can be found online or in the new "What's On" publication. The Archive also formally acknowledged the acquisition of an important collection from the estate of the late Christopher Lennox Boyd, under the Arts Council England Acceptance in Lieu Scheme, of unique designs manufactured by Warner & Sons.

Councillor Mrs Joanne Beavis  
Cabinet Member for Health and Communities

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**REPORT TO COUNCIL – PORTFOLIO AREA OF  
FINANCE AND PERFORMANCE**

**Agenda No: 9c**

**Council Tax and Business rates**

The Council Tax collection rate up to the end of January is on target, with 96.0% collected, compared to the target of 96.3%, with £73.1million collected . The target for the year is 98.0%.

The Business Rates collection rate was also well on target, with 93.92% collected for the year to end of January compared to the target of 92.7%, with £40.78 million collected. The target for the year is 98.5%.

**Parish Councils and Localism Fund**

Town & parish councils have been distributed with details regarding Localism Fund payments and the taxbase for 2016/17 . I have also distributed a briefing sheet to all members.

**Business retail relief**

573 letters have been sent out to all businesses in receipt of retail relief informing them that this temporary relief, introduced by the government, ceases on 31<sup>st</sup> March 2016.

**Audit Report to Governance Committee**

The Auditors, BDO, reported to the Governance Committee that in auditing the Housing Benefits Subsidy claim for 2014/15 of £42.9 million there were very few errors revealed and adjustments of just £843 were needed, which is substantially less than many other authorities. The auditors commended the Council on the robustness of its processes.

**Financial Performance**

An overall positive variance is anticipated for the year in excess of the £738,000 reported in my last report against the budget of £15.624 million. The main contributing factor is continued increase in income from development control income, and an increased amount expected from the council tax sharing arrangement with major preceptors. Full details will be published in the third quarter report at the April Council meeting.

**Medium Term Financial Strategy**

Against the background of rapidly moving scenarios, work has continued in further

developing the MTFS, taking into account additional increased cuts in grant funding and further identified pressures on BDC service delivery. Whilst a proposed budget and council tax for 2016/17 were presented to the Overview and Scrutiny Committee on 27<sup>th</sup> January prior to consideration and recommendation by Cabinet on 4<sup>th</sup> February, the budget is still subject to variation at the time of writing as we are still awaiting the final detail from Government of our Spending Funding Assessment for 2016/17, as well as the detail of the anticipated offer to councils to receive a four-year settlement. Any changes required to the Council's budget for 2016/17 recommended by Cabinet, following receipt of the final allocation, will be tabled at tonight's meeting.

### **Local Authority Mortgage Scheme (LAMS)**

We have received from Lloyds Bank an update on the Local Authority Mortgage scheme, which is promoted and delivered through them, which shows that as at 31<sup>st</sup> December 2015 there was a total of 22 completed mortgages including three completions in the latter part of 2015, which comprise £3.867million of mortgage loans, and £787,000 estimated indemnity against the £2million invested by this Council and Essex County Council. It would appear that the Government's Help to Buy schemes has had an impact on the take-up of our LAMS.

### **Treasury Management**

A further £1million tranche was invested each with Threadneedle Equity Fund and CCLA Property Fund in December.

Cllr David Bebb  
Cabinet Member for Finance and Performance

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**REPORT TO COUNCIL – PORTFOLIO AREA OF  
ECONOMIC DEVELOPMENT**

**Agenda No: 9d**

**Economic Development**

Construction work on the Braintree Enterprise Centre extension on Springwood Drive in Braintree is nearing completion. A detailed business plan and specification for a new Enterprise Centre in Witham, commissioned jointly with Essex County Council, has been completed. The Council has committed £500,000 New Homes Bonus towards the Centre, Essex County Council have given outline approval for a contribution towards design fees and build costs, and work is underway to identify further funding from partners to deliver the scheme.

A package of improvement works for Springwood Drive Industrial Estate in Braintree has been developed through business consultation including improved signage, and improvements to verges and other environmental improvements. The first phase of this work will be delivered over the next two to three months with a £125,000 funding contribution from Essex County Council. Further work will be undertaken through the District Council's £100,000 Industrial Estate Improvement scheme (with an additional £125,000 County Council contribution) in 2016/2017, including works to industrial estates in Halstead and Witham. Congestion at the roundabout entrance to the Springwood Estate remains a key issue for businesses. Essex County Council has completed survey work on traffic flows and we are working with them to identify potential solutions.

Superfast Essex is undertaking mapping work to identify those remaining parts of the District that will receive an improved broadband service under the 'earn back' arrangements with BT. This arrangement provides additional funding due to high take up of broadband by residents and businesses. Due to the District Council's £250,000 investment in Phase 2 of the programme, the highest contribution of all the Essex Districts, we have been assured that the District will be given priority in this next phase. Once that work is completed, I will be discussing with Superfast Essex what the options are for improving the remaining areas with poor coverage.

I attended a workshop for the Haven Gateway Partnership Board on 25<sup>th</sup> January 2016 to discuss the Partnership's priorities. The priorities agreed were developing strategic transport infrastructure, business and employment skills support, and supporting economic growth initiatives. These align closely with the District's economic growth priorities and we will continue to be an active and enthusiastic member of the Partnership.

**Business Engagement**

Following the successful Business Forum held in Braintree on 16<sup>th</sup> October 2016 attended by James Cleverley MP and over 50 businesses, a second Forum was held at the Rivenhall Hotel on 5<sup>th</sup> February with presentations from myself, the Right Honorable Priti Patel MP, and Andrew Harrison, Managing Director of Stansted Airport.

These Forums were organised in Partnership with Essex Chambers of Commerce, and we are in discussion with the Chamber over continuing a joint programme of business engagement.

An Economic Development Newsletter was sent to all businesses on our database before Christmas, including an invitation for businesses to comment on the budget proposals.

### **Skills**

We are developing a joint campaign with Colchester Institute to promote Science, Technology, Engineering and Maths related apprenticeships as part of Apprenticeship Week in March 2016, in support of the College at Braintree's STEM Centre development. Economic Development officers are supporting the task and finish group scrutiny review on apprentices and I look forward to seeing the recommendations in their report.

### **Regeneration**

Following public consultation, we are continuing to develop revised proposals for improvement works to Halstead and Witham town centres to help retain and attract shoppers and regenerate the town centres. Once completed we will consult the Town Teams and Town Councils to secure their agreement to deliver these improvements in the coming financial year. Improvements to Sandpit Lane in Braintree Town Centre are underway.

Councillor Tom Cunningham  
Cabinet Member for Economic Development

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**REPORT TO COUNCIL – PORTFOLIO AREA OF  
PLANNING AND HOUSING**

**Agenda No: 9e**

**INFRASTRUCTURE**

Roads

Essex County Council is continuing to lead initial technical work to define and assess the options for a new or improved route for the A120 from Braintree to the A12. This work includes stakeholder consultation through the A120 to A12 Members Forum which I attend. This work will be completed by November 2016, after which there will be extensive public consultation which will be completed by April 2017. This will inform a preferred option which will be put to the Secretary of State by August or September 2017. This timetable will allow the scheme, if approved, to be included in the Government's 2020 to 2025 road investment programme. I have asked that this process is aligned, if possible, with the Local Plan preparation process, and that the time allocated for analysing the consultation is reduced to enable an early submission to the Secretary of State.

The County Council as the Highway Authority has completed survey work for the Springwood Drive roundabout and we are in discussion with them over measures to address congestion at the roundabout. Our consultation with businesses on the Springwood Drive Industrial Estate on our Industrial Estate Improvement Programme has re-enforced the problems faced by those businesses as a result of congestion at this roundabout and the need to continue to apply pressure to progress this work.

Rail

Three bids were submitted for the East Anglia Rail Franchise by the deadline of 17<sup>th</sup> December 2015, from Abellio, First Group and National Express East Anglia Trains. A decision on the franchise is expected in July 2016. We are also working with Essex County Council and Network Rail to commission technical work in support of potential improvements to the Braintree to Witham branch line to meet our aspiration of a two trains per hour service.

**PLANNING POLICY**

The work on the Braintree District Local Plan is continuing and the draft Development Management Policies were considered and approved by a Special Council meeting on the 25<sup>th</sup> January. Further evidence base documents are being completed including on affordable housing need. This work undertaken by a specialist consultant advises that the District should plan for 218 new affordable homes per year, more than half of which should be 1 and 2 bedroom homes.

Work on exploring the potential of new standalone garden settlements is also underway and a report was presented to the Local Plan Sub Committee on the 17<sup>th</sup> February which explored many of the principles of garden settlements to sit alongside the more formal paper on governance arrangements and the financial position which was reported to Cabinet in February.



## **HOUSING**

### Homelessness & Temporary Accommodation

Between April 2015 and the end of December 2015 the Council accepted 50 households as being eligible, homeless and in priority need, the total for 2014/15 was 140 households. The Housing Options Team continues to focus on preventing homelessness occurring.

At the end of December 2015 the number of households in temporary accommodation was 46. The number has been between 43 and 53 households at the end of each month in 2015/16.

### Affordable Housing Development

For 2015/16 we are now forecasting that there will be 84 affordable housing completions (our previous prediction was that there would be 75 new affordable homes). The extra homes are at Mill Park Drive in Braintree which is now expected to complete in this financial year, rather than in 2016/17.

43 new homes have been completed so far, and further homes at Maltings Lane, Witham and developments in Braintree, Panfield and Kelvedon will complete in 15/16. 82 of the homes are affordable rented homes, the remaining 2 will be offered for sale on a shared ownership basis. The Council is working closely with Greenfields, Flagship, CHP, Family Mosaic and Colne Housing on this programme.

### The Housing Register

As at the end of December 2015 there were 2,334 applicants on the Housing Register with active applications. The number of applicants has been between 2,241 and 2,456 at the end of each month in 2015/16.

At end of December 2015 the number of applicants in each band was as follows:-  
90 – Band A (Includes 69 applicants seeking to downsize from 3 bed+ accommodation)

233 – Band B (Includes 39 applicants downsizing from 2 bed accommodation)

647 – Band C

132 – Band D

1223 – Band E

19 – Band F (Non bidding band used for applicants who require supported schemes that are not advertised on the Gateway to Homechoice Website such as Helen Court in Witham or Abbeyfields in Braintree)

So far in this financial year, 441 households have been housed through the Housing Register. This reflects a slower turnover of social housing locally – at this point last year, over 500 households had been housed.

Councillor Lady Newton  
Cabinet Member for Planning and Housing

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**REPORT TO COUNCIL – PORTFOLIO AREA OF  
CORPORATE SERVICES AND ASSET MANAGEMENT**

**Agenda No: 9f**

**HR/OD&L**

HR have implemented an employee assistance programme - Workplace Options which offers support for BDC staff around workplace and personal issues to help them to balance the competing demands of work, personal and family lives.

The last cohort of the management development programme is due to complete at the end of February. This programme has been on-going for the last four years and has provided development of leadership and management skills for all Service Unit Managers and Heads of Service.

A scheme enabling staff to purchase a maximum of one week additional annual leave started in January, in preparation for next year. The deadline has passed for staff to apply for extra leave and these applications are now being considered by managers. This scheme could provide savings of up to £20,000 per annum.

**Elections**

Detailed preparations are underway for the Police and Crime Commissioner Election on May 5<sup>th</sup> 2016, as well as planning for the EU Referendum expected later in the year.

**Business Solutions**

The generator that provides emergency electricity back up for Causeway House is being replaced in February. This will increase the services that are backed up and improve the business continuity for the authority.

The organisation has been experiencing slowness on the data network during January. This has affected a number of services, and Capita are working with our ICT team to diagnose the problem and implement a solution.

The new responsive website is due to go live in March 2016. This new site will be easier to use from mobile devices, supporting the increased number of our customers that access our services from their tablets and mobile phones.

A member development survey is currently being conducted to design the member development programme for 2016/17. Members are encouraged to respond to this survey to ensure that the programme meets the needs of members moving forward.

**Procurement**

Contract procedure rules have been reviewed and updated to ensure compliance with the Public Sector Procurement Contract Regulations 2015. Feedback has been received from the Developing Democracy Group and the revised rules are included on this Agenda for Members' approval.

**Audit, Insurance and Risk**

The strategic risk register has been reviewed by Corporate Management Team and will be coming forward as a report to Cabinet in March.

**Asset Management**

Legal processes are underway for the sale of the land east of the High St, Halstead and it is hoped that conditional contracts will be exchanged by the end of February 2016.

Work is underway on the access to the Twin Oaks site, and a final scheme has been agreed by Highways England and Braintree District Council.

**Communications and Marketing**

The communications and marketing team are supporting the Town Hall to introduce the community priced ceremonies from April 2016. The registration office is closing in Braintree and the Lounge in the Town Hall will start to offer these ceremonies from this date.

Councillor John McKee  
Cabinet Member for Corporate Services and Asset Management

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**REPORT TO COUNCIL – PORTFOLIO AREA OF ENVIRONMENT  
AND PLACE**

**Agenda No: 9g**

**WASTE MANAGEMENT**

**Christmas/New Year Collections:** I am pleased to report that the vast majority of customers took note of the advanced collection dates scheduled over Christmas and the New Year and the arrangements again worked very well, with scheduled collections being completed on the due date. I would like to thank customers for their cooperation and also the Council's staff who worked extremely hard to ensure that the additional waste generated was cleared and normal service resumed according to schedule.

**DCLG funded Flats & Schools Recycling Project:** Good progress has been made in the first year of this project, with recycling bins having been delivered to over 70 blocks of flats (circa 740 homes) and visits made and literature provided to all residents involved. In addition, we now have almost half of the 53 primary schools signed up to food recycling, where we are also providing bins and an education programme for young children with the emphasis on waste minimisation.

**Essex Food Recycling Pilot:** With up to 25% of food waste still going to landfill, Essex Authorities are stepping things up to try and encourage more residents to participate in food recycling. As part of this initiative, Braintree District Council has volunteered to take part in an inaugural pilot to try and change negative assumptions and patterns of behaviour through a targeted campaign incorporating the provision of caddy's, liners and communication in the form of bin stickers and advisory literature. (The liners are being provided for the pilot only, to see what impact these have on the amount of food waste put out.) The pilot will be delivered in two phases: Stage 1 involves approximately 5,000 households (excluding flats) in the Black Notley and Great Notley areas and will commence on 17<sup>th</sup> February (ending 31<sup>st</sup> March); Stage 2 involves a roll-out to the remainder of the District, subject to the outcome of stage 1 and the necessary resources/funding being made available. The results from Stage 1 will be used to refine the district-wide campaign to encourage maximum participation. I will keep Members updated on how the trial progresses.

**Green Heart/Love Essex:** Once again, Essex authorities and fast food giants joined forces last year to launch a drive against fast food litter, with excellent results. The campaign ran from 24 August until the end of September and according to an impact study recently released by Keep Britain Tidy, it achieved a 41% countywide improvement in cleanliness standards and an impressive 83% improvement in targeted areas within the Braintree District over the course of the campaign. This was the best result in the whole of Essex which clearly demonstrates the impact of the campaign and successful partnership working within our District. The success of this scheme has not gone unnoticed by other businesses and last year, for the first time, Kent and Suffolk fast food chains including McDonalds, KFC and Costa also participated resulting in over 300 business partners taking part and promoting the campaign message. The business partners contributed the majority

of the budget taking ownership and accountability for their part in the littering problem.

**Clean for the Queen:** This initiative calls for individuals, volunteer groups, local councils, businesses and schools to do their bit to clean up Britain in time for the Queen's 90th birthday. The weekend of 4/5/6 March has been dedicated to activities in support of this event including a litter-pick of the A120, which is part of our normal spring clean, replacing the bins in the lay-bys on the A12 and A120, and encouraging our Green Heart Champions and local schools, business and parish councils to get involved in a few hours' litter-picking in their areas.

**Energy:** The energy figures received on Halstead and Braintree Leisure Centres so far show we are on track for meeting the £78k income target. Unit 9 Lakes Rd and Discovery Centre solar arrays are now in operation.

**Winter Warmth Campaign:** The scheme is underway; properties have been targeted using our recent House Condition Survey. As part of this Aran Services have a checklist they take to every job that looks at both the property and the occupant to see if they need support. As part of that we are starting to get requests through for the handyman service to fit draught excluders and grab rails etc.

**Healthy Homes Fund:** This is a new project that we have funding for. In partnership with Chelmsford and Maldon Councils, ECC, Mid-Essex CCG and CAB's targeting those on low income and living in poor health conditions. The target is to reach 8000 households across the 3 Districts; it will run until end of 2016. The project will focus on energy switching, advice, energy efficiency measures, cold alarms (a continuation of what we already do).

## **LICENSING**

**Taxi Safe:** The Community Safety and Licensing Teams have produced a booklet which has been sent to over 300 Licensed Drivers, Private Hire Operators and Hackney Carriage Proprietors. The booklet covers information with respect to safeguarding, disability, driver safety, wellbeing and other useful information. The teams will also be rolling out face to face safeguarding training in February specifically aimed at Licensed drivers.

**Wheelchair accessible taxis:** Residents in the District will now have more access to wheelchair accessible taxis after the Council unveiled six newly licensed vehicles.

**Increase in the number of Temporary Events Notices allowed:** The new year saw further amendments to temporary events notices (TENs). The changes that came into effect on 1 January 2016 increased the existing statutory limits applicable to TENs. From the above mentioned date, the maximum number of events per year that can be covered by a TEN has increased from 12 to 15.

## **ENVIRONMENT**

**Software aids tree strategy:** A new piece of software can help councils calculate the environmental benefits of planting trees, such as the economic value they bring in terms of services such as pollution removal, carbon storage and water absorption. Wrexham was one of the first towns in the UK to use the software with their 17% tree canopy cover; the software calculates the environmental benefits equivalent to £1.2m a year.

**Air quality aided by green spaces:** The Woodland Trust cites research from USA showing asthma rates among young children are lower in areas with more trees and urges those involved with air quality discussions to not only focus on nitrogen dioxide but also on the importance of trees and green spaces.

## **LANDSCAPES AND COUNTRYSIDE**

**Halstead River Walk:** There is an initial activity morning for the recently formed team of volunteers on the river walk planned for Saturday 12<sup>th</sup> March; the work programme will include some new tree and hedge planting on the approach to the walk from Parsonage Street; a contractor has also been carrying out some additional coppice management to the understorey planting near the Central Piling site and to some of the larger willow trees along the riverside by the commercial units at the western end of the walk.

**Tree Strategy:** The revised document and will now be considered with a covering report by the Local Plan Sub- Committee at the next meeting on 17<sup>th</sup> February.

**Hoppit Mead:** Next volunteers meeting on 6<sup>th</sup> February will include planting a group of 3 cut leaf alders along the river bank as part of the mini-arboretum theme. Biodiversity Officers from Essex Wildlife Trust have also expressed an interest in assisting the Council with the restoration of the back channel near the Notley Road Bridge.

**Bocking Blackwater:** Consultation on the proposed extension to the boundary of the existing Local Nature Reserve will run through February, following advice from officers at Natural England.

## **COMMUNITY SAFETY**

The department is in the final stage of designing a Child Sexploitation pack for parents and is also working on one for hotels, B&B's and 24 hour garages.

A Hidden Harm Conference took place recently at Chelmsford City Racecourse organised by Braintree CSP in partnership with Uttlesford CSP and Essex Police. The conference concentrated on three topics: Child Sexual Exploitation, Gangs and Modern Slavery and discussions took place highlighting the ever changing issues of our local community.

Councillor Wendy Schmitt  
Cabinet Member for Environment and Place

<b>Contact:</b>	<b>Councillor Wendy Schmitt</b>
<b>Designation:</b>	<b>Cabinet Member for Environment and Place</b>
<b>E-mail:</b>	<b>Cllr.wschmitt@braintree.gov.uk</b>

<b>LIST OF PUBLIC MEETINGS HELD SINCE LAST COUNCIL MEETING</b>		<b>Agenda No: 10</b>
<b>Corporate Priority:</b> Not applicable		
<b>Report presented by:</b> Not applicable		
<b>Report prepared by:</b> Emma Wisbey – Governance and Member Manager		
<b>Background Papers:</b> Published Minutes of the meetings listed within the report below.		<b>Public Report</b>
<b>Options:</b> Report for noting		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>Since the last Council meeting held on 28<sup>th</sup> May 2015, the following Minutes have been published for meetings held in public session:</p> <ul style="list-style-type: none"> <li>(1) Planning Committee – 22<sup>nd</sup> December 2015</li> <li>(2) Planning Committee – 5<sup>th</sup> January 2016</li> <li>(3) Governance Committee – 13<sup>th</sup> January 2016</li> <li>(4) Local Plan Sub-Committee – 14<sup>th</sup> January 2016</li> <li>(5) Braintree Local Highways Panel – 18<sup>th</sup> January 2016</li> <li>(6) Planning Committee – 19<sup>th</sup> January 2016</li> <li>(7) Licensing Committee – 20<sup>th</sup> January 2016</li> <li>(8) Council Special Meeting – 25<sup>th</sup> January 2016</li> <li>(9) Overview and Scrutiny Committee – 27<sup>th</sup> January 2016</li> <li>(10) Planning Committee – 2<sup>nd</sup> February 2016</li> <li>(11) Cabinet – 4<sup>th</sup> February 2016 (copy to follow)</li> <li>(12) Planning Committee – 16<sup>th</sup> February 2016 (copy to follow)</li> <li>(13) Local Plan Sub-Committee – 17<sup>th</sup> February 2016 (copy to follow)</li> </ul>		
<b>Decision:</b>		
Members are invited to note the Minutes published.		
<b>Purpose of Decision:</b>		
Not applicable		
<b>Officer Contact:</b>	Emma Wisbey	
<b>Designation:</b>	Governance and Member Manager	
<b>Ext. No.</b>	2610	
<b>E-mail:</b>	<a href="mailto:emma.wisbey@braintree.gov.uk">emma.wisbey@braintree.gov.uk</a>	