

CABINET AGENDA

Wednesday, 5th October 2022 at 7.15pm

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

To access the meeting please use the link below:

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

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

Overall Strategy Innovative Environment

Finance and Corporate Transformation
Climate Change and The Environment
Operations and Commercialisation

Councillor G Butland (Leader of the Council)
Councillor J McKee
Councillor Mrs W Schmitt
Councillor R van Dulken

Connecting People, Places and Prosperity

Economic Growth
Housing, Assets and Skills
Planning and Infrastructure

Councillor T Cunningham (Deputy Leader)
Councillor K Bowers
Councillor Mrs G Spray

Supporting Our Communities

Health and Wellbeing
Communities

Councillor P Tattersley
Councillor F Ricci

Invitees: Councillors M Radley, Mrs D Garrod, Mrs M Cunningham, J Abbott, Mrs J Pell and D Mann are invited to attend as Scrutiny Chairmen and Group Leaders.

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

S BENNETT
Corporate Director

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

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

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

Public Question Time – Registration and Speaking:

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

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

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

The public may ask questions on any matter listed on the Agenda for this meeting. All questions or statements should be concise and should be able to be read within the 3 minutes allotted for each question/statement.

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

Public Attendance at Meetings:

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

Public attendance is limited and will be on a first come first served basis with priority given to Public Registered Speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public may not be able to sit in the Council Chamber, but will be able to observe the meeting from a public gallery through a large screen.

Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

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

Health and Safety/COVID:

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

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

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

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Comments and Suggestions:

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

PUBLIC SESSION	Page
1 Apologies for Absence	
2 Declarations of Interest	
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3 Minutes of the Previous Meeting	
To approve as a correct record the minutes of the meeting of the Cabinet held on 25th July 2022 (copy previously circulated).	
4 Public Question Time	
(See paragraph above)	
5 <u>CLIMATE CHANGE AND THE ENVIRONMENT</u>	
5a Cabinet's response to the Partnership Development Scrutiny Committee's Scrutiny Review into Enforcement Procedures at Braintree District Council 2021-22	6 - 28
6 <u>COMMUNITIES</u>	
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7a Cabinet's response to the Performance Management Scrutiny Committee's Review into Commercialisation at Braintree District Council	55 - 68
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8a Medium Term Financial Strategy 2022-23 to 2025-26	69 - 84

9 OVERALL STRATEGY

9a	Cabinet Appointment to Outside Bodies	85 - 87
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10 ECONOMIC GROWTH

10a Braintree Town Centre Public Realm Improvement Scheme and Maintenance Programme 88 - 101

11 OPERATIONS AND COMMERCIALISATION

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This report has a confidential appendix which contains exempt information falling within Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Any discussion on the contents of the confidential appendix will require Cabinet to resolve to move into private session and exclude the public and the press from that part of the meeting.

12 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

PRIVATE SESSION

There are no private reports for this meeting of Cabinet.

Cabinet may resolve to move into Private Session to discuss the contents of the Confidential Appendix to the public report listed below:

11a Fusion Lifestyle Grounds Maintenance of Leisure Facilities

Report Title: Cabinet's response to Partnership Development Scrutiny Committee's Scrutiny Review into Enforcement Procedures at Braintree District Council 2021/22	
Report to: Cabinet	
Date: 5th October 2022	For: Recommendation
Key Decision: No	Decision Planner Ref No: DP/2022/30
Report Presented by: Councillor Mrs Wendy Schmitt Cabinet Member for Climate Change and The Environment, Councillor John McKee Cabinet Member for Finance and Corporate Transformation, Councillor Richard Van Dulken Cabinet Member for Operations and Commercialisation and Councillor Frankie Ricci Cabinet Member for Communities, Councillor Mrs Gabrielle Spray Cabinet Member for Planning and Infrastructure.	
Enquiries to: Josie Falco Head of Environment Josie.falco@braintree.gov.uk	

1. Purpose of the Report

- 1.1 The Partnership Development Scrutiny Committee completed a review of Enforcement Procedures at Braintree District Council 2021/22. In line with the Council's Constitution the Cabinet are required to report their response to the recommendations set out in the Scrutiny Review.

2. Scrutiny Committee Recommendations

- 2.1 Cabinet is asked to agree and approve the clarification and responses to the recommendations contained in the Enforcement Procedure at Braintree District Council 2021/22 review.

3. Summary of Scrutiny Review

- 3.1 The Partnership Development Scrutiny Committee was tasked with conducting a Scrutiny Review into the topic of Enforcement Procedures at Braintree District Council. The Cabinet wishes to thank the Committee for its comprehensive report and notes the recommendations made by the Partnership Development Scrutiny Committee.
- 3.2 Cabinet also wishes to thank the Council Officers who attended the five evidence gathering sessions to provide evidence to the Scrutiny Committee acknowledging that this review was undertaken at a particularly busy time due to the increased workload generated by the Council's response to Covid 19.
- 3.3 The Terms of Reference for the Partnership Development Scrutiny Committee are as follows:-

- Driving forward existing partnerships;
 - Helping to bring partnership working into the Council's mainstream work;
 - Bringing together partners within the public sector for the benefit of the community;
 - Developing an approach to future partnerships working with both the public and the private sector; and
 - To receive the annual report of the community Safety Partnership
- 3.4 In order to facilitate the Scrutiny review into Enforcement Procedures at a time when the Covid-19 response was still underway the Member of the Partnership Development Scrutiny Committee sought to address the following questions:-
- What new enforcement powers were provided to the Council in light of new regulations arising out of the Covid-19 Pandemic?
 - What partnerships does the Council have in place in order to strengthen its enforcement activity?
 - How does the Council utilise intelligence that it holds or receives from third parties in order to work with its partners to implement enforcement (e.g. Community Safety Partnership Annual Report, Planning and Licensing Enforcement, Complaints procedures, NEPP, etc)?
 - Under the Council's original enforcement powers, what new approaches have the Council exercised over the past 12 months to strengthen the actions it takes, and which partners were involved? Future barriers (e.g. High Court Injunctions, Search Warrants, Dangerous Building Warrants, etc)?
 - Going forward, how can the Council (BDC) improve its relationships with its partners in order to further strengthen its enforcement activities, and how could this be achieved (e.g. see litigation criticisms, management of complaints, crossover enforcement between BDC, Chelmsford City Council, and Colchester Borough Council)?
- 3.5 It was agreed that the focus of the Scrutiny review should be on aspects of enforcement which had the greatest impacts on the Authority it was not within the remit of the Partnership Development Scrutiny Committee to ascertain whether there was an enforcement problem to be fixed.
- 3.6 The Scrutiny Committee took part in five evidence gathering sessions that a number of Council Officers attended to support the Scrutiny Committee in furthering their lines of enquiry.
- 3.7 A copy of the full Partnership Development Scrutiny Committee's report can be found at Appendix A.
- 3.8 The Cabinet Member for Climate Change and The Environment, Cabinet Member for Communities, Cabinet Member for Planning & Infrastructure, Cabinet Member for Operations & Commercialisation and the Cabinet Member for Finance and Corporate Transformation have considered the recommendations. This reflects the broad nature of the review and the number of portfolios it impacts.

4. Clarifications and Responses to the Recommendations

Clarification

- 4.1 Cabinet has noted the Committee's comment in relation to Health & Safety and wishes to provide the following clarification.
- 4.2 The Council does have a dedicated internal Health and Safety Manager within Environment Health. Part of this post's responsibility is to work with managers across all departments to ensure that any accident or incident that occurs is investigated.
- 4.3 Investigations into incidents and accidents that occur in businesses in the District are undertaken (when necessary) by the Food and Health and Safety Team within Environment Health. The Food and Health and Safety Team work closely with two partner organisations the Food Standards Agency (FSA) and the Health and Safety Executive (HSE).

Response to Recommendations

- 4.4 Responses to the recommendations put forward by the Partnership Development Scrutiny Review are below in order in which they were presented in within the original report.

4.5 Recommendation 1

Services that regularly work with multiple partners in relation to enforcement should review their webpages and/or directories on the Council's website and ensure that information was up to date, robust and able to signpost both partners and residents alike to the appropriate services effectively. This would allow current and new potential partners to work with the Authority, or access multiple services, more effectively.

- 4.5.1 The Cabinet is happy to support that the webpages and/or directories on the Council's website are reviewed by the services involved in the review to ensure that the information is up to date, robust and clear.
- 4.5.2 Planning enforcement web pages are already being updated and will ensure reference to other enforcement services remain in place.
- 4.5.3 Similarly Environment Health webpages are in the process of being revisited to ensure that references to the Covid response are removed and enforcement information will be updated during this process.

4.6 Recommendation 2

The Council should consider appointing a group of "Authorised Officers" who have ample knowledge across services who could assist teams by signposting officers to the necessary contacts during enforcement proceedings

- 4.6.1 Authorised Officers do currently work across services to deal with cases that require a multi-department response. An internal “Authorised Officer” enforcement forum will be created to encourage internal enforcement discussion around such issues as forthcoming legislative changes, sharing of good practice and joint enforcement actions. This group will be able to call internal case conferences on an as and when required basis should enforcement action involve more than one service area.
- 4.6.2 The structure of the Community Safety Partnership (CSP) is that there is a Strategic meeting (the Responsible Authority Group (RAG)) and an Operational meeting (the Hub) which involves Officers from various services within the Authority and external partners. A number of enforcement teams across the organisation are represented at the hub, and we will continue to review membership to ensure relevant enforcement teams are invited to participate.

4.7 Recommendation 3

With regard to Revenue and Benefits Service, the Council should arrange for there to be a Member’s Development Evening under the umbrella of “Enforcement” in order to give all members the opportunity to learn more about the Authority’s Council Tax procedures and the support that was available for residents who were perhaps experiencing difficulties with paying bills.

- 4.7.1 The Cabinet thanks the Partnership Development Scrutiny Committee for this recommendation. Revenue and Benefits Council Tax Procedures (to include enforcement and resident support) will be added to future Member induction training and/or the subject will be suggested as part of the next Member Development Programme for 23/24.

4.8 Recommendation 4

Through the Cabinet Member for Environment and Place, the Council should contact the Cabinet Member at Essex County Council (ECC) for Communities by way of a letter in order to request that local partners, such as housing associations and social services be, encouraged to attend the meetings of the Braintree District Community Safety Partnership.

- 4.8.1 Cabinet would like the Partnership Development Scrutiny Committee to note that the Community Safety Partnership now sits under the Portfolio of the Cabinet Member of Communities.
- 4.8.2 The structure of the Community Safety Partnership (CSP) is that there is a Strategic meeting (the Responsible Authority Group (RAG)) and an Operational meeting (the Hub) which involves Officers from various services within the Council and external partners.

4.8.3 The CSP's Responsible Authority Group includes:

- The Council
- Essex County Fire and Rescue Service
- Essex Police
- Essex County Council
- Essex Probation Service
- Essex NHS Clinical Commissioning Groups

4.8.4 Whilst the membership of the CSP is not confined to the responsible authorities it would be unusual to insist on attendance from other external partners.

4.8.5 The Council's approach has always been to collaborate with Housing Associations and other partners through the Operational Working Group (Hub).

4.8.6 The Communities Team will review the membership of both groups with a view to encouraging both housing associations and social services to attend the relevant group by way of a letter from the Cabinet Member for Communities. This will include writing to ECC to encourage attendance from social services.

4.9 Recommendation 5

Council Services that utilise enforcement should explore enhancing their partnership arrangements with neighbouring Local Authorities and expand this to incorporate the private sector as well in order to improve relationships going forward and strengthen their enforcement activities.

4.9.1 Cabinet acknowledges that the subject of partnership working with neighbouring local authorities on enforcement matters was not an area that the Committee was able to explore in great detail however it recognises that there are significant benefits in sharing best practice and intelligence.

4.9.2 The services that include enforcement already have established working groups with other Local Authorities in Essex that meet regularly. Whilst these meetings are not exclusively to discuss enforcement, enforcement activity will be part of the discussions. The forums allow for sharing of good practice, work plans, intelligence and lessons learnt etc, These groups will also share intelligence on specific cases where there is cross boundary activity e.g. fly tipping.

4.9.3 Examples of these Local Authority Partnership meetings are Essex Building Control Managers Meeting, Essex Licensing Group (which includes the Licensing Team at Essex Police), Essex Food Group, Community Safety Hub, Cleaner Essex Group and the Essex Waste Officers Delivery Group.

- 4.9.4 In addition the Council already has an established working relationship with the Environment Agency, local landowners and Housing Associations to tackle such issues as regularly sharing intelligence and information of environmental crime.

4.10 Recommendation 6

The Committee request that the relevant Council services, where possible, record performance indicators (or KPIs) against their enforcement activities (where these were not recorded). It is also recommended that services explore how other neighbouring Local Authorities record performance indicators against their enforcement activities (if it is done) in order to compare different approaches.

- 4.10.1 Cabinet acknowledges the request for KPIs against enforcement activities.
- 4.10.2 There are already a range of indicators that are used to monitor the number and type of cases that are being managed in relation to enforcement, as well as details on the number of immediately applicable actions, such as Fixed Penalty Notices issued.
- 4.10.3 There are also corporate indicators in relation to response times for correspondence which would apply to correspondence received in relation to enforcement cases. In Environmental Health, Licensing and Building Control where investigations lead to more complex enforcement cases the act of enforcement is the final action undertaken once it has been established that all other actions have failed to resolve the ongoing issue. Therefore developing generic KPIs that provide value and that captures the nature of complex casework is very difficult.
- 4.10.4 The team will review activity indicators and KPIs, to ensure that they provide a good overview of enforcement and will explore with other local authorities how they measure performance.

4.11 Recommendation 7

Members of the Partnership Development Scrutiny Committee would like to be involved in the update of the Council's Tree Strategy when this process takes place in 2022. The Feering and Kelvedon Wildlife Group might also have some useful input into the Tree Strategy alongside the Committee's.

- 4.11.1 The Landscape Services Team will be drafting a revised Tree Strategy which will start before the end of the calendar year. Cabinet notes the recommendation and will ensure interaction and engagement takes place with Members and interested groups as part of the review process.

5. Next Steps

- 5.1 There are no financial implications from the recommendations therefore there is no requirement to take the report to Full Council as there are no Budget implication.

6 List of Appendices

- 6.1 Appendix A Partnership Development Scrutiny Committee Enforcement Review 2021/22

7. Background Papers

- 7.1 None

PARTNERSHIP DEVELOPMENT SCRUTINY COMMITTEE
SCRUTINY REVIEW INTO ENFORCEMENT PROCEDURES AT
BRAINTREE DISTRICT COUNCIL 2021/22 (SCRUTINY REPORT)

EXECUTIVE SUMMARY

Members of the Partnership Development Scrutiny Committee were tasked with conducting a Scrutiny Review into the topic of 'Enforcement Procedures at Braintree District Council.'

For information, the Terms of Reference for the Partnership Development Scrutiny Committee are as follows:-

- Driving forward existing partnerships;
- Helping to bring partnership working into the Council's mainstream work;
- Bringing together partners within the public sector for the benefit of the community;
- Developing an approach to future partnership working with both the public and the private sector; and
- To receive the Annual Report of the Community Safety Partnership.

The topic of 'Enforcement Procedures' was originally suggested by Councillor T Everard as the potential subject of a Scrutiny Review under the Annual Scrutiny Work Programme for 2020/21. In his accompanying comments, Councillor Everard explained that he felt the Council needed to have a more integrated approach towards its delivery of 'enforcement' which encompassed all services, with procedures linked to those of external 'enforcement' agencies such as Essex Highways and Essex Police.

Upon their examination of the 'enforcement' topic, Management Board commented on the wide scope of the subject and the need to clarify which areas a Scrutiny Review would focus on; for example, if it would be more suitable for a Committee to focus on specific services (e.g. Planning, Licensing, etc), or conduct a broader spectrum Review. A potential line of enquiry was to approach research into the topic in the form of a knowledge gathering exercise, rather than a detailed 'scrutiny' enquiry by identifying which agencies the Council partnered with (e.g. Essex County Council, RSPCA, etc) in order to undertake enforcement action, and what powers the Authority had to undertake its own enforcement procedures. The relationships between the Council and its various 'enforcement' partners was also an area for potential exploration as part of a Scrutiny Review, as well as 'enforcement' from a performance perspective.

The Chairmen of the Council's four 'Scrutiny' Committees then discussed the topic of enforcement and its merits should it be taken forward as part of a Scrutiny Review in further detail with support from Governance Officers. Initial observations were that a Scrutiny Review should address specific areas of enforcement, such as Planning;

however, it was later acknowledged that due to the ongoing impacts of the Covid-19 pandemic, services across the Council were experiencing unprecedented and unique pressures, both in terms of resource capacity and workload. Therefore, in order to avoid placing extra pressure on a specific service, Members instead agreed to conduct a broader Review of the Council's services.

After further deliberation, it was agreed to assign the topic of 'Enforcement Procedures' to the Members of the Partnership Development Scrutiny Committee for the purposes of a Scrutiny Review from the perspective of the Council's partnership arrangements.

In order to facilitate the Scrutiny Review into 'Enforcement Procedures,' Members of the Partnership Development Scrutiny Committee sought to address the following questions:-

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

As the topic of enforcement encompassed such a wide area of work, with a number of enquiries potentially stemming from this, it was agreed that the focus of the Scrutiny Review should be on aspects of enforcement which had the greatest impacts on the Authority (e.g. financial implications). Furthermore, it was not within the remit of the Partnership Development Scrutiny Committee, nor the Terms of Reference to ascertain whether there was an enforcement 'problem' to be fixed within the District; the main purpose of the Review was for the Committee to explore the powers and relationships that allowed the Council to implement enforcement action.

Over the course of the Scrutiny Review, Members of the Committee took part in five evidence gathering sessions:-

- 27th January 2021
- 31st March 2021
- 12th May 2021
- 21st July 2021
- 13th October 2021
- 17th November 2021

A number of officers from the Council's internal services were invited to attend evidence gathering sessions of the Committee in order to support the findings of the Scrutiny Review and help identify any further lines of enquiry that Members wished to explore. The "invitees" included officers from the Council's Environmental Protection, Licensing, Operations, Planning, Landscapes, Community Services and Council Tax and Debt Recovery teams.

INPUT FROM ENVIRONMENTAL PROTECTION AND LICENSING

At the meeting of the Partnership Development Scrutiny Committee on 31st March 2021, two officers from the Council's Environmental Service, Mr Colin Batchelor (Environmental Health Manager, Environmental Protection) and Mr Daniel Mellini (Environmental Health Manager, Food, Health and Safety and Licensing) were invited to attend and speak to Members about their individual roles and experiences of partnership working on enforcement matters.

Environmental Protection

As well as environmental protection, members of staff in the team also dealt with matters concerning public health and housing. The principle role of staff was to investigate complaints, which were largely in regard to various statutory nuisances such as noise, light, air pollution and housing issues (e.g. accumulation in properties). 'Enforcement' functions within the team included the issuing of formal warning letters, abatement notices, prohibition notices and civil penalty notices, and prosecution action such as the seizure of equipment or cancellation of permits. Other functions included the undertaking of works in default on properties. In terms of staffing levels, the team was relatively small in comparison with the amount of work that it covered, and the demand on the team had increased in response to the Covid-19 pandemic, particularly in regard to the amount of complaints received which often required lengthy investigations.

There was an extensive range of partners that the Environmental Protection team liaised with on the subject of enforcement, although due to the often sporadic nature of the work involved, some of these partnerships were stronger than others. One of the more successful external partnerships was with the Essex Countrywide Traveller Unit (ECTU), who acted on behalf of the Council with regard to unauthorised encampments. Other such partnerships included that of the Police, and the Fire Service, who were a consultee on the subject of HMOs; the Environment Agency (EA) on issues concerning drainage; Anglian Water regarding failures in water quality standards on mains supplies, as well as the Drinking Water Inspectorate; and DEFRA on the subject of air quality standards. There was also a number of professional network teams based at Essex County Council that officers in the Environmental Protection team liaised with on a regular basis in respect of issues

such as contaminated land (e.g. Pollution Group). The team also acted as a primary consultee for the Planning and Licensing Teams upon the receipt of new applications, and made representations where necessary if potential environmental issues were identified.

Occasionally, members of the team were also required to liaise with social workers and mental health based hubs when engaging with particular individuals. The Environmental Protection team also attended Court on an ad-hoc basis with regard to matters such as warrants for entry to a property. Through the DFGs process, members of the Environmental Protection team also had a positive relationship with a number of Occupational Therapists based at the County Council who made referrals to officers for grants. Furthermore, the team also liaised infrequently with Stansted Airport on issues such as noise pollution from aircraft.

In terms of improvements to partnership working, there were a number of partnerships that the Environmental Protection team liaised with on an ad-hoc basis only (e.g. police in order to access a specific property or a locksmith). Ultimately, the work patterns and priorities of the team and its external partners were not always in line with one another and as a result, engagement with those partners was not always expeditious. With regard to prosecutions, delays in the legal process could be attributed to a number of factors, such as a high volume of cases being heard by the Court, or a lack of resources by the other partners involved.

Licensing

There was a degree of crossover and partnership working between the Licensing and Environmental Protection teams. The Licensing team in particular was involved heavily with the Authority's response to the Covid-19 pandemic; for example, a large number of new businesses had requested registration by the Local Authority, and there had been a marked shift from fixed business premises to home working (e.g. cake baking businesses, small-scale manufacturers, etc). There had also been a notable increase in the number of complaints, enquiries and outbreak work received in relation to Covid-19 issues. Funding was subsequently secured towards the implementation of a dedicated Covid-19 response team that was in addition to the regular services provided by the Licensing team.

On the subject of successful partnership working, the Environmental Protection team had provided much internal support to Licensing in respect of Covid-19 response work and the need to interpret the abundance of new regulations and guidance as they emerged. The Council had been granted new powers in respect of breaches of Covid-19 restrictions, including directions, which colleagues based at Essex County's Council's Public Health division had administered on the Authority's behalf through enforcement action such as prosecutions and issuing of notices. As well as reliance on longstanding partnerships within the Council, such as with Planning and the Revenue and Benefits service, the Licensing team had also joined with a number of new partners both within and external to the organisation in response to the pandemic. For instance, a new internal relationship had been formed with the Economic Development team at the Council, who were heavily involved in communicating and engaging with local businesses, and also with staff within the Street Scene Enforcement team. In respect of external partners, the Licensing team

regularly consulted with a number of statutory consultees, such as Essex Police, as well as with more recently formed partners like that of the Home Office (e.g. in respect of immigration controls).

One of the major partners for the team was that of Essex County Council and other neighbouring Local Authorities, with colleagues from across parties meeting regularly to share ideas and intelligence where needed. Such meetings had increased exponentially in response to the pandemic, as seen with the Health Protection Board Tactical Command Group (TCG). The Licensing team occasionally worked with partners such as the North Essex Parking Partnership (NEPP) in regard to issues in relation to traffic overflow. Other partners included the Fire Service, on issues such as Pavement Permits and public accessibility around this, the Health Protection Agency (HPA) and Public Health England (PHE) in terms of infectious diseases. In respect of safeguarding, the team worked with colleagues in Community Protection around vulnerable adults and children. Partnerships were also in place with other Licensing Authorities on issues such as cross-border enforcement with regard to taxis, and assisting colleagues at Trading Standards with facilitating their work in the District which the Council would not necessarily get involved with (e.g. underage sales of alcohol).

Over the years, the team had also cultivated a relatively strong working relationship with the local Licensing function at Essex Police, which had become even more robust in response to the pandemic. The work carried out between the Police and the Council included joint patrols, the sharing of intelligence and planning for future operations (e.g. around the easing of restrictions and the impacts on businesses). Other joint projects were in regard to scrap metal, violence reduction during night time hours and taxi operations. Other elements of general partnership working within the Licensing team revolved around the receiving and sharing of intelligence from miscellaneous sources; for example, in respect of dog breeding and associated complaints.

With regard to improvements to partnership working, the success of many of the working arrangements within the Licensing team could be attributed to the fact that these had been developed and improved upon over a sustained period of time. Nonetheless, there were occasional barriers to partnership working due to the differing work patterns and priorities of partners that were external to the Council. In terms of 'gaps' in partnership working, there were not any dedicated Health and Safety officers within the Licensing team who could focus on work such as the inspection of premises or investigation of accidents within the office.

Building Control

Although no officers were available to attend the meeting from Building Control, information had been supplied to Governance Officers previously by the Head of Environment (then Mr Lee Crabb) about the team's partnership arrangements in terms of enforcement functions. This information was then circulated to Members of the Committee in advance of the meeting.

The Building Control team was comprised of three Surveyors (at the time that the information was received, two of these posts were vacant). Each Surveyor was

individually responsible for checking compliance. It was explained that Building Control was the process by which Building Regulations were enforced. Officers were required to work to a set of standards for the design and construction of buildings which were primarily established to ensure the safety of those people who use buildings through regulations for fire, electrical and structural safety. The building regulations helped to ensure that new buildings, conversions, renovations and extensions (domestic or commercial) would be safe, healthy and high-performing. The Surveyors were also responsible for dealing with dangerous structures and demolitions.

The Building Control Surveyors had a general duty to enforce the building regulations and would seek to do so by informal means wherever possible. If compliance was not achieved through informal enforcement, there were two formal enforcement powers that the Surveyors could utilise if appropriate:-

- Firstly, if a person carrying out building work contravened the Building Regulations, the Local Authority may prosecute them in the Magistrates' Court, where an unlimited fine might be imposed (Sections 35 and 35A of the Building Act 1984). Prosecution was possible for up to two years after the completion of the offending work. This action would usually be taken against the person carrying out the work (i.e. the builder, installer or main contractor).
- Alternatively, or in addition, the Local Authority might serve an enforcement notice on the building owner requiring alteration or removal of work which contravened the regulations (Section 36 of the 1984 Act). If the owner did not comply with the notice, the Local Authority possessed the power to undertake the work itself and recover the costs of doing so from the owner.

On the subject of partnership working, the Building Control team will often work with teams based in other Local Authorities in order to share intelligence. The team will also work alongside Trading Standards in order to pursue 'rogue' builders.

INPUT FROM OPERATIONS

At the meeting of the Partnership Development Scrutiny Committee on 12th May 2021, two officers from the Council's Operation's service, Mr Steve Wilson, Operations Manager, and Mr Stuart Thompson, Assistant Manager (Street Scene) were invited to attend in order to contribute towards the Committee's evidence gathering.

Street Scene Protection

The main role of the Street Scene Protection team was to investigate both criminal and civic environmental offences in support of the Council's overall corporate aims and objectives under 'Enhancing our Environment', with the primary aim of ensuring the Braintree District was clean, tidy and well maintained. The team also undertook an important role in investigating and enforcing offences under the Anti-social Behaviour, Crime and Policing Act 2014.

The team consisted of seven officers and was divided into four main areas that covered different locations across the District, with an element of cross-border working. Each of the four areas within the team had its own designated Street Scene Protection Officer whose responsibilities encompassed a variety of issues, such as:-

- Fly Tipping;
- Littering;
- Stray Dogs;
- Dog Fouling;
- Abandoned Vehicles;
- Commercial Waste offences (unauthorised collection, transporting and dumping);
- Graffiti;
- Noise nuisance (excessive dog barking);
- Smoking in smoke free vehicles; and
- Dogs not under proper control.

The Covid-19 pandemic had had a significant impact on the work of the Operations department as a whole, but this was particularly so with regard to the enforcement team; for example, new enforcement powers had been issued by the Government in terms of what enforcement staff could carry out and how compliance should be managed against the backdrop of Covid. Although the Council's Environmental Health team (EH) had overall responsibility for the management of Covid related issues, the Street Scene Protection team had worked continuously throughout the pandemic to support EH with the new enforcement requirements (e.g. street patrols, visits to businesses and the sharing of intelligence). Services such as the green waste collection had been suspended, there had been a subsequent increase in the amount of environment offences (e.g. bonfires). One of the most notable challenges for the Street Scene team were interviews conducted under caution, and the installation of noise equipment at premises due to social distancing measures.

In respect of internal partnership working, there was much crossover with the work of the Street Scene Protection team and that of the EH team. The EH team would deal with statutory nuisances such as those associated with noise, whereas the Street Scene team would deal with non-statutory nuisances alongside their EH colleagues. The Street Scene team also worked closely with staff in the Licensing team, especially in relation to enforcement matters regarding dog breeding businesses and scrap metal dealers, and also with the Community Safety team on matters such as the serving of notices. More recently, partnership working with the Homeless and Housing team had also increased, with much of this in relation to issues such as rough sleepers and associated complaints. It was acknowledged that whilst cross working between the various departments worked reasonably well, there would be a degree of merit in giving consideration to full or partial integration of the various sections to develop a more cohesive and seamless service approach that covered all enforcement activities.

With regard to external partnership working, the Street Scene team had a strong working relationship with Essex Police, particularly with the local community teams, rural crime unit and the 'Op-Rap' team, who dealt with issues such as County Lines.

There were also a number of housing associations within the District that the team worked with, notably Eastlight Community Homes Ltd, with whom the Council had a close working relationship; for example, monthly meetings with area managers took place at Eastlight, who now had processes in place where they could utilise antisocial behaviour legislation to escalate action against incidents by way of a written warning. If the issue continued, Eastlight would then compile a report for the Street Scene team, who would then consider serving a notice to the individuals involved.

In addition to having regular contact with a number of authorities across Essex, Essex County Council (ECC) in particular was an organisation that the team worked closely with in regard to enforcement matters, such as commercial waste licences. The team also maintained a positive working relationship with local RSPCA Inspectors (e.g. on the subject of warrants). There was also an element of joint working with authorities such as the 'Cleaner Essex' group on shared intelligence, cross-border enforcement and joint investigations, as well as with the Environment Agency (EA) on the subject of environmental crime.

INPUT FROM COMMUNITY SERVICES – COMMUNITY SAFETY PARTNERSHIP (CSP)

The remit of the Partnership Development Scrutiny Committee included the receipt of the [annual report of the Community Safety Partnership \(CSP\)](#). Prior to the meeting of the Committee on 21st July 2021, it was identified by Governance Officers that the report presented an opportunity for Members to partake in another evidence gathering session for the Scrutiny Review into 'Enforcement,' given the number of partnerships involved with the CSP. Mrs Tracey Parry, Community Services Manager, was therefore in attendance at the meeting in order to present the report and provide additional information to the Committee in respect of the Council's 'enforcement' partnership arrangements under the CSP for 2020/21.

Due to the unprecedented impacts of Covid-19, many of the CSPs were required to concentrate their time and resources on dealing with issues relating to the pandemic; as such, a number of the usual activities provided by the Partnership were unable to be undertaken, particularly those that relied on face-to-face engagement or were within education settings and had to be either postponed or redesigned.

The key achievements of the CSP in 2020/21 included:-

- The formation of a new Local Exploitation Group aimed at the provision of early intervention to vulnerable young people at risk of Child Sexual Exploitation (CSE) or Criminal Exploitation (CE) before it could escalate to a 'high risk' level. The Local Exploitation Group had emerged in response to a notable increase in the number of cases being heard at the Mid Essex Missing & Child Exploited (MACE) meetings during the course of the pandemic.
- The CSP had continued to fund the purchase of four more mobile cameras. Through the sharing of intelligence between the Council's enforcement team, Essex Police and local housing associations, mobile cameras were deployed

within areas where it was believed that criminal or anti-social behaviour was occurring. To date, useful evidence had been used by police intelligence officers to disrupt the suspected supply of Class A drugs by known gang nominals from London; target prolific shoplifters; identify and deter identified individuals from causing anti-social behaviour; and to assist in gathering evidence to put in place enforcement action such as Community Protection Notices, Criminal Behaviour Orders and Closure Orders.

The Braintree District Community Safety Hub (the Hub) had switched to virtual meetings on a monthly basis in response to the pandemic. Despite these changes, the Hub had continued to maximise the benefits of collaborative working with a variety of partners, which included: housing associations; social care workers; mental health teams; the community and voluntary sector; and improved information sharing and closer working practices in order to combat key issues that had been identified as part of the CSP Action Plan, the Police, Fire and Crime Commissioner's (PFCC) Police and Crime Plan, and from emerging crime trends and patterns. There had also been a notable shift in the way in which the Hub responded to the issues identified; for instance, with the improved information sharing from multiple sources and partners, alternative responses to enforcement were being given consideration. For example, where cases related to individuals, there was the opportunity for the Hub to consider any other support options that could be implemented for a particular individual which could, potentially, eradicate patterns of anti-social behaviour.

With regard to the effectiveness of partnership working, best practices were often shared as part of the CSP and 'Safer Essex,' which enabled all parties to look at what had worked well and to adapt and/or tailor processes accordingly. Regular reviews of crime statistics were conducted with the local policing team, which enabled any trends to be monitored over a specific period of time. The Police also provided crime statistics and perception ratings regularly, and regular questionnaires were circulated to the District's residents by the Council, which included questions around safety and wellbeing, allowing data to be collected and monitored. Furthermore, it was reported that as the Community Services Manager, Tracey Parry met regularly with partners from other District Authorities and CSPs, whilst other representatives from the Council attended 'Safer Essex' meetings. There was also elected representation from the Council on the Essex Police, Fire and Crime Panel, the discussions of which pertained to more strategic issues.

Although the budget for the CSP was a modest one, its partnership working arrangements meant that it had excellent links with organisations such as secondary schools and partnerships throughout the District (e.g. the Behaviour and Attendance Partnership, Essex Youth Service, Children's Society, etc) who often had access to their own funding, of which the CSP could potentially contribute towards in order to fund new programmes and schemes, or simply work alongside.

The CSP was keen to involve more local partners from the community and voluntary sector within its line of work, such as representatives from Adult Social Care. Whereas previously involvement from mental health partners was low, NHS mental health services had now increased their representation within the CSP. Furthermore, there were specific officers in the Housing team who also fed into the CSP. Overall,

the CSP had a large number and variety of partners within the Hub, although it was willing to engage with other potential partners as well if opportunities arose to do so.

In regard to 'barriers' to partnership working, these tended to be centred around the smaller housing associations and the more limited amount of resources that they had to deal with issues such as anti-social behaviour (ASB) and attend local meetings of the CSP partners. Furthermore, enforcement action was not always the most appropriate response to take in order to alleviate issues due to individual circumstances and backgrounds, and it was through active communication with CSP partners and sharing of information that allowed a wider picture to be established.

INPUT FROM COUNCIL TAX AND DEBT RECOVERY

At the meeting of the Partnership Development Scrutiny Committee on 27th January 2021, Members had indicated that they would be keen to examine enforcement action taken by the Council Tax and Debt Recovery teams due to non-payments, and the partners that would be involved with this. Mrs Rachel Penn, Assistant Recovery Manager, was therefore invited to attend the meeting in order to speak with Members about her role and experiences of partnership working on matters relating to Council Tax debt.

There were five officers within the Council Tax Recovery team who each dealt with elements of enforcement, such as billing and recovery processes. There was one officer whose role was divided between that of a Collections Officer and Welfare Officer. The Welfare Officer was in regular communication with bodies such as the Citizen's Advice Bureau, Step Change and Food Banks, and also submitted cases for Hardship Funds where customers met with necessary criteria.

For the purposes of Council Tax, the Council used the Magistrate's Court at the appropriate stage of recovery action. A Liability Order would then be passed to the Enforcement Agent (previously known as a Bailiff). High Court Sheriffs could only be utilised through a County Court. It was stressed that the Enforcement Agents used by the Council were all certified with the necessary training to conduct their roles in accordance with the introduction of the Taking Control of Goods (Fees) Regulations 2014 (the Regulations 2014). Although in most incidences the Council would need to contact the Court in order to arrange for an Enforcement Agent to become involved with the recovery of a debt, specific legislation could be used by the Council in some circumstances which allowed it to utilise an Enforcement Agent directly.

An Enforcement Agent was one form of recovery action that the Council could undertake through partnership working in respect of Council Tax and Non-Domestic Rates. Charging Orders and Bankruptcy were examples whereby the Court was used directly as a partnership to undertake enforcement action. The Enforcement Agency acted upon the Council's instructions in order to implement enforcement action on a debt by working directly with the customer in order to make payment either in full or under an arrangement. If the debt was returned, the Authority would then explore alternative recovery action available to the Council under the Regulations 2014. Where an Enforcement Agent was unable to collect the required debt from a customer, the matter would be returned to the Council, who would then explore alternative means of debt collection. In exceptional circumstances, the

Council did have a provision for 'write-offs' of debt; however, ultimately, the Authority had a statutory duty to collect Council Tax and Non-Domestic Rates and would therefore employ proportionate measures to deal with non-payments.

Other examples of partnership working was with the Essex Revenues Partnership Group, the Group through which the Council was able to examine the collection statistics of other Authorities. In addition to this, ideas were regularly shared between Authorities as to how improvements could be made to debt collection methods. Before the emergence of the Covid-19 pandemic, one such method that the Council had adopted was to allow some Recovery Officers to conduct door-knocks on properties in order to engage the customer. In such circumstances, the Council would try to encompass as many organisations as possible to try and assist customers with repaying debts. The team also shared intelligence with the Department of Work and Pensions (DWP) and an external company called LOCTA., Furthermore, there was an Essex-wide agreement with Vigilant Applications Ltd (via Pan Essex), which drew comparisons between the data sets of each Local Authority in Essex in relation to household composition, with the primary aim of minimising Council Tax fraud.

OTHER CONSIDERATIONS

Responses from Emma Goodings – Planning and Landscape Services

During the course of the Scrutiny Review, a specific query was raised by Councillor Mrs Sandum in respect of the Landscape Services team which regarded the potential for any additional partnerships to be acquired in order to strengthen enforcement proceedings. In light of this, Governance Officers made contact with Ms Emma Goodings, Head of Planning and Economic Development, to request that a written statement be provided in order to give Members of the Partnership Development Scrutiny Committee a general overview of 'enforcement' within Planning, as well as respond to the query raised by Councillor Mrs Sandum.

A list of the questions raised and the responses that were subsequently provided by Ms Goodings were presented to Members at the meeting of the Committee on 17th November 2021 (see **Appendix 1 – 'Agenda Item 6'** for full details).

In viewing the responses, Councillor Mrs Cunningham, Chairman of the Partnership Development Scrutiny Committee acknowledged the work of Planning Enforcement Member Reference Group (MRG), whose work complimented that of the Committee's and addressed areas of work explored by the Committee throughout the duration of its Scrutiny Review. As per her request, Councillor Mrs Cunningham had received sight of the MRG's draft report; however, the report was not a publically accessible document as it was still under consideration by the MRG and had yet to be viewed in any other public forum.

Additional Responses from Environmental Health and Licensing

Following the meeting of the Partnership Development Scrutiny Committee on 31st March 2021, the Chairman, Councillor Mrs Mary Cunningham, submitted a number of queries for Mr Colin Batchelor (Environmental Health Manager) and Mr Daniel

Mellini (Environmental Health Manager, Food, Health and Safety and Licensing). The queries were in relation to specific elements of the presentations that had been provided by Mr Batchelor and Mr Mellini on the partnership working arrangements around enforcement within their respective teams.

Responses from both officers were subsequently received and presented to Members for their information at the meeting of the Committee on 13th October 2021 (please see **Appendix 2 – ‘Agenda Item 6’** for full details of the queries and responses provided).

Key Performance Indicators (KPIs)

During the later stages of their Scrutiny Review, Members raised a query around how the Council, as an organisation, measured the success of its enforcement functions. Reference was subsequently made to the Key Performance Indicators (KPIs) which appeared in the Council’s quarterly performance reports which were presented to meetings of the Cabinet. Governance Officers thus agreed to conduct some research into how KPIs are recorded by the organisation in order to determine whether any of the data collected was in relation to enforcement procedures.

Mrs Tracey Headford, Business Solutions Manager, was able to confirm that the KPIs recorded within the quarterly performance reports related to the priorities within the Annual Plan and not to specific enforcement matters, although data was occasionally received which regarded individual cases. Instead, services at the Council tended to record their own targets against enforcement in order to monitor performance.

Members recognised that much of the enforcement undertaken at the Council was reactive and in response to issues as they emerged, and that much detail had already been received from officers during meetings of the Committee throughout the year on the different enforcement arrangements and partnerships that were in place. In order to support the findings of their Scrutiny Review further, Members sought any additional information from services that could be provided in relation to their own bespoke ‘enforcement’ performance targets, even if such data was only recorded on an ad-hoc basis (e.g. any statistics against particular cases that could be shared).

Data in relation to ‘enforcement’ targets was subsequently collected from the following services: Planning, Operations, Revenues and Environmental Protection. Overall, the responses received indicated that whilst some services did record some performance data in relation to enforcement (see “Operations – Street Scene Protection”) , other services did not. For example, in Environmental Protection, the issuing of notice and similar ‘hard’ enforcement issues were recorded as being undertaken but there were no numerical performance targets assigned to these (please see **Appendix 3 – ‘Performance Target Responses’** for all responses received).

RECOMMENDATIONS OF THE SCRUTINY REVIEW

Following the conclusion of their Scrutiny Review into Enforcement Procedures, the general consensus of the Committee Members was that there was a misconception about the role of enforcement at the Council, and that 'enforcement' as a function was in fact widespread across the Authority's services. Based on the evidence gathered over the course of the Scrutiny Review, the Committee were in agreement that the Council's enforcement procedures and associated partnership arrangements were effective overall, although there were a few areas identified where the Committee felt that improvements could be made.

Members would therefore like to make the following recommendations:-

Recommendation 1

Services that regularly work with multiple partners in relation to enforcement should review their webpages and/or directories on the Council's website and ensure that information was up to date, robust and able to signpost both partners and residents alike to the appropriate services effectively. This would allow current and new potential partners to work with the Authority, or across multiple services, more effectively.

Members acknowledged that one of the Council's key partners were members of the public, and that allowing them quick and easy access to required information was of high importance. Effective signposting in this respect would minimise time spent by residents and Council employees alike trying to identify the appropriate services to direct 'enforcement' related queries to (e.g. should residents wish to report issues such as noise nuisances vs. anti-social behaviour), as well as strengthen the Council's overall enforcement activity. Council services should also explore alternative methods of signposting in order to ensure that the organisation meets with the various needs of customers (e.g. text messages for customers in lieu of verbal updates for those who are hard of hearing).

Recommendation 2

The Council should consider appointing a group of 'Authorised Officers' who have ample knowledge across services who could assist teams by signposting officers to the necessary contacts during enforcement proceedings.

It was noted by Members from the evidence gathered that there was much internal partnership working across teams for enforcement related matters (e.g. collaboration between Street Scene Protection team and Environmental Health during cases of statutory nuisances). The presence of a few officers who could offer effective signposting would help to improve cohesion across departments during such instances by allowing teams to share intelligence with one another where needed (e.g. about complaints, historic cases or an individual's circumstances) or directing officers to the appropriate contacts (e.g. outside agencies, such as those that comprise the Community Safety Partnership (CSP)).

Recommendation 3

With regard to the Revenues and Benefits Service, the Council should arrange for there to be a Member's Development Evening under the umbrella of 'Enforcement' in order to give all Members the opportunity to learn more about the Authority's Council Tax procedures and the support that was available for residents who were perhaps experiencing difficulties with paying bills.

The Committee agreed that prior to the evidence gathering session with Mrs Rachel Penn on 13th October 2021, their knowledge of the Council Tax service and the different levels of support that was available to assist residents facing financial difficulties was limited. As many residents often approached their Ward Members with Council Tax related queries and concerns, it was felt that a Member's Development Evening would serve to improve Members' knowledge of the service and allow them to signpost residents to the appropriate officers and levels of support more effectively in future.

Recommendation 4

Through the Cabinet Member for Environment and Place, the Council should contact the Cabinet Member at Essex County Council (ECC) for Communities by way of a letter in order to request that local partners, such as housing associations and social services, be encouraged to attend meetings of the Braintree District Community Safety Partnership (CSP).

With regard to the enforcement, the CSP was in a positive position due to elements of partnership working on issues such as ASB, nuisances and community safety, as well as 'informal protocols' across Council services and housing associations such as Eastlight Community Homes Ltd. It was acknowledged that 'barriers' to more effective partnership working in respect of the CSP tended to be centred around smaller housing associations and the more limited resource capacity they had to assist the CSP with issues such as ASB and attend local meetings. Other partners such as social services had reduced their levels of attendance in response to the Covid-19 Pandemic. It was recognised that such partners were able to bring added value to the CSP through the provision of localised intelligence and experience of smaller scale enforcement matters. Increased attendance from local housing associations and other partners in meetings of the Braintree District CSP on a regular basis should therefore be encouraged, and the benefits of their participation emphasised.

Recommendation 5

Council Services that utilise enforcement should explore enhancing their partnership arrangements with neighbouring Local Authorities and expand this to incorporate the private sector as well in order to improve relationships going forward and strengthen their own enforcement activities.

The subject of partnership working with neighbouring Local Authorities on enforcement matters is not one that the Committee was able to explore in great detail; however, over the course of the evidence gathering sessions, reference was

made by a number of officers to the benefits of this type of partnership working, and the Committee wished to emphasise this. For instance, best practices were often shared between local CSPs as part of the 'Safer Essex' partnership, which allowed the partners and agencies involved to compare practices and look at what worked well in order to make improvements to strategy delivery. In other areas of the Council, partnership working had increased exponentially in response to the Covid-19 Pandemic; for example, in Licensing, officers attended regular meetings of groups such as the Health Protection Board Tactical Command Group (TCG), which was comprised of representatives from Local Authorities across Essex, the MHCLG and the Police in order to share intelligence and work collaboratively in order to address issues such as resource capacity. The Committee would therefore like relevant Council services to examine areas of enforcement where the work could be improved through enhanced partnership working with neighbouring Local Authorities and potential future working with members of the private sector if this was of benefit.

Recommendation 6

The Committee requests that the relevant Council services, where possible, record performance indicators (or KPIs) against their enforcement activities (where these were not already recorded). It is also recommended that services explore how other neighbouring Local Authorities record performance indicators against their enforcement activities (if this is done) in order to compare different approaches.

The recording of performance indicators will help the organisation to measure the success of its partnership working arrangements more effectively in regard to enforcement activities (e.g. response time to complaints, days taken for enforcement action to be implemented, etc). However, it is recognised that for many services, enforcement action, where required, is in response to issues as they emerge and not undertaken on a regular basis. On the subject of Planning, it will be useful for the Committee to receive feedback from the Member Reference Group (MRG) as to what performance data is likely to be recorded in future. In terms of the approaches of other Local Authorities who record performance indicators against their enforcement activities, the Committee feels that it would be of use for the organisation to explore different approaches for comparison purposes (i.e. to identify best practices, such as expected response times to enforcement matters).

Recommendation 7

Members of the Partnership Development Scrutiny Committee would like to be involved in the update of the Council's Tree Strategy when this process takes place in 2022. The Feering and Kelvedon Wildlife Group might also have some useful input into the Tree Strategy alongside the Committee's.

The Committee acknowledges that tree preservation is a much wider issue, and that the Planning Enforcement team can only take action on those trees which are either protected via a Tree Preservation Order (TPO), or are part of a planning application. The legislation requires the removal of a tree to be "...expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area."¹

However, the Committee believes that any action that the Council can take to discourage trees from being cut down unnecessarily, and to advise on retaining trees and hedgerows on development sites wherever possible, would be very valuable. It would also be useful for Members to hear about the work that the Landscape Service team do to engage with volunteer groups and others across the District on the subject of tree preservation.

¹ <https://www.legislation.gov.uk/ukpga/1990/8/section/198>

LINKS TO MINUTES AND AGENDAS OF MEETINGS

- [27th January 2021](#)
- [31st March 2021](#)
- [12th May 2021](#)
- [21st July 2021](#)
- [13th October 2021](#)
- [17th November 2021](#)
- [30th March 2022](#)

ACKNOWLEDGEMENTS

Members of the Partnership Development Scrutiny Committee would like to thank the following individuals for their contribution to the Scrutiny Review:-

- Mr Colin Batchelor, Environmental Health Manager
- Mr Lee Crabb, Head of Environment
- Ms Emma Goodings, Head of Planning and Economic Growth
- Mrs Tracey Headford, Business Solutions Manager
- Mr Daniel Mellini, Environmental Health Manager (Food, Health & Safety and Licensing)
- Mrs Tracey Parry, Community Services Manager
- Mr Paul Partridge, Head of Operations
- Mrs Rachel Penn, Assistant Recovery Manager
- Ms Julie Rigby, Revenue and Benefits Manager
- Mrs Nicola Ridgewell, Recovery and Revenues Manager
- Mr Stuart Thompson, Assistant Manager (Street Scene)
- Mr Steve Wilson, Operations Manager

Report Title: Cabinet's response to the Community Development Scrutiny Committee's Review into Cycling and Walking in the Braintree District 2021/2022	
Report to: Cabinet	
Date: 5th October 2022	For: Approval
Key Decision: No	Decision Planner Ref No: DP/2022/31
Report Presented by: Councillor Frankie Ricci, Cabinet Member for Communities	
Enquiries to: Louise Flavell, Economic Development Officer louise.flavell@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To formally present the recommendations of the Community Development Scrutiny Committee to Cabinet, and for Cabinet to approve the full response and set out any future actions.

2. Community Development Scrutiny Committee Recommendations

- 2.1 **Recommendation 1:** The Council conducts a periodic 'health check' on the progress of the Cycling Strategy (e.g. every six months) to help ensure that the organisation delivers on its objectives for the District.

2.2 Response to Recommendation 1:

On adoption of the Cycling Strategy in September 2021, it was agreed to report to Full Council on an annual basis the progress of the Cycling Strategy and Implementation Plan. This is scheduled for October 2022.

In December 2020 the Cycling Steering Group was established to develop the Council's Cycling Strategy and associated Implementation Plan. The Strategy was approved in September 2021 and the aims of the group have evolved to monitor and support the programme of targeted interventions, conducting a 'health check' on the progress of the Cycling Strategy. In addition to Braintree Council and Essex County Council Officers, the Steering Group Members currently include:

Councillor F. Ricci	Cabinet Member for Communities
Councillor J. Pell	Member of Braintree District Council
Councillor D. Mann	Member of Braintree District Council
Councillor J. Abbott	Member of Braintree District Council
Lee Crabb	Local Cycling Representative
Peter Kohn	Local Cycling Representative/EC2K Champion
Chris McCann	Local Cycling Representative

The terms of reference list the roles and responsibilities for the Cycling Steering Group as:

- To agree a common approach to provision for cycling and walking in the Braintree District.
- To review the District's programme of cycling and walking schemes and review the processes for prioritisation of funding.
- To monitor the delivery of the Implementation Plan, to increase opportunities for cycling in the Braintree District.
- To work together with other Braintree Council departments, Essex County Council and stakeholders to support increased levels of cycling and cycling provision.
- To provide input to, feedback on, reports to Scrutiny Committee, Full Council and any other decision making bodies
- To invite and receive presentations from relevant interest groups having expert knowledge on particular topics.

The Cycling Steering Group meet once a quarter.

It should be noted the adoption of the Local Plan in 2022 fully supports the Cycling Strategy by promoting sustainable forms of transport, including walking and cycling, wherever possible reducing the number of car based trips.

- 2.3 **Recommendation 2:** It is recommended that the progress relating to the Earls Colne to Kelvedon (EC2K) Project be noted and reported back to Full Council periodically. In view of the size and likely cost of this project, it is also suggested that the Council offers assistance in the sourcing and application of funding opportunities (e.g. National Lottery), where appropriate and in agreement with the relevant partners.

2.4 **Response to Recommendation 2:**

The creation of a new commuter and leisure route from Coggeshall to Earls Colne will make use of existing quiet lanes, public rights of way, tracks within the Marks Hall Estate and existing routes within the Earls Colne Business Park.

There are barriers to overcome before the implementation of the EC2K route including funding, maintenance, gradients of route and suitable surfacing.

A feasibility study has been undertaken by Sustrans and a report has been received. The Local Highways Panel (LHP) have committed to fund £20,000 for the next stage of the project for tendering and design. Braintree District Council officers are monitoring the project, offering assistance where required and will work with project sponsors to explore funding opportunities.

The progress of this project is also being reported through the Cycling Steering Group once a quarter and local members could also be updated as appropriate. As such it is not considered necessary to report regularly to Council, but this may be necessary if funding or support is needed.

2.5 **Recommendation 3:** The Council should link information on its website in relation to tourism and the 'Live Well' campaign in order to improve accessibility to sources of information relating to cycling and walking; this would involve regular updates and maintenance of these webpages by the appropriate Council officers/services to ensure that such information remains up to date and relevant, especially in line with the Authority's Climate Change and Cycling Strategies. Links could also be included for residents to other sources of information on cycling and walking (e.g. links to webpages on Essex County Council's website, GIS maps etc). Alongside this, the Council should encourage Parish and Town Councils to participate in the provision of local information. It also is recommended that the 'TrailTale' platform be considered as a potentially useful contributor to the Council's commitment to providing and publishing information for wellbeing and tourism activities.

2.6 **Response to Recommendation 3:**

The Visit Braintree District website has dedicated cycling and walking pages. The cycle page, includes cycle maps in the District, links to initiatives such as Cake Escape Trail and Grape and Grain Trail as well as links to Sustran's National Cycle Network. The walking page includes links to Essex County Council Highways, Community Rail Partnership, local walks and the Go Jauntly App.

The Livewell website includes links to the Visit Braintree District site on its cycle and walking pages.

The Go Jauntly App is used and promoted by Essex County Council, with a link on the Visit Braintree website. Walks in the District that are featured on the App include:

- Flitch Way Path to Rayne Café
- John Ray walk – Witham to Braintree
- Witham to Whetmead Nature Reserve
- Chappel Station to Bures Station

TrailTale App does not currently include walks within the District. Additional funding would be required to implement trails on the TrailTale App and as an alternative app is already used across Essex this is not recommended.

Further events and detail on cycling will be added to this webpage in due course. Officers are happy to approach Parish and Town Councils to see if they have any information on walking and cycling routes that they would like us to add to this website.

2.7 **Recommendation 4:** With regard to publicly accessible land, it is recommended that an online document which provides a comprehensive list of Open access Land (OAL) within Essex is created, perhaps with sub-headings to distinguish between wider District and Ward areas. This document should be provided on both the Essex County Council and Braintree District Council websites and distributed to relevant partners.

2.8 Response to Recommendation 4:

Included within the walking page on the Visit Braintree website is a link to Essex County Council's public right of way map, which gives a guide to accessible routes within the District. Essex County Council are responsible for maintaining this map.

It is considered that the Open Access Land recommendation would be something that Essex County Council would need to manage and maintain. It is likely to be a very significant project which would cost significant amounts of both money and staff resources. Braintree could write to Essex County Council to ask them to consider commissioning such a service.

2.9 Recommendation 5: Should the Cycling Storage Grant Scheme be repeated in the future, it is recommended that the Council offers grants to a wider range of industrial premises, commercial offices and villages in order to enable more businesses to participate and reduce their carbon emissions.

2.10 Response to Recommendation 5:

The funding for the Cycling storage grant scheme came from a budget specially allocated for improvements to industrial estates. As such the grant was limited to those areas. A total of 3 businesses have claimed for the Cycle Storage Grant, which are situated in Park Drive Industrial Estate, Braintree Lynderwoods Farm, Black Notley and Bluebridge Industrial Estate, Halstead.

Braintree District Council will actively communicate the Cycle To Work campaign in August, which includes the creation of sustainable active travel plans, Cycle to Work schemes and the Cycling Storage Grant scheme.

Officers will continue to explore further funding opportunities for cycling schemes for a wider range of businesses and parish and town councils.

2.11 Recommendation 6: Concerns were discussed surrounding the forthcoming changes to the Highway Code on 29th January 2022, which would affect the hierarchy of road users, and the lack of publicity in the months leading up to this. There is new guidance about routes and spaces which are shared by people walking, cycling and riding horses. The Committee was pleased that the Council had listened to these concerns and proactively implemented awareness campaigns, prior to 29th January 2022. Given this, the Council should also recommend that the Highway Authority conducts more awareness campaigns to promote safer cycling, both for cyclists and other road users. Any such campaigns should be incorporated within the Cycling Strategy going forward.

2.12 Response to Recommendation 6:

The Cycling Strategy and Implementation Plan outlines the following promotional activities:

- Promote cycling and cycling facilities – changing the image of cycling across the District to a safe, normal and enjoyable everyday activity.
- Encourage changes in behaviour - incentivise people to use their bikes, instead of their cars, especially on shorter journeys.

- Work with partners to promote cycling - ensuring that the promotion and development of cycling is embedded in everything we do.
- Promote electric and cargo bikes – making cycling accessible to people who might otherwise find it difficult.

A communications campaign has been implemented to include the above activity incorporating changes to the Highway Code and safer cycling initiatives. A safety cycling awareness campaign will take place in autumn 2022 to highlight cycling safely and include reminders of the new Highway Code changes.

- 2.13 **Recommendation 7:** Although there was a degree of ‘cycling training’ referred to in the Council’s adopted Cycling Strategy (e.g. see the Bikeability scheme), it would be useful for the Council to ensure that this training includes further information for cyclists relating to the maintenance of bikes and bike security. It is recommended that the Council liaises with Essex Police to obtain information held about bike security on their website in advance and advertise their events (e.g. such as Bike Marking Events) on social media forums such as Facebook, Twitter and YouTube to promote this good work and encourage participation.

- 2.14 **Response to Recommendation 7:** Bikeability is a core strategy for cycle training within the District. Forty-four schools undertook Bikeability training in 2022/23 and an extra course took place in May half-term at Braintree Sports Centre. In addition Essex County Council ran free adult training courses in spring 2022.

Braintree District Council officers are partnering with the local police to advertise bike marking opportunities as well as with local retailers to highlight cycling safety and security equipment.

Braintree District Council supported North Essex Velo cycling club in a recent successful funding application with has resulted in:

- Training new coaches within the club to help beginners gain more confidence on a bike.
- Deliver confidence sessions at traffic-free venues.
- Funds for basic repair components to help new cyclists learn how to look after their bike and also make it roadworthy.

- 2.15 **Recommendation 8:** The Committee requests that all Members receive an update from the Cabinet as to the conclusions drawn or outcomes found of the Spin E-Scooter trial which was being led by the Department of Transport (DfT) and due to end in March 2022. Should the scheme be legalised going forward, a periodic update should be received from the Cabinet on its progress.

- 2.16 **Response to Recommendation 8:**

Spin Mobility Ltd, part of the Ford Motor Company, was originally selected to operate the e-scooter trials in Essex in the autumn of 2020 and the Braintree trial launched in March 2021.

In spring 2022, Spin globally became part of TIER Mobility AG, Europe's leading shared micromobility provider. With this change, TIER and Spin are the world's largest multimodal micromobility operator, with a global footprint of 300,000 vehicles across 520 cities, towns and universities in 21 countries. Tier also runs e-scooter trials similar to Essex's scheme in York and across London working with TfL. Ford Motor Company remains involved as a strategic partner of this new arrangement globally.

The existing long term hire contracts with Spin Ltd have been terminated. Essex County Council and Braintree District Council are exploring a new trial in conjunction with TIER to manage a pay as you ride model. It should be noted the trial periods currently conclude in November 2022. Data gathered from the trials in current participating Essex areas (Basildon, Colchester and Chelmsford) will be reviewed by government for usage, traffic patterns as well as environmental, safety and enforcement impacts.

- 2.17 **Recommendation 9:** It is recommended that Essex County Council (ECC) initiates the Essex Rights of Way Improvement Plan (ROWIP) at the earliest opportunity.

- 2.18 **Response to Recommendation 9:**
The ROWIP has been initiated by ECC and is currently undergoing governance. ECC anticipate this will be approved by autumn 2022. Braintree District Council officers are monitoring the project and offering assistance where required.

3. Summary of Scrutiny Review

- 3.1 Members of the Community Development Scrutiny Committee were tasked with conducting a Scrutiny Review in the topic of 'Cycling and Walking in the Braintree District'. The Review also allowed the Committee to explore the Council's objectives around 'Connecting People and Places' with regard to transportation links and 'Supporting Our Communities' in relation to health, wellbeing and the environment.

- 3.2 Scrutiny Report attached as Appendix A

4. Cabinet Consideration

- 4.1 Approve the response to the recommendations within the Scrutiny Report into Cycling and Walking in the Braintree District 2021/22.
- 4.2 Do not approve the response to the recommendations within the Scrutiny Report into Cycling and Walking in the Braintree District 2021/22.

5. Next Steps

- 5.1 There are no financial implications from the proposed responses to the Scrutiny Committees recommendations therefore there is no requirement to take this report to Full Council. We will continue to deliver the Cycling Strategy action plan to progress the take up of cycling across the District.

6. List of Appendices

- 6.1 Appendix A – Community Development Scrutiny Committee Report

COMMUNITY DEVELOPMENT SCRUTINY COMMITTEE
SCRUTINY REVIEW INTO CYCLING AND WALKING IN THE BRAINTREE
DISTRICT 2021/22 (SCRUTINY REPORT)

EXECUTIVE SUMMARY

Members of the Community Development Scrutiny Committee were tasked with conducting a Scrutiny Review into the topic of 'Cycling and Walking in the Braintree District.'

For information, the Terms of Reference for the Community Development Scrutiny Committee are as follows:-

- Community priorities and solutions;
- Engaging and identifying needs of other Groups;
- Building relationships to ensure policies are developed to empower and not constrain;
- Reputation management through promotion, delivery and communication;
- Town and Parish Council shared working (identifying opportunities whilst establishing priorities).

The topic of 'Cycling and Walking in the Braintree District' was originally submitted by Councillor Mrs D Garrod, Chairman of the Community Development Scrutiny Committee, in response to the 'Gear Change' initiative which was announced by the Government on 28th July 2020. The initiative formed part of the of the Government's [Cycling and Walking Plan for England 2020](#), and sought to address issues surrounding both physical and mental ill-health by encouraging people to participate in cycling and walking activities and adopt healthier lifestyles, subsequently reducing pressures on the NHS. Management Board subsequently approved the topic for Scrutiny Review on 1st September 2020.

In order to facilitate the Scrutiny Review into 'Cycling and Walking,' Members of the Community Development Scrutiny Committee sought to address the following questions:-

- What are the perceived barriers to increasing cycling and walking provision for local residents and communities in the District? What are the limitations? (E.g. costs, look at 'E-Scooter' project results, etc)
- What action is currently being undertaken by the Council in order to link in with the Government's new cycling and walking initiative, 'Gear Change,' as well as other Local Authority initiatives? (Look at Dutch Roundabout.)
- What policies/criteria does the Council currently have in place in relation to cycling and walking, and is there a need for the Council to improve its policies

to further support the provision for cycling and walking in the District? (E.g. Planning policies, Local Plan policies regarding pedestrianisation/cycling, etc)

As well as examining town centre developments, it was highlighted that the scope of the Scrutiny Review could be expanded to encompass villages and development sites. The Review would also allow the Community Development Scrutiny Committee (the Committee) to explore the Council's objectives around 'Connecting People and Places' with regard to transportation links and 'Supporting Our Communities' in relation to health, wellbeing and the environment.

Over the course of the Scrutiny Review, Members of the Committee took part in five evidence gathering sessions on the following dates:-

- 17th February 2021
- 7th April 2021
- 23rd June 2021
- 1st September 2021
- 27th October 2021

A range of internal and external invitees attended evidence gathering sessions of the Committee in order to support the findings of the Scrutiny Review and help identify further lines of enquiry that Members could explore. The "invitees" included Officers from the Council's Planning Policy team, Officers from Essex County Council and representatives from the community who were involved in local cycling/walking initiatives.

Management Board agreed that the evidence gathered by Members as part of the Scrutiny Review would also help to compliment the findings of the Council's Climate Change Working Group, which had come into fruition in response to the organisation's declaration of a 'Climate Emergency' in 2019; however, it was not intended that the work undertaken by Members in their 'scrutiny' capacity would duplicate that of the Working Group's programme. In conducting a Scrutiny Review, Members would instead follow their own separate work programme with a distinct Terms of Reference.

INPUT FROM MR PETER KOHN - EARLS COLNE TO KELVEDON (EC2K) CYCLE WAY PROJECT

Mr Peter Kohn, Chairman of the Earls Colne to Kelvedon Cycle Way Project (EC2K) was in attendance at the meeting of the Community Development Scrutiny Committee on 7th April 2021. Mr Kohn was in attendance in order to share his experiences with the EC2K Project thus far, including the successes, challenges and future impacts. In his presentation to the Committee, Mr Kohn mentioned five key elements upon which the project had developed: "Understanding Local Government," "Project Management," "Advice," "Funding" and "Practical Issues."

In undertaking a project such as EC2K, Mr Kohn remarked upon the need for there to be a general understanding of the different tiers of Local Government and how these worked in conjunction with one another, as well as a general understanding of project management and the stakeholders involved. In relation to this, Mr Kohn had

undertaken a 'stakeholder analysis' exercise in order to help provide him with a clear picture of the different groups that would be involved with or impacted by the project.

In terms of advice, national policy such as 'Gear Change' and the associated LTN1/20 document provided the project team with invaluable technical guidance on the design of high-quality and safe infrastructure. The EC2K project had also received support from Essex Highways, where County Councillors had funded a feasibility study for the project, and from Sustrans (the national cycling network), who had provided approximately £800k of funding towards the provision of safe cycle route. The importance of funding for the project was underlined, as the new cycle way would represent a substantial piece of infrastructure for the District that needed to be accessible for various groups of people as such as cyclists and wheelchair users, and have multi-purpose usage for both leisure seekers, tourists and commuters, offering connections to facilities such as train stations and other cycle ways.

With regard to barriers, there were a number of perceived 'obstacles' along the cycle way route itself that required addressing, including the dangers posed by fast moving traffic along the A1124 Road in Halstead. Secured funding and support from public bodies such as Local Authorities could potentially unlock other sources of funding to help address such issues; for example, grant making agencies and schemes such as community fund raising with engagement from wider community groups. Practical issues associated with the implementation of the project included landowner disputes at different locations along the proposed cycle way route. In order to address this issue, effective negotiation with landowners was essential towards ensuring that the planned route could be implemented, as well of the offer of support (e.g. through 'set aside' schemes). It was also noted that maintenance of the cycle way was a vital aspect towards ensuring its longevity as part of the future infrastructure for Braintree and for Essex as a whole.

Further to a request from the Councillor Mrs Garrod, Chairman of the Committee, Mr Kohn kindly provided an update on the progress of the Earls Colne to Kelvedon (EC2K) project, with a particular focus on any funding opportunities, which had been previously been identified as one of the potential 'barriers' to the project's implementation. The Chairman was pleased to see that potential funding opportunities for the EC2K project were given consideration at the Braintree Local Highways Panel (BLHP) meeting held 30th September 2021, where it was proposed that the Panel should support the EC2K cycle route. At the Extraordinary Meeting of the BLHP held on 15th December 2021, it was recommended that a sum of £25k be allocated from the BLHP budget for 2021/22 to appoint Sustrans to undertake a feasibility study, including site survey and route options for the cycle way route between Earls Colne and Coggeshall.

INPUT FROM PLANNING OFFICERS

Following the meeting of the Community Development Scrutiny Committee on 7th April 2021, Members had collectively agreed that it would be useful to invite Officers from the Council's Planning Policy Team who could advise the Committee in respect of the Council's current and emerging policies around pedestrianisation, such as those within the Local Plan. Mr Neil Jones, Principal Planner and Mr Alan Massow,

Principal Planning Policy Officer, were subsequently in attendance at the meeting of the Committee on 23rd June 2021.

Local Plan and National Policy

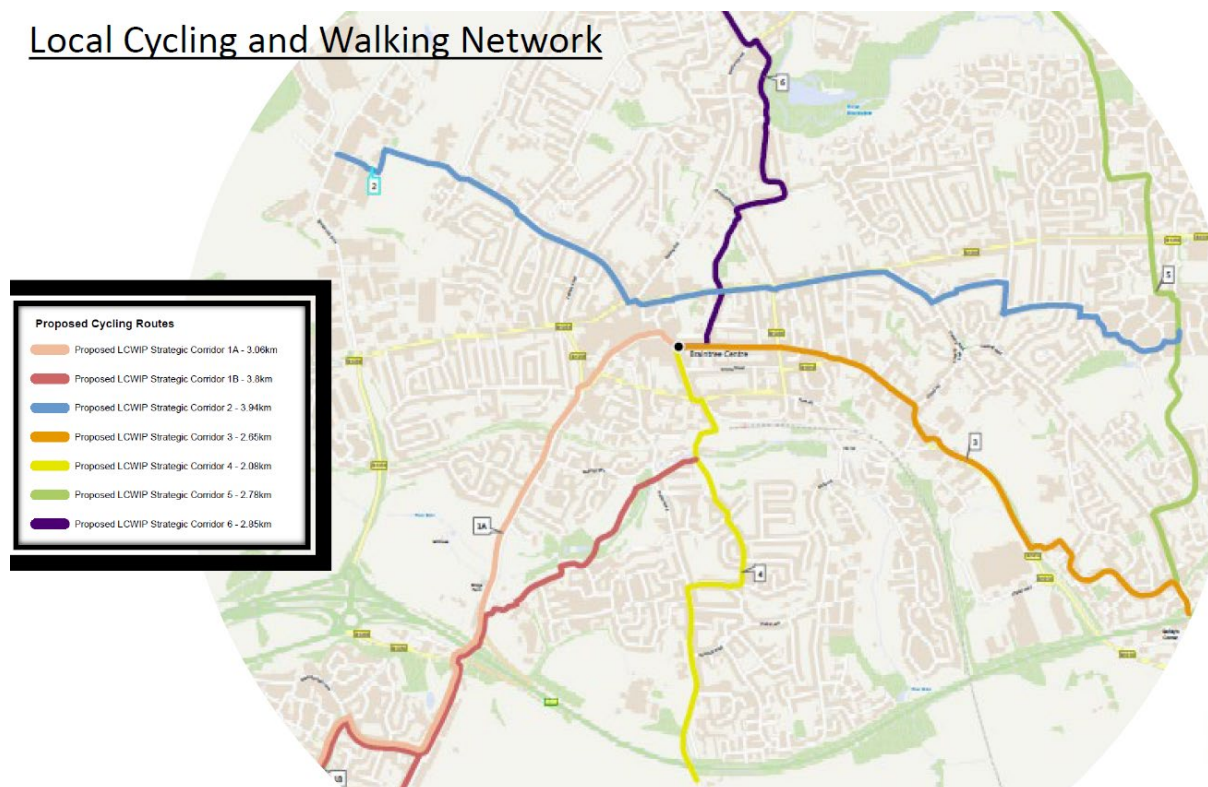
In respect of the Local Plan and national policy, factors such as cycling and walking were a high priority. The National Planning Policy Framework (NPPF) set out a number of objectives for the promotion of cycling and walking, including the need to promote sustainable transport methods and healthy and active lifestyles. In line with the NPPF, the current Local Plan (2005) for the District was comprised of policies relating to transport assessment, as well as maps to help identify potential cycling routes. Alongside the Local Plan, the Council's Core Strategy (2011) included the policy 'CS7,' which sought to bolster cycling and walking opportunities and contribute to improvements to current facilities.

The Draft Local Plan (2017) contained additional policies for the promotion of sustainable transport which sought the provision and contribution of cycle ways, and this was supported by the infrastructure delivery plan. Additional cycle routes had also been identified within the Draft Plan which had not previously been a feature of the 2005 Plan. Although not produced by the Local Planning Authority, neighbourhood plans could also help to identify potential cycle routes and include policies which were supportive of both cycling and walking.

Essex County Council (ECC) had produced the [Braintree Local Cycling and Walking Infrastructure Plan 2018](#) (LCWIP) which contained key walking and cycling routes; although these would provide a focus for future improvements, these routes were only in relation to the town of Braintree.

The image below shows the proposed LCWIP Cycle Network Map and Routes:-

Local Cycling and Walking Network



Development Management

There were a number of ways in which the Development Management team were involved with cycling and walking, including deciding where development happened within the District and ensuring that this was in a sustainable location through use of the Local Plan and the Spatial Strategy within the Plan. Planning conditions could be imposed during the granting of planning permissions in order to ensure that new developments incorporated features such as new cycle paths and cycle parking (e.g. as seen at Rivenhall Park in North East Witham). Planning obligations were a legal agreement which were used to secure improvements for cycling and walking, such as through the payment of a financial contribution to the District or County Council, or by imposing a requirement for the developer to undertake the necessary work instead (for example, highway works to create new cycle paths). Planning obligations could be secured through a Section 106 agreement.

With regard to Section 10 monies, certain requirements had to be met in order for such funds to be granted, which included a clear link for the proposed scheme to the development (as exemplified by the new cycle way and development at Forest Road, in Witham). The Council encouraged developers to consider where their residents might want to travel to (e.g. for work, leisure, commuter purposes, etc), what routes were already in place and how future demand could be met at the planning application stage.

In terms of barriers to increasing cycling and pedestrian facilities across the District, factors such as the availability of land for new or improved links beyond the original application sites, and the management of road space (e.g. tension with motorists vs. cycle users and pedestrians), were identified. On the topic of the Braintree District Cycle Action Plan, larger villages such as Sible Hedingham could also be considered for potential cycle routes as part of the Plan (along with the District's main towns). Primary responsibility lay with ECC as the Highway Authority, and any such considerations would be subject to a public consultation. There were also potential issues around a lack of financial resource to fund such schemes in addition to other resource barriers; for example, where Section 106 monies were secured from developers, there was a requirement that the value of the contribution, or the works to create a new cycle link, needed to be proportionate to the development.

With regard to opportunities for future development in the District, increased importance was being attached to walking and cycling by the Council, as well as transformational schemes such as the Emergency Active Travel Fund, acceptance of the need by some developers to promote active travel, potential future grant funding from central Government and planned agricultural reforms to encourage farmers to allow public access across their land in return for public subsidies.

INPUT FROM ESSEX COUNTY COUNCIL

Two Officers from Essex County Council (ECC) were in attendance at the meeting on 1st September 2021; they were: Ms Tracey Vickers, Head of Sustainable Development, and Mr Kris Radley, Cycling Strategy Lead at Essex Highways. Ms Vickers and Mr Radley had been invited to the meeting in order to share their

experiences and to provide the Committee with further detail on initiatives being undertaken at national and local levels in respect of cycling and walking and the design concept of highways in the Braintree District.

Sustainable Transport

In early 2021, ECC had agreed upon a 'new vision' for sustainable transport in order to deliver travel for Essex that was "safer, greener and healthier" for current and future users of the transport network. In doing this, it was not the intention to penalise car drivers but instead to emphasise the need for there to be a range of sustainable transport options available that catered to the needs of all residents via 'sustainable corridors.' The three main aims of increasing sustainable transport in Essex were to:-

- Limit unnecessary travel;
- Encourage residents to switch to more sustainable means of travel, such as cycling and walking, and;
- Improve current means of transport through methods such as vehicle electrification.

The benefits associated with increasing sustainable in the County included improvements to both physical and mental health; safer, quieter streets; improved air quality through reduced traffic congestion; revitalised High Streets, increased local jobs and, ultimately, a blueprint for future sustainable transport.

The Government was undertaking a number of initiatives to help increase cycling and walking nationally; for example, the cycling and walking budget had been increased to £338 million to help fund high quality cycle lanes, deliver walking schemes and make improvements to the National Cycling Network. The Highway Code was also to be updated in order to improve the safety of cyclists and walkers through the inclusion of a 'road-user hierarchy,' strengthening the priority to pedestrians, new guidance on 'safe-passing' distances/speeds and priority to cyclists and at junctions.

Other initiatives included the 'Network Management Duty Guidance' which acknowledged that there was sometimes difficulty with introducing new schemes, and that public reaction was not always positive. The guidance encouraged Local Authorities to allow time for new schemes to embed, rather than abandoning them too hastily, which could jeopardise any future grants. 'Gear Change' and 'Local Transport Node' ([LTN 1/20](#)) set out both the Government's ambitions and gave a clear picture for Local Authorities as to what high-quality cycling infrastructure should look like. Furthermore, there was the introduction of the e-cargo bike grant for businesses as a means of funding alternative delivery vehicles.

In line with Government initiatives, the following initiatives were being undertaken by ECC in order to increase cycling and walking:-

- Update Cycling Maps: The current cycling maps available for residents to use in order to identify suitable cycling and walking routes in their local areas

required updating. When revised, the maps would be available to access in libraries and as a download for smartphones;

- Community Rail Partnership: Branch rail lines, such as the Flitch Line between Braintree and Witham were referred to as “community rail lines.” These were often adopted by local residents who wanted to “drive patronage” and make stations more accommodating, attractive places to be (e.g. by providing space for cycling and walking);
- Cake Escape: A loyalty scheme for cycling offered at several cafes throughout the Braintree District;
- ‘Love to Ride Essex’ and ‘Go Jauntly’: Referred to respective cycling and walking partnerships which aimed to advise residents as to where they could take part in such activities and also build a sense of community within localised areas, and;
- Active Travel Fund (ATF) Braintree: The Government had previously allocated funding for improvements to the active travel scheme: one of the five schemes was in Braintree. Improvements made under the scheme were required to be transformational and in line with LTN 1/20 requirements in order to ensure that there was high quality infrastructure.

In respect of the ATF, Members of the Community Development Scrutiny Committee noted the measures to be introduced in [Braintree](#) (e.g. such as a segregated cycle way on Station Approach) and looked forward to seeing the results of the schemes proposed.

The Department of Transport (DfT) was leading on the Spin E-Scooter trial. Only scooters that had been adequately assessed in terms of safety by the DfT in named locations and by approved providers, would be legalised; any scooters that did not meet with this criteria could be seized by the police. The trial had been undertaken in six locations across Essex, which included Braintree, although a different model designed around longer-term hire was being trialed. When compared with other usage rates across Essex, the uptake in the trial was generally low in Braintree, with only 14 members. The trial had been extended to March 2022, after which the results would be brought before Parliament for a decision. In addition to the DfT trial, a grant funded two-month trial for workers of businesses in Springwood Drive Industrial Estate, Braintree, was also launched in June 2021 and saw nine participants take part. The scheme was also due to complete in March 2022 and options were currently being explored to understand opportunities and different styles of future e-scooter trials.

Challenges to increasing active travel were associated with: entrenched beliefs around reliance on cars and other forms of transport/behavioural change; the availability and affordability of feasible alternatives, and a reliance by ECC on budgetary allocations from the DfT to fund new schemes and infrastructure. However, it was noted that the cycling and walking aspirations of ECC were gradually gaining increased recognition and prominence at Government level, which could lead to future funding opportunities. It was added that Authorities such as ECC would likely need to identify potential funding provisions from outside central Government as well to fund new or improved cycling networks; for instance, ECC could explore potential partnerships with other businesses, or look to develop an income stream from active travel.

Strategic Planning and Delivery on Initiatives

The impacts of the Covid-19 pandemic and the subsequent lockdowns had resulted in a national increase in active mode travel. In 2020, the sale of bikes increased by 40%, and the number of cyclists on roads increased to approximately 46% when compared with the numbers in 2019. As a result of the emerging trends regarding active travel, the Government was able to explore new funding schemes such as the Emergency Active Travel Fund (EATF) and the Active Travel Fund Phase Two (ATF), as well as 'Gear Change' in July 2020. As of 2021, it was recognised that many of the schemes and initiatives that had emerged in response to the increase in active travel had been rapidly implemented; as such, a pursuant document, entitled 'Gear Change: One Year On,' was introduced in July 2021, which focused on the importance of best practice design for active mode travel in order to help ensure the longevity of new schemes.

In May 2020, the Government announced £2 billion of new funding for cycling and walking schemes over the course of the current parliament, which represented a significant increase in the amount of dedicated funding for active modes of travel. In order to ensure that the District Council's plans and objectives going forward were in alignment with that of the County's vision, ECC and Braintree District Council (BDC) had worked in partnership to produce their respective Cycling Strategies.

On the subject of Dutch Roundabouts, there were currently none in Essex. Although the Army and Navy Roundabout in Chelmsford was similar in that it included priority lanes for active modes, it was not classed as a Dutch Roundabout. A potential Dutch Roundabout had been given brief consideration for Braintree as part of the Active Travel proposal; ultimately, it was decided that such a scheme would not be feasible from both a location and budgetary perspective. However, consideration could potentially be given to the scheme again in future.

With regard to coherent networks, the purpose of the programme was to help ECC build upon the Cycling Action Plans commissioned by the District and Borough Authorities and develop network plans for both walking and cycling across Essex. The programme would enable ECC to prioritise investment decisions based upon a robust methodology which considered future demand and the propensity to both walk and cycle. The longer term vision was for Local Cycling and Walking Infrastructure Plans (LCWIPs) to be developed in all major urban areas across Essex as and when resources became available.

The current format of funding for cycling and walking infrastructure was on a one-year basis, and posed a significant challenge for the Authority. To help combat this, a key aspect of ECC's capital programme delivery was ensuring that advanced scheme designs were in place to help identify where design funding could be appropriately directed. There were a number of different funding streams that ECC could potentially utilise to help support its programme for delivery; these included: the EATF and ATF; Active Travel Fund 3; SELEP; developer contributions; ECC Capital Programme; external funding from Sustrans and Active Modes funding from the DfT of £2 billion. The Committee also noted that ECC was to receive revenue

funding of £352,249 from the new Local Authority Capability Fund towards a rural cycling plan and cycling training for residents.

In terms of 'barriers' to increased cycling, there were five key areas of concern highlighted by a survey conducted by Savanta in 2020 ([see survey results](#)); these were: cars; HGVs; poor road conditions; buses and a lack of appropriate cycle infrastructure. Other 'barriers' included: fears over safety; a perception that cyclists needed to be at a certain level of fitness; a lack of storage space on bikes themselves and accessibility.

INPUT OF THE COUNCIL'S CYCLING STEERING GROUP AND THE 'CYCLING STRATEGY 2021 - 2030'

At the meeting of the Community Development Scrutiny Committee on 7th April 2021, it was explained to Members that the Council's draft Cycling Strategy was due to be presented at the Special Meeting of Full Council on 20th September 2021, and would include the results of the public consultation exercise around this. As part of their 'Scrutiny' examination, Members of the Committee had previously indicated that they wished to undertake a survey on the subject of cycling and walking in the Braintree District; some draft questions were compiled, and Governance Officers had agreed to explore the means through which such a survey could be undertaken (e.g. through use of the 'People's Panel'). However, on the basis that there would be a much wider public engagement opportunity for the Council with regard to its draft Cycling Strategy, Members later agreed that any surveys should be delayed until the results of the consultation had become apparent.

In light of the developments around the emerging Cycling Strategy, Members determined that it would be appropriate to invite Councillor F Ricci, as the relevant Cabinet Member for the portfolio of Communities, to a future meeting of the Committee to discuss the Strategy (following its presentation at the Extraordinary Meeting of Full Council) and the feedback received from the consultation exercise in greater detail.

Feedback on the Cycling Strategy

Following the successful adoption of the Cycling Strategy on 20th September 2021, Councillor F Ricci was invited to attend the subsequent evidence gathering session of the Community Development Scrutiny Committee on 27th October 2021. Ms L Flavell, Economic Development Officer, was in attendance to support Councillor Ricci as the remit of her role encompassed that of infrastructure.

For reference, the Minutes of the Extraordinary Meeting of Full Council on 20th September 2021 can be found on the [Council's website](#). See below Minute Extract:

"The Cycling Strategy set out a long-term plan which it was hoped would lead to a significant and sustained increase in cycling by residents and visitors in the Braintree District, and assist in tackling problems associated with poor health, inequality of opportunity, pollution and traffic congestion."

Having been adopted by Council, the [Cycling Strategy 2021](#) (the Strategy) was now at the delivery stage. Before its adoption, the Strategy had been through the Council's various governance and management structures, which included consideration by a Cycling Strategy Steering Group (the Steering Group). The Steering Group was comprised of Members of the Council from across the political spectrum, as well as public figures such as Mr P Kohn, Chairman of the Earls Colne to Kelvedon (EC2K) Cycle Way Group, representatives from the voluntary sector and businesses. Through the medium of the Steering Group, a series of public engagement questions were established around what the District would like to see as part of a 'cycling' strategy and then circulated in 2021 as part of a consultation. It was reported that the response to the consultation had been very positive, with feedback received from residents, Parish and Town Councils, clubs and groups from across the District. The feedback received was then factored into a draft strategy and implementation town, which was later presented at Full Council.

In terms of building policy, the new Strategy incorporated elements such as behavioural change in order to cultivate a mindset for cycling, such as increased accessibility to bikes through affordability and schemes such as the E-Cargo bikes. The Strategy also addressed issues raised previously by objectors to cycling and aimed to quantify the benefits of increased cycling activity.

Some of the plans and ambitions within the Strategy were dependent on the Council working in partnership with the relevant Planning Authority. With regard to partnership working, the Council had expanded upon this by working with representatives from Essex County Council (ECC). The Council's Cycling Strategy was in alignment with that of ECC's own Strategy (see [Essex County Council Strategy 2016](#)), which allowed the two Authorities to compliment individual project resources and funding and thus experience shared benefits (e.g. match funding, increased funding, grant funding, etc) towards the delivery of some of the projects, including those in relation to infrastructure. It is noted that ECC

OTHER CONSIDERATIONS

Open Access Land

As part of the Committee's explorations within the scope of the Scrutiny Review, the Chairman, Councillor Mrs Garrod, raised a query with the Governance team about whether it would be possible to identify areas of Open Access Land (OAL), both within the Braintree District and wider Essex area.

Link to definition of OAL:-

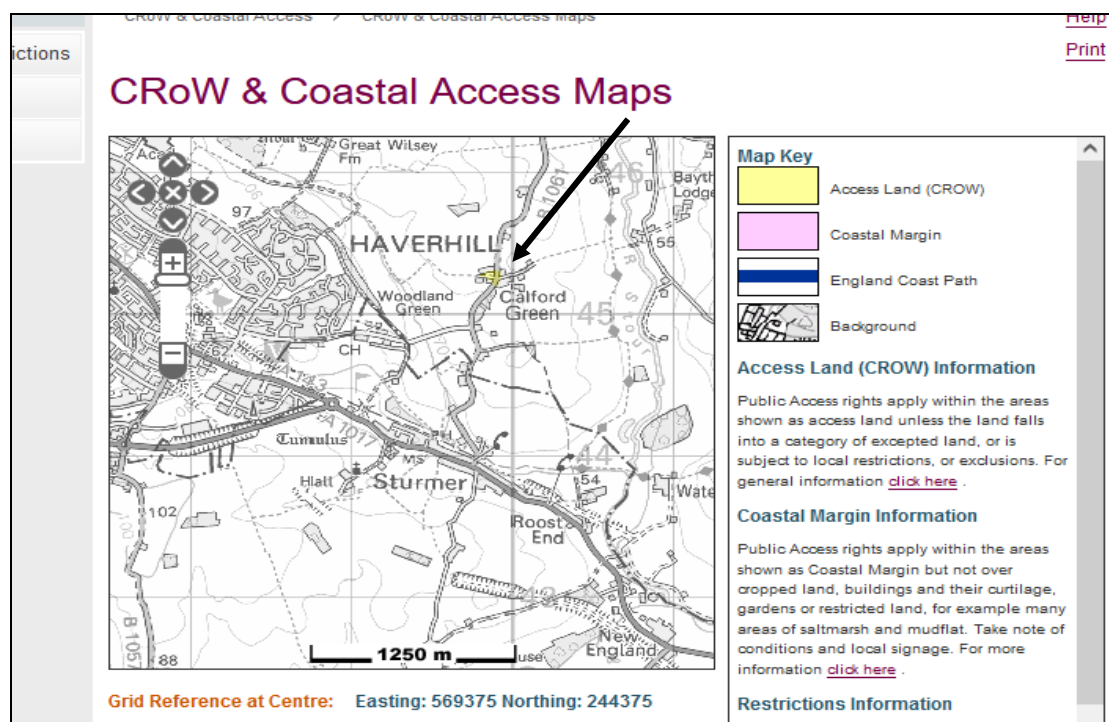
<https://www.gov.uk/guidance/open-access-land-management-rights-and-responsibilities>

In respect, the Governance team contacted Mr S Taylor, Public Rights of Way (PROW) Enforcement and Liaison Officer, at Essex Highways. Mr Taylor advised that although he chaired meetings of the Essex Highways PROW User Group, the Group was chiefly concerned with maintenance and obstruction issues on the PROW network.

The Chairman subsequently contacted Mr Taylor directly and was provided with the following link to an ordinance survey map from Natural England (which Governance Officers had also identified during their research):-

<http://www.openaccess.naturalengland.org.uk/wps/portal/oasys/maps/MapSearch>

The maps requires users to enter a postcode from the area in which there are looking to identify an OAL. Having entered her own postcode, the map only identified one such location outside of the Essex area (marked with a small, yellow dot), as shown in the image below:-



From the research undertaken into the Chairman's query, there did not appear to be a definitive list of OAL held on either the Braintree or Essex County Council websites, and it was difficult to identify where such places were located.

Essex Rights of Way Improvement Plan

As part of the evidence gathering for the Scrutiny Review, Councillor Mrs Garrod conducted some additional research into the current status of the Essex Rights of Way Improvement Plan (ROWIP). The ROWIP is a statutory document that sets out Essex County Council's (ECC) ambitions for improving the provision of access to the countryside through rights of way over a 10-year period. Development of the ROWIP was a requirement of the Countryside and Rights of Way (CROW) Act 2000, and it contains an assessment of the extent to which the existing network of local rights of way met both the present and likely future needs of the public. It also examined the opportunities provided by local rights of way for all forms of open air recreation and enjoyment, and the accessibility of local rights of way to blind or partially-sighted persons and others with mobility problems.

The Chairman was able to determine that the current ROWIP was last published in 2009. The ROWIP remained the primary means by which ECC was able to identify improvements to the local rights of way network in order to meet the Government's aim of improved provision for walkers, cyclists, equestrians and people with mobility problems. After reading the Essex Planning Officers Association's (EPOA) minutes of the Planning Policy Forum meetings, the Chairman was unable to identify any proposals by ECC to update the ROWIP.

On 16th February 2022, ECC responded to an e-mail sent by the Chairman which enquired as to whether there was a more recent ROWIP available. ECC advised that the document was currently under review and also dependent on the completion of the ECC Walking and Cycling Strategy and GIS Strategy, which would be linked in. The GIS Strategy had been completed in the previous year; however, there was also a new maintenance strategy awaiting Cabinet approval in Spring 2022. It was therefore anticipated that development of the new ROWIP would be underway later in the Summer 2022.

Government guidance states: "As a Local Authority, you must review your rights of way improvement plan every 10 years." Before preparing plans and making assessments, Local Authorities must consult interested parties in the area that the rights of way improvement plan will encompass, including Highway Authorities whose areas adjoin the area, District Councils and Parish Councils, the National Park Authority, the Broads Authority, Natural England and Local Access Forums. Studies and surveys also need to be carried out before an assessment or plan can be made.

Related Documents

Public Rights of Way (PROW) are recorded on the 'Definitive Map of Public Rights of Way,' which is a legal document. The 'Definitive Map of Public Rights of Way' is a document that records footpaths, bridleways and byways and restricted byways.

It is noted that ECC's 'Development and Public Rights of Way – Advice Note' was last published in January 2010 by the EPOA. The document provides advice for developers and their agents whose sites may be affected by a PROW, and aims to inform and advise in situations where PROW need to be considered, especially where development proposals may infringe upon them.

The 'Public Rights of Way: Enforcement Concordat' sets out the key elements and commitments of the PROW enforcement in Essex, based upon the statutory duties, principles and objectives of ECC in its capacity as the Highway Authority. The current document was published in July 2009 by ECC's Public Rights of Way Team.

The Landowners and Farmers Guide to Public Rights of Way provides information issued by ECC, Environment, Sustainability and Highways and the Public Rights of Way Team was published in October 2011.

RECOMMENDATIONS OF THE SCRUTINY REVIEW

Following the conclusion of their Scrutiny Review into Cycling and Walking, Members of the Community Development Scrutiny Committee (the Committee) recognised that many of the areas identified for exploration within the Terms of Reference (TOR) for the Review had already been examined by the Cycling Strategy Steering Group, which first met in October 2020, in order to develop the draft Cycling Strategy (the Strategy) for the Authority. As a result, many of the recommendations within the Strategy were expected to deliver on the questions raised within the Committee's TOR.

In light of their evidence gathering for the Scrutiny Review and the inferences drawn, Members did not feel it was necessary for the Committee make a large number of recommendations to the Executive, although there were a few areas identified for further consideration. Members would therefore like to make the subsequent recommendations:-

Recommendation 1

The Council conducts a periodic 'health check' on the progress of the Cycling Strategy (e.g. every six months) to help ensure that the organisation delivers on its objectives for the District.

With reference to Councillor Ricci's presentation at the Extraordinary Meeting of Full Council on 20th September 2021, it was proposed that progress against the actions identified within the Implementation Plan to accompany the Cycling Strategy should be reported to Full Council on an annual basis. A periodic report to Full Council on the progress of the Cycling Strategy would serve to compliment this work and would help provide reassurance that the Council's objectives were being met in line with the initiatives of the Government and other Local Authorities. Furthermore, regular updates would help the Committee to identify any topics for potential Scrutiny Review in future, should there be a need determined. With regard to combating 'barriers' to increased cycling and walking, a specific element of the Strategy that the Community Development Scrutiny Committee would like to see implemented going forward was improvements to education for local residents on the benefits of undertaking such activity (e.g. on mental/physical wellbeing, reduced climate emissions, etc).

Recommendation 2

It is recommended that progress relating to the Earls Colne to Kelvedon (EC2K) Project be noted and reported back to Full Council periodically. In view of the size and likely cost of this project, it is also suggested that the Council offers assistance in the sourcing and application of funding opportunities (e.g. National Lottery), where appropriate and in agreement with the relevant partners.

The feedback received by Mr Peter Kohn on 1st February 2022, and the Braintree Local Highways Panel's (BLHP) financial investment into the Earls Colne to Kelvedon Cycle Way feasibility study by Sustrans at the meeting on 15th December

2021, is noted. The published study was to be reported back to the BLHP for consideration; in light of this, the Chairman felt that progress relating to the study should be monitored on a periodic basis by the Council and fed back to Members.

Recommendation 3

The Council should link information on its website in relation to tourism and the 'Live Well' campaign in order to improve accessibility to sources of information relating to cycling and walking; this would involve regular updates and maintenance of these webpages by the appropriate Council officers/services to ensure that such information remains up to date and relevant, especially in line with the Authority's Climate Change and Cycling Strategies. Links could also be included for residents to other sources of information on cycling and walking (e.g. links to webpages on County Council website, GIS maps, etc). Alongside this, the Council should encourage Parish and Town Councils to participate in the provision of local information. It also is recommended that the 'TrailTale' platform be considered as a potentially useful contributor to the Council's commitment to providing and publishing information for wellbeing and tourism activities.

Accessibility to information was acknowledged by the Committee as a barrier that could hinder to increasing cycling/walking activities in the District. For example, information which related to publicly accessible land suitable for cycling/walking activities on the respective District and County Council websites was difficult to locate. Other such information (e.g. regarding local activities events) was often out of date. The Committee acknowledges the Council's commitment to wellbeing in line with its 'Live Well' campaign and requests that this page be linked with the tourism page of the Council's website (www.visitbraintree-district.co.uk) in order to make such information available in one central location, thus improving accessibility for members of the public and helping to promote tourism within the District (e.g. through the 'Cake Escape Trail'), as well as advise residents on the benefits of physical activity.

In respect of the 'TailTrail' app, it is noted that the Essex Association of Local Councils promoted this platform in their bulletin to Parish Councils during January 2022. 'TrailTale' is a mobile device app, featuring over 100 walking routes in Great Britain and provides a platform for developing and publishing heritage trails in historic towns and villages. 'TrailTale' has worked with many parishes to create and publish their paths, encourage people to visit them and consequently help regenerate the high streets. The National Association of Local Councils has also published information on this.

Recommendation 4

With regard to publicly accessible land, it is recommended that an online document which provides a comprehensive list of Open Access Land (OAL) within Essex is created, perhaps with sub-headings to distinguish between wider District and Ward areas. This document should be provided on both the Essex County Council and Braintree District Council websites and distributed to relevant partners.

It appears that there is not a definitive list of OAL held at either Braintree or Essex County Council, and it is difficult to identify where such places are located. It would be helpful if it were easier for residents to find information about their local OAL. As such, it would be helpful for an online document to be produced which contained a list of information to assist the public with determining suitable locations for walking and/or cycling, including: the size of land; coordinates; where to gain access; what can be expected on a visit; a map and perhaps photographs. An extra 'layer' could also be added to the GIS mapping system used by the Council for the specific purpose of highlighting areas for public rights of access within the Braintree District which would be safe for use as cycling and walking routes and help to promote tourism.

Recommendation 5

Should the Cycling Storage Grant Scheme be repeated in future, it is recommended that the Council offers grants to a wider range of industrial premises, commercial offices and villages in order to enable more businesses to participate and reduce their carbon emissions.

At the meeting of the Community Development Scrutiny Committee on 27th October 2021, the Chairman raised concerns about the limited cycle storage (safe parking) available in towns and employment sites and was pleased that the Council had initiated the Cycling Storage Grant Scheme soon afterwards. However, the Scheme prioritised businesses in the industrial areas in Braintree, Earls Colne, Great Yeldham, Halstead and Sible Hedingham and appeared to exclude smaller industrial areas and rural villages.

A lack of suitable storage facilities at workplaces for bikes was a deterrent for many cyclists. The total budget for the Cycling Storage Grant Scheme was £60k, with Capital grants of up to £2,000 offered by the Council as part of the Scheme to businesses who were willing to invest in on-site cycle storage facilities; however, businesses who could apply were limited to those with fewer than 250 employees, and were also dependent on their geographical location within the District's industrial estates.

The Scheme was offered to the following locations:-

- *Springwood Industrial Estate*
- *Lakes Industrial Park*
- *Lynderswood*
- *Skitts Hill Industrial Estate*
- *Earls Colne Business Park*
- *Hunnable Industrial Estate*
- *Bluebridge Industrial Estate*
- *Swanbridge Industrial Park*
- *Waterside Business Park*
- *Swan Vale Industrial Estate*
- *Rosewood Business Park*

- *Rippers Court*

At the time of writing this report, only two applications for the Cycling Storage Grant Scheme had been received: these were in respect of Park Drive Industrial Estate and Lynderwoods Farm, although the Committee notes that the Scheme is currently ongoing. The Committee noted that the offer of the Scheme did not extend to the District's villages.

The Committee believes that these restrictions discourage any increases in cycling and walking amongst employees from further afield who need the incentive to travel to work in this way. Furthermore, businesses in other, harder to reach locations that are perhaps smaller or not as congested, are excluded. The evidence from studies carried out by Essex County Council is that cycling and walking as modes of travel need to be made a more accessible life-choice with facilities in the District that assist the public to do this.

Recommendation 6

Concerns were discussed surrounding the forthcoming changes to the Highway Code on 29th January 2022, which would affect the hierarchy of road users, and the lack of publicity in the months leading up to this. There is new guidance about routes and spaces which are shared by people walking, cycling and riding horses. The Committee was pleased that the Council had listened to these concerns and proactively implemented awareness campaigns prior to 29th January 2022. Given this, the Council should also recommend that the Highway Authority conducts more awareness campaigns to promote safer cycling, both for cyclists and other road-users. Any such campaigns should be incorporated within the Cycling Strategy going forward.

The Committee have given consideration to the perceived 'barriers' to increased cycling and recognise that the dangers posed to cyclists on the road, especially by other road users, is a notable deterrent. Further awareness campaigns conducted by the Highways Authority, in conjunction with the District Council and targeted at both cyclists and other road users, would help to address some of the concerns identified and bolster the confidence of would-be cyclists (e.g. distinguish 'recreational' cycling from 'commuter' cycling). Various community-based groups could also be contacted and become involved to help promote awareness campaigns: for example; local schools; Essex Police; Parish and Town Councils and driving instructors. The Committee also suggests that an awareness 'event' is held alongside any such campaigns, and relevant safety information, including guidance from the Highway Code, could be promoted on social media forums such as Twitter and YouTube in order to ensure that as many age groups as possible are engaged. The Committee noted that the [updated Highway Code](#) was to come into effect on 22nd January 2022, and would include notable changes for motorists around cyclists and pedestrians. Listed below are examples of some of the changes:-

- *Hierarchy of road users (road users considered most at risk will be at top of hierarchy);*
- *People crossing roads at junctions (e.g. motorists will be required to give way to pedestrians at junctions);*

- New guidance around walking, cycling or riding in shared spaces;
- Positioning in the road when cycling, etc.

Recommendation 7

Although there was a degree of ‘cycling training’ referred to in the Council’s adopted [Cycling Strategy](#) (e.g. see the ‘Bikeability’ scheme), it would be useful for the Council to ensure that this training includes further information for cyclists relating to the maintenance of bikes and bike security. It is recommended that the Council liaises with Essex Police to obtain information held about bike security on their website in advance and advertise their events (e.g. such as Bike Marking Events) on social media forums such as Facebook, Twitter and YouTube to promote this good work and encourage participation.

There should be a degree of “confidence building” in order to promote safer cycling, which could be incorporated by way of short, practical classes for cyclists, both new and more experienced. Furthermore, improvements to cycle security should be made through the promotion of cycle shops, online resources and tools such as cycle ‘marker pens.’ On this subject, it is noted that Essex Police provide excellent ‘Protect Your Bike From Theft’ advice, ‘Registration of Bikes’, and ‘What To Do If Your Bike Is Stolen’ information on their website. They also hold Bike Marking Events: at their event at The Booking Hall Café, Flitch Way, Rayne in January 2022, officers managed to postcode 42 bikes. Essex Police intend to run more of these events across the District.

On the subject of confidence building, short, practical classes of help to negotiate cycle ways, as well as roads, could help to lessen ‘wobbling’ and improve steering. Cycling can be dangerous and skills in safety could be life-saving. However, the Committee acknowledges that pages 32 and 33 of the Council’s adopted Cycling Strategy do make reference to the national ‘Bikeability’ scheme around cycle training and links in with various partners and community groups to encourage cycling.

In regard to improving bike/cycle security, cycle shops and online resources are recognised as effective ways through which options can be investigated; for example, tools such as marker pens for bikes can be used to assist with the recovery of stolen bikes which have identifiable postcodes.

Recommendation 8

The Committee requests that all Members receive an update from the Cabinet as to the conclusions drawn or outcomes found of the Spin E-Scooter trial which was being led by the Department of Transport (DfT), and due to end in March 2022. Should the scheme be legalised going forward, a periodic update should be received from the Cabinet on its progress.

The DfT trial was launched on 30th March 2021 and allowed residents to rent an E-Scooter for £55 per month. The subscription included the Spin scooter that the rider would have exclusive access to, including insurance, helmet, charging cable, 24/7 customer support and maintenance. The trial been undertaken in six locations across Essex, which included Braintree, although a different model designed around longer-term hire was being trialed. Uptake in the trial was generally low in Braintree

when compared with other locations. The trial had been extended to March 2022, after which the results would be brought before Parliament for a decision.

Recommendation 9

It is recommended that Essex County Council (ECC) initiates the Essex Rights of Way Improvement Plan (ROWIP) at the earliest opportunity.

The Essex Rights of Way Improvement Plan (ROWIP) is a statutory document that must be reviewed every 10 years. It is noted that the most recent 2009 publication is very out of date. In view of the extent of work that is required, it is recommended that ECC does not wait until the Summer to initiate this document but sees it as a higher priority. Furthermore, other documents, such as ECC's Development and Public Rights of Way; Advice Note for Developers and Development Management Officers (published January 2010), the Public Rights of Way; Enforcement Concordat document (published July 2009) and the Landowners and Farmers Guide to Public Rights of Way (published October 2011), which are associated documents, are all outdated and should be reviewed at the earliest opportunity.

LINKS TO MINUTES AND AGENDAS OF MEETINGS

- [17th February 2021](#)
- [7th April 2021](#)
- [23rd June 2021](#)
- [1st September 2021](#)
- [27th October 2021](#)

ACKNOWLEDGEMENTS

Members of the Community Development Scrutiny Committee would like to thank the following individuals for their contribution to the Scrutiny Review:-

- Mr Peter Kohn, Chairman of the Earls Colne to Kelvedon Cycle Way Project (EC2K)
- Mr Neil Jones, Principal Planner (Braintree District Council (BDC))
- Mr Alan Massow, Principal Planning Policy Officer (BDC)
- Mr Simon Taylor, Public Rights of Way (PROW) Enforcement and Liaison Officer (Essex Highways)
- Ms Tracey Vickers, Head of Sustainable Development (Essex County Council)
- Mr Kris Radley, Cycling Strategy Lead (Essex Highways)
- Councillor Frankie Ricci, Cabinet Member for Communities (BDC)

- Ms Louise Flavell, Economic Development Officer (BDC)
- Ms Danielle Putt, Economic Development Officer (BDC)

Report Title: Cabinet's response to the Performance Management Scrutiny Committee's Scrutiny Review into Commercialisation at Braintree District Council	
Report to: Cabinet	
Date: 5th October 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2022/32
Report Presented by: Councillor Richard van Dulken, Cabinet Member for Operations and Commercialisation	
Enquiries to: James Sinclair, Procurement Lead james.sinclair@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To formally present the recommendations of the Commercialisation Scrutiny Committee to Cabinet, and for Cabinet to provide a full response and set out any future actions.

2. Commercialisation Scrutiny Committee Recommendations

- 2.1 **Recommendation 1** - The Committee recognises the essential nature of the role of Commercialisation Manager within the organisation in driving forward future efficiency savings and increased income generation. It is therefore recommended that the Council continues with its appointment of a permanent full-time post of Commercialisation Manager.
- 2.2 **Recommendation 2** - Further opportunities are explored for collaborative working with other Local Authorities in order to build upon the success of the Shared Payroll Services initiative.
- 2.3 **Recommendation 3** - The costs and income across all traded services at the Council are examined in order to improve the net financial benefit to the organisation, especially where profit levels are low, and reviewed on a regular basis going forward to ensure that performance is at an acceptable level. Only services which continued to deliver acceptable benefits for the organisation in terms of their commercial income should be retained.
- 2.4 **Recommendation 4** - Further opportunities are explored that can be demonstrated as delivering higher levels of performance in Traded Services areas and to add any new services that deliver similar benefits.
- 2.5 **Recommendation 5** - The Committee endorses the excellent approach taken by the Council with the Investment and Development Programme (the Programme) and makes this a permanent management process going forward in order to ensure there is future value for money and optimisation of financial and service performance.

- 2.6 **Recommendation 6** - As part a more strategic approach, the Council should consider exploring any opportunities for more innovative approaches to commercialisation, such as partnerships and/or setting up commercial operations.
- 2.7 **Recommendation 7** - The Committee receives an annual update on the progress of the Investment and Development Programme (the Programme) to allow it to scrutinise the performance of the organisation in this area. It would be of benefit to receive the update line with the Council's budget setting process (i.e. September).

3. Summary of Scrutiny Review

- 3.1 The Performance Management Scrutiny Committee (the Committee) first set terms of reference for the review, as detailed on page 2 of the Scrutiny Report as provided at Appendix A
- 3.2 The Committee undertook three evidence gathering sessions over the course of 2021 to gain an understanding of Commercialisation within BDC with a focus on the structure, organisation and DNA of commercialisation within the Council.
- 3.3 The first evidence gathering session on 2nd June 2021 provided an overview of Commercialisation within the Council, considering its impact across the organisation and the work to link in with partners to understand best value.
- 3.4 The second evidence gathering session on 14th July 2021 focused on the Investment and Development Programme that was launched earlier in the year and the impact this programme has had on the development of commercialisation within the Council.
- 3.5 The third and final evidence gathering session was held on 6th October 2021 with a review of the Council's traded services. Cabinet wishes to thank the Committee for its report and those officers who gave evidence at the evidence gathering sessions.
- 3.6 The overall findings of the Committee were that the Council's approach to commercialisation was positive and successful across the organisation. The Council should build on this approach and seek opportunities to further strengthen this in the future, particularly in terms of seeking new partnerships with other Authorities and organisations. The Committee is confident that this approach will deliver value for money to taxpayers whilst maintaining and improving services.

4. Cabinet Consideration

- 4.1 Cabinet have been provided with a copy of the Scrutiny Report on Commercialisation at Braintree District Council carried out by the Performance Management Scrutiny Committee.
- 4.2 Consideration was given to each recommendation with a response detailed below:
- 4.3 **Recommendation 1 Response** - The Commercialisation Manager role was created as Braintree District Council (BDC) began to ramp up its activity in this area. The purpose of the role was to co-ordinate those activities already in place and drive forward new projects. In the period since the role was created, the culture of BDC has developed with a commercial focus across traded services in the organisation. In addition, the focus and challenge that has been brought through the IDP Steering Group has provided further focus on the agenda.
- 4.4 The Commercialisation Manager role has now been vacant for period of 13 months, and it is the view of officers that there is not sufficient activity that would create value for money for the taxpayer for this role to be a full time post based on the current structures.
- 4.5 An external review of the commercial activities of the Authority is currently in the process of being commissioned and this will include an assessment of the resources and structures within the organisation. It is therefore Cabinet's view that this review's recommendations should be considered before a decision on the Commercial Manager role is made.
- 4.6 There are several officers across the organisation whose roles directly contribute to the creation of commercial opportunities and incomes. These officers will be brought together as a group on a more formal basis.
- 4.7 This Commercialisation Group will work to ensure that commercialisation is embedded across the organisation by meeting quarterly and:
- Provide supportive challenge to traded services to continue and increase delivery of income
 - Identify activities undertaken by other Councils and opportunities for income or efficiencies that can be shared for consideration with the Investment and Development Programme through the established route
 - Manage engagement across BDC, to ensure a commercial culture is retained.
- 4.8 The Procurement Lead will coordinate the above group, lead the Essex Commercialisation Network with other Councils and coordinate updates and new projects for consideration by the Investment and Development Programme.

- 4.9 Sponsorship of this group will be provided by Suzanne Bennett (Corporate Director) to ensure high level visibility and accountability of the commercial workstream.
- 4.10 Commercial projects will be presented for consideration to the Investment and Development Programme group and undertaken by the service with project support provided by the Council as required.
- 4.11 **Recommendation 2 Response** - Cabinet agrees with this recommendation. Part of the role of the above Commercialisation Group will be to identify where other shared services have been successfully introduced in other Local Authorities. The group will link with the Essex Commercial Network to consider opportunities to collaborate with other Local Authorities in Essex
- 4.12 The Council is currently proposing a partnership with Essex County Council to inject additional resource to evolve and grow the Shared Procurement Service, developing collaborative working for this area. There are a number of other shared services across the organisation and other opportunities will be explored going forward.
- 4.13 **Recommendation 3 and 4 Response** - Cabinet agrees that focus should be given to each traded service to ensure strong performance. BDC will be commissioning an external review as stated above. This will benchmark traded services operated by the Council against other Council traded services, providing recommendations on how to improve profit levels. This review will also identify other opportunities that the Council has not yet explored.
- 4.14 Finance are currently working on an income report across all traded services to show the net financial benefit for each traded service creating greater visibility for decision making.
- 4.15 The performance of each traded service will be reviewed and constructively challenged through the Commercial team described above. Risks and issues with performance will be tracked and performance reviewed with actions identified to improve income. This will be tracked by the Lead Officer. Performance and actions taken to improve this will be presented at Corporate Management Team through the regular reporting already in place. Focus will be given to those services which provide a low overall level of income to understand how to improve these and understand whether other less tangible benefits are produced by the service. Performance will also be reported to the IDP Steering Group.
- 4.16 Linking with the external review and going forward the Commercial Group will as set out above seek to identify opportunities to create new traded services that deliver suitable benefits to the Council.
- 4.17 **Recommendation 5 Response** - The Investment and Development Programme is key to the Council's approach to addressing the budget gap. This group will continue and evolve testing different ideas and approaches to

help deliver savings and income to the Authority. The IDP is currently being refreshed to ensure that the remit and structures remain the best fit for the organisation.

- 4.18 **Recommendation 6 Response** - The Council will continue to explore opportunities for innovation. As stated above the Commercial Sprint review will consider options for more radical approaches to commercialisation. Work will continue through the Essex Commercial Network and the National Cross Council Revenue Group to identify good practice and identify opportunities for partnering. As set out above work has already progressed in evolving the shared procurement service with discussions ongoing with Essex County Council on this.
- 4.19 **Recommendation 7 Response** – Cabinet agrees that there should be regular reporting on the progress of the IDP. As the structure and remit of the IDP is currently under review, consideration will be given as part of this process as to how this information can be best shared with all Councillors.

5. Next Steps

- 5.1 Await findings of the external review of commercialisation, with these presented for consideration.
- 5.2 Create the group as detailed in 4.7 above to further embed commercialisation across the Council.

6. List of Appendices

- 6.1 Appendix A – Performance Management Scrutiny Committee Report

7. Background Papers

- 7.1 Performance Management Scrutiny Committee meetings:

<https://braintree.cmis.uk.com/braintree/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1117/Committee/18/Default.aspx>

PERFORMANCE MANAGEMENT SCRUTINY COMMITTEE
SCRUTINY REVIEW INTO 'COMMERCIALISATION AT BRAINTREE DISTRICT
COUNCIL' 2021/22 (DRAFT SCRUTINY REPORT)

EXECUTIVE SUMMARY

The Performance Management Scrutiny Committee (the Committee) has now received its third evidence gathering session as part of its Scrutiny Review into the subject of 'Commercialisation' at Braintree District Council (the Council).

For reference, the Committee consists of the following Members:-

Councillor J Coleridge	Councillor S Rehman
Councillor G Courtauld	Councillor B Rose
Councillor Mrs C Dervish	Councillor P Schwier (Vice Chairman)
Councillor T Everard	Councillor N Unsworth
Councillor M Radley (Chairman)	

Throughout the Committee's evidence gathering process, officers have presented various aspects of commercialisation which Members have had the opportunity to scrutinise. In particular, the Committee is very grateful to Mr James Sinclair who, in his role as Commercialisation Manager, has shared his knowledge and experience to help Members better understand the scope and activities carried out by the Council in respect of commercialisation.

To some extent, the Council's Investment and Development Programme and the "£1.6million" initiative (recently launched in response to the budget shortfall) has overtaken and raised the bar to drive forward commercialisation and other cost savings within the Council. Over the course of the Scrutiny Review, the Committee were fully briefed by the Cabinet on this comprehensive initiative which puts in place a structure and organisation focused upon delivering financial benefits.

The Committee began its Scrutiny Review into 'Commercialisation' at a challenging time for the Council when performance was significantly affected by the Covid-19 pandemic. This made it difficult to objectively assess the financial performance and draw definitive conclusions from the recent commercialisation performance.

The main focus of the Committee's Scrutiny Review was therefore upon the structure, organisation and DNA of commercialisation within the Council. Members of the Committee wished to express their sincere gratitude to Mr Sinclair for all of his support over the course of the Review and for admirably steering Members through the wide-ranging facets of commercialisation.

One first thinks of commercialisation as the incremental selling of services using existing or new skills and facilities for a net financial benefit. However, the application of a commercial approach to challenging costs and delivering value in all aspects of Council operations is equally important to delivering value for money to taxpayers.

The Council currently employs a Commercial Manager with one support officer, whose role was to work across all functions and aspects of Council business in order

to drive forward a commercial approach. It was clearly demonstrated to the Committee during evidence gathering session that this role was delivering benefits. The Committee was in full support of this approach and considered it to be a vital component in bolstering efficiency within the organisation, both at the current time and in future.

The Committee were briefed by the Cabinet and the Commercialisation Manager on the structure, organisation and processes implemented to drive through improvements to address the £1.6million budget shortfall through the Investment and Development Plan. These plans are comprehensive, focused and measured and seek to involve all members of the organisation to play their part in the commercial approach of delivering the results. Cabinet and officers were to be commended for taking this proactive, commercial approach.

The Committee were made aware of a range of specific commercial initiatives that have been recently executed, as well as others that were in progress. There were clearly strong links with other Authorities and organisations which seek to understand best practice and share resources as opportunities arise. A good example of this is the Shared Payroll Service, where the Council had undertaken an effective lead.

Over the course of its Scrutiny Review, the Committee reviewed the current range of the Council's Traded Services and identified areas which delivered good benefits, as well as areas where the benefits were marginal and required further work.

The overall findings of the Committee were that the Council's approach to commercialisation was positive and successful across the organisation. The Council should build on this approach and seek opportunities to further strengthen this in the future, particularly in terms of seeking new partnerships with other Authorities and organisations. The Committee is confident that this approach will deliver value for money to taxpayers whilst maintaining and improving services.

TERMS OF REFERENCE

Key questions for Scrutiny Review:

- What joint working/commercial arrangements does the Council already have in place (e.g. with the voluntary sector, housing associations, County Council etc)?
- Identify what commercial services are provided by other Local Authorities. How does Braintree District Council compare (e.g. Colchester BC, Chelmsford CC, etc)?
- Are there any services within the Council, which could develop a commercial limb/income generation? If so, what barriers are there in taking this forward?
- What are benefits of increased commercialisation, and what are the potential impacts of this on Council services? (e.g. look current climate vs. historic services, cost of delivery vs income generated, reputation vs ambition, and

what cost savings can be identified through third party savings and efficient working practices).

- Does the Council need a policy/plan to set out and support the Council's ambition for future commercialisation?

RESEARCH AND EVIDENCE GATHERING

The Performance Management Scrutiny Committee were first introduced to Mr Sinclair as the Council's Commercialisation Manager in March 2021, at which point he explained his role within the organisation and offered his help and support to the Committee over the course of their Scrutiny Review into the 'Commercialisation' topic.

First Evidence Gathering Session – 2nd June 2021 – Overview of Commercialisation

In this first evidence gathering meeting, the Committee received a presentation from Mr Sinclair which provided Members with an overview of the current commercialisation activities at the Council and some of the relationships and programmes that were currently in place.

It was clear that in addition to the more tangible commercial activities, Mr Sinclair was a key player in driving a commercial approach across all functions of the organisation who frequently works with and encourages others to think commercially and adopt such an approach in their work.

It was demonstrated that the Council participates with other organisations in understanding best practice and seeking ways of working together for mutual benefit. Some examples of this are:-

- A) The National Cross Council Revenue Group
- B) Essex Commercial Network
- C) LGA and EELGA
- D) New Local

An example of partnership working by the Council with other Local Authorities was that of the Shared Payroll Services, which was created in 2019 with Braintree, Colchester and Epping Forest. Members were informed that the Council now provided Payroll Services to three further Authorities (Brentwood, Castlepoint and Rochford) thus creating circa £23k savings for the organisation and improving the resilience of the function. Other examples of shared services at the Council included a Shared Procurement Service via the Essex Procurement Hub, and a Stray Dog Service with Uttlesford District Council.

There was also an awareness of the commercial approach taken by Colchester Borough Council (CBC) in implementing trading companies as a means of generating benefits. It was highlighted that CBC had successfully been awarded the "Best Commercial Council" by Municipal Journal (MJ) in 2020; this demonstrated an

awareness and involvement for the Council in regard to understanding best practices and ways of working collaboratively with other organisations.

Second Evidence Gathering Session – 14th July 2021 – Investment and Development Programme

The Committee received a presentation by the Cabinet on the Investment and Development Programme (the Programme) which was launched earlier in the year. The Programme encompassed four key work streams, which were as follows:-

- Strategic Investment – capital build projects that can make revenue income
- Asset Management – using our existing portfolio of assets, and potentially new ones, to make more income
- Commercial – grow our income and identify any additional savings
- Treasury Management – using our cash reserves to grow more income

Although each work stream had its own specific objectives and deliverables, as a programme, the Programme will:

- Deliver income and savings projects to mitigate the £1.6million budget gap over the next 4 years;
- Adopt a portfolio approach through a mix of income/ savings to deliver a balanced budget by 2025;
- Ensure a collective understanding of the capital position and the availability of funds to generate return;
- Develop a robust approach to future capital/borrowing, in light of government changes to PWLB;
- Agree a net income assessment approach in considering business cases and monitoring delivery;
- Develop the existing investment tool to enable effective consideration of investment activities, ensuring clarity on financial viability but also taking in to account other impacts and opportunities, and;
- Embed an approach to resource planning which spans the organisation and provides that resource where it will make the biggest impact.

The potential pipeline is currently **£1,863,107**, remaining stable for July with work stream leads indicating delivery by year, as follows:

Confidence -	High	Medium	Low
Year 1 – 2021/22	£106,582	£0	£0
Year 2 – 2022/23	£150,750	£173,720	£352,000
Year 3 – 2023/24	£72,250	£92,000	£375,000
Year 4 – 2024/25	£99,805	£66,000	£375,000

At the time of the evidence gathering session, the Investment and Development Programme (the Programme) had **41 projects** being delivered or scheduled to start, ranging from significant capital investment schemes to small scale, contractual changes. It was demonstrated that there is a clear structure in place to manage this process, which will involve all levels of the organisation.

The Committee expressed their support for the Programme and complimented all of those involved with establishing and managing this process, which it felt should be an ongoing feature of the Council's organisation, rather than one that only addresses the current financial shortfalls.

Subsequent to this evidence gathering session, the Cabinet presented an update on the status of the programme at the Performance Management Scrutiny Committee meeting on 5th January 2022.

Third Evidence Gathering Session – 6th October 2021 – Review of Traded Services

In this evidence gathering session, the Committee received an update that focused on the Council's current Traded Services activities in order to give Members a clearer understanding of how they worked and to scrutinise performance. Local Authority accounting caused some difficulty in identifying net income positions, especially given the crossover of staff and equipment to deliver both Council and paid for services.

Given the impact of Covid-19 upon services over the past few years, it was difficult to evaluate this with much precision; however, there were some conclusions that could be drawn.

The following table lists the performance of most of the Traded Service areas within the organisation:

Traded Service	2020/21 Actual			2021/22 Forecast		
	Income	Direct Cost	Gross Benefit	Income	Direct Cost	Gross Benefit
Pest control	45,195	51,737	-6,542	42,670	53,330	-10,660
Trade waste	942,082	909,495	32,587	1,030,700	929,980	100,720
Horticultural services	178,826	167,460	11,366	191,350	174,710	16,640
Enterprise Centre Conf	5,485	8,401	2,916	17,100	12,670	4,430
Sponsorship & advert	38,266	3,778	34,488	55,750	3,590	52,160
Reprographics	19,356	0	19,356	26,470	0	26,470
Graphic design & printing	18,688	0	18,688	26,250	0	26,250
UDC street arisings	20,732	14,711	6,021	18,600	13,170	5,430
Payroll shared services	TBC	TBC	13,000	TBC	TBC	13,000
Total	1,268,630	1,155,582	126,048	1,408,890	1,187,450	234,440

It should be noted that the costs are the direct costs associated with the activity, and not the full costs. These costs exclude any allocation of shared costs, such as indirect staff and other overheads; however, it does give a good indication of the financial benefits to each of the following service areas:-

Pest control – this is showing a consistent loss and requires review;

Trade waste – although by far the biggest income, the direct costs are high thus only yielding around a 9.8% benefit – this should be reviewed;

Horticultural services – similar to trade waste the yield is on around 8.7% and should therefore be reviewed, and;

All other areas are delivering good benefits, although it is expected that there are some shared costs not identified.

This group of traded services do collectively deliver positive incremental benefits, although further benefits could be obtained by a performance review of those areas with low performance, and growth of those areas with high performance.

RECOMMENDATIONS OF THE SCRUTINY REVIEW

The Performance Management Scrutiny Committee would like to make the following recommendations:

Recommendation 1

The Committee recognises the essential nature of the role of Commercialisation Manager within the organisation in driving forward future efficiency savings and increased income generation. It is therefore recommended that the Council continues with its appointment of a permanent full-time post of Commercialisation Manager.

Commercialisation was linked in with the Council's Investment and Development Programme and the need to address the budgetary challenges that lay ahead for the Authority. In order to meet these challenges, the need to identify further opportunities for trade was highlighted, in addition to enhancing the Council's current traded services (e.g. Car Parking, Pest Control, etc). The Council currently employs a 'Commercial Manager' with one support officer, whose role was to work across all functions and aspects of Council business in order to identify efficiency savings across the organisation's services, support income generation, support the Council's contracts, and identify opportunities to make savings through third-party expenditure. It was apparent from the evidence gathered that Mr Sinclair was a key player in driving forward a commercially minded outlook across all areas of the organisation, which included working frequently with and encouraging others to adopt, where it was advantageous to do so, a commercial approach within their services. The Committee fully supports the current staffing approach within the Commercialisation Team approach and considers it a vital component in driving forward efficiency throughout the organisation.

Recommendation 2

Further opportunities are explored for collaborative working with other Local Authorities in order to build upon the success of the Shared Payroll Services initiative.

The Council maintained networks with other Councils in order to identify examples of best practices and, where possible, opportunities to share services between Authorities in order to increase resilience and reduce costs. An example of such a “best practice” was that of the Council’s own Shared Payroll Service, which was established in 2019 and involved the creation of a shared Payroll service between Braintree, Colchester and Epping Forest. The service had since grown by 30% with the addition of three further, smaller ‘Payrolls’ in 2021 – these were Brentwood, Castlepoint and Rochford, creating circa £23k savings for the organisation and improving the resilience of the Payroll function. The Committee recognised the benefits of collaborative working in this respect for the organisation and would encourage the current function and relationships to be expanded upon, as well as new opportunities to be identified.

Recommendation 3

The costs and income across all traded services at the Council are examined in order to improve the net financial benefit to the organisation, especially where profit levels are low, and reviewed on a regular basis going forward to ensure that performance is at an acceptable level. Only services which continued to deliver acceptable benefits for the organisation in terms of their commercial income should be retained.

The Committee acknowledges that, in services such as Pest Control, the Council is working to increase income in order to offset the net losses through methods such as greater advertising and a successful bid with the ‘Eastlight Framework.’ However, the overall income streams generated by the Traded Services of Pest Control and Trade Waste were relatively low when compared with other Traded Services. For example, the Reprographics service generated higher levels of commercial income which could perhaps be expanded upon if new growth opportunities were identified.

Recommendation 4

Further opportunities are explored that can be demonstrated as delivering higher levels of performance in Traded Services areas and to add any new services that deliver similar benefits.

During the evidence gathering session of the Committee on 6th October 2021, Members agreed that, overall, Traded Services did collectively deliver positive incremental benefits, although further benefits could be obtained by a performance review of those areas with lower performance (e.g. Trade Waste), and growth of those areas with high performance (e.g. Shared Payroll Service). For example, with reference to the table on Page 5, this appeared to be a ‘cherry picking’ approach which built on areas like that of advertising and graphic design, which were higher performing, but not on other areas, such as pest control, which were lower performing.

Recommendation 5

Council endorses the excellent approach taken by the Council with the Investment and Development Programme (the Programme) and makes this a

permanent management process going forward in order to ensure there is future value for money and optimisation of financial and service performance.

Although each of the work streams that comprised the Programme had their own specific objectives and deliverables, each would play an equal role in terms of advancing the Programme and generating income for the Authority, and the Committee feels confident that this Programme will maximise benefits for both the Council and taxpayers. The programme also encompasses a wider approach to commercialisation which is welcomed.

Recommendation 6

As part a more strategic approach, the Council should consider exploring any opportunities for more innovative approaches to commercialisation, such as partnerships and/or setting up commercial operations.

The Committee acknowledges the Council's success in respect of its current commercial activities, as exemplified by projects such as the development of the Horizon 120 site in Braintree, and the Shared Payroll Service. Similar services were generally offered at neighbouring Local Authorities, although there were some differences due to factors such as the availability of local assets. The Committee therefore recognises the value of learning from the projects and activities undertaken by other Local Authorities (e.g. via the Essex Commercial Network, which was established by Braintree District Council, the National Cross Council Revenue Group, LGA, etc) in order to enhance its own activities and identify new potential opportunities for generating further income. For example, the Council might examine in greater detail the success of the commercial approach undertaken by Colchester Borough Council in implementing trading companies as a means of generating benefits, or the procurement functions of other Local Authorities in order to identify best practices.

Recommendation 7

The Committee receives an annual update on the progress of the Investment and Development Programme (the Programme) to allow it to scrutinise the performance of the organisation in this area. It would be of benefit to receive the update line with the Council's budget setting process (i.e. September).

During its evidence gathering session on 14th July 2021, the Committee was advised that the key to the success of the Programme was in building a strong project pipeline in order to engender confidence that there is sufficient income and saving opportunities available to meet with the £1.6m budget gap challenge. The Programme, through engagement with staff and Members, would focus on implementing this pipeline over the next six month phase of the four year programme. The Committee felt it a prudent and effective approach to scrutinising the progress of the Programme, and its impacts on the organisations over the course of its four-year duration was to receive regular updates from the Cabinet/staff involved going forward. However, it was recognised that commercialisation in this way and its impacts/benefits to the Authority could take time to embed within the

organisation; as such, the Committee did not feel that an update received on a more frequent basis than once a year would add any further value to the exercise.

MINUTES AND AGENDAS OF MEETINGS

[10th March 2021](#)

[2nd June 2021](#)

[14th July 2021](#)

[6th October 2021](#)

ACKNOWLEDGEMENTS

Members of the Performance Management Scrutiny Committee wish to express their gratitude to the following for their contribution to the Scrutiny Review:-

- Mr James Sinclair, Commercialisation Manager (Braintree District Council (BDC))
- Mr Dominic Collins, Corporate Director (Growth) (BDC)
- Councillor Kevin Bowers, Cabinet Member for Housing, Assets and Skills (BDC)
- Councillor Graham Butland, Leader of the Council (BDC)
- Councillor John McKee, Cabinet Member for Finance and Corporate Transformation (BDC)
- Mrs Emma Wisbey, Governance and Members Manager (BDC)
- Miss Jessica Mann, Governance and Members Officer (BDC)

Report Title: Medium Term Financial Strategy 2022/23 to 2025/26	
Report to: Cabinet	
Date: 5th October 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP2022/23
Report Presented by: Councillor John McKee, Cabinet Member for Finance and Corporate Transformation	
Enquiries to: Phil Myers, Head of Finance phil.myers@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To receive details of the proposed budget process for 2023/24 and to provide an initial update on the issues impacting the Medium Term Financial Strategy 2022/23 to 2025/26.

2. Recommendations

- 2.1 To note the 2023/24 budget process timetable as detailed in the report.
- 2.2 To agree that authority is delegated to the Cabinet Member for Finance and Corporate Transformation and the Section 151 Officer to give agreement of the Council's participation in an Essex Business Rate Pooling arrangement for 2023/24, should the opportunity arise and is deemed to be beneficial to the Council.

3. Summary of Issues

- 3.1 The Medium-Term Financial Strategy 2022/23 to 2025/26 (MTFS) was agreed by Council on 21st February 2022. The Council's share of the overall Council Tax bill (Band D) for 2022/23 increased by less than 10 pence per week to £189.63. A balanced budget was achieved by using £89,494 of General Fund unallocated balances. The MTFS included details of the plans to address the projected shortfalls across the period of the MTFS totalling £1.2m with the majority (£925k) required for 2023/24. If the required annual savings set out in the MTFS were not found this would result in a cumulative budget gap of over £3m across the financial years 2023/24 to 2025/26.
- 3.2 This report provides:
 - An update on the current year's Budget;
 - An Update on Government funding for Local Government. An option, if the Government offers an opportunity, to participate in a bid by Essex authorities to operate an Essex Business Rates pooling arrangement for 2023/24;
 - Issues which will impact the MTFS;
 - The approach on developing the Budget for 2023/24 and rolling the MTFS forward to cover the period 2023/24 to 2026/27; and
 - The timetable to achieve the setting of the Budget and Council Tax for 2023/24 at the meeting of the Full Council on 20th February 2023.

4. Economic Context

- 4.1 The economic background has changed significantly since the budget for 2022/23 and MTF5 was approved. The latest Bank of England (BoE) Monetary Policy Report (August 2022) highlights that inflationary pressures in the UK have intensified significantly with CPI now expected to peak at just over 13%. This is overwhelmingly reflecting the sharp increase in gas prices since May, and larger wage settlements that are also feeding into inflation. Domestic inflationary pressures are projected by the BoE to remain at elevated levels throughout much of 2023, before falling to the 2% target two years ahead.
- 4.2 This increase in inflationary pressures is despite the recent falls in oil and non-energy commodity prices, and growth prospects have weakened materially. There has been further very sharp increases in wholesale gas prices due to Russia's restrictions on supply to Europe and the risk of further curbs. Sustained disruption to global supply chains, and the shift in global demand towards durable goods and away from services, have continued to put significant upward pressure on tradable goods prices. Russia's invasion of Ukraine continues to adversely affect world activity.
- 4.3 With high inflation exacerbated by high retail energy prices, real household income is projected to fall sharply in 2022 and 2023. The UK economy is forecast to enter recession from Q4 2022 to the end of 2023. This is likely to increase the demands across a range of the Council's services, and lead to an adverse impact on the collection of Council Tax and other sources of income.
- 4.4 The labour market is expected to tighten further into 2023 from continued recruitment difficulties due to the fall in the labour force before a slowdown in demand leads to a rise in unemployment and excess supply. Unemployment in the near term is projected to continue falling, which is expected to reflect the recent strength of activity and business optimism across the UK. Unemployment is then projected to rise from its current level from mid-2023.
- 4.5 The vast majority of the increase and anticipated subsequent fall in CPI inflation is being attributed to the impact of external factors. Domestic price pressures are expected to rise further this year, as wage growth strengthens, and companies increase their selling prices reflecting their sharp rises in costs. Inflationary pressures are then projected to subside as the increasing degree of economic slowdown and lower headline inflation also reduce the pressure on wage growth.
- 4.6 The BoE's Monetary Policy Committee (MPC) on the 3rd August 2022, increased the official Bank Rate by 0.5 percentage points, to 1.75% as the Committee signalled that it will seek to dampen demand forcefully to make sure that inflation does not become embedded. Given that the MPC appears to see a recession as part of the cure, alongside the inflationary impact of any possible fiscal loosening promised by the current Conservative leadership candidates, it is highly probable that Bank Rate will be increased further this year. The latest forecast from Arlingclose, the Council's treasury management

advisors, is that they expect Bank Rate to rise to 2.75% by December; however, it is then expected that the resulting economic slowdown will undoubtedly lead to quicker and steeper rate cuts in the years ahead.

5. Current Year's Budget

5.1 First Quarter Review

- 5.1.1 The first detailed review of the Council's finances for the current year has been undertaken based on the income and expenditure in the first quarter. The assessment has considered the latest information received on a proposed pay award from April 2022 (see 5.2 below) and forecasts a net adverse variance of £721k for the year.
- 5.1.2 The projections show a staffing variance, before the estimated additional pay award costs are taken into account, of £230k overspend, but this is after deduction of the full £300k corporate efficiency factor included in the base budget. Other expenditure is projected to be overspent by £527k, which includes the impact of higher fuel and other inflationary costs, along with increased Housing Benefit costs. Income is projected to be overachieved by a net £807k, with the main contributory factors being higher income from the sale of mixed-dry recycling material (due to market prices), and higher glass recycling income and recycling credits; increased interest income from a combination of higher interest rates and short-term cash balances; and increased building control and licensing income. Services where income is currently projected to under achieve include car parking pay and display, where usage continues to be lower than pre-pandemic; planning application income; and rent income and service charge recovery from the lettable space at Causeway House.
- 5.1.3 The projected variances are being reviewed by the finance team with managers to assess those items that are considered one-off, as opposed to potential ongoing variances that, without further mitigation, will impact on the 2023/24 budget. The proposed pay award is one element that will have a base budget impact and will, of itself, increase the budget gap in the MTFS accordingly unless additional savings and/ or income is found.
- 5.1.4 Whilst assumptions have been made for the remaining nine months to enable a predicted outturn for the year, these are subjective and come with risks and reality may ultimately lead to significant variation (+/-) from the predicted position. Managers have been asked to review as a priority their service areas in light of the Q1 projection, and to consider what actions can be taken in the immediate/ short-term to address the financial position for both 2022/23 and the 2023/24 budget. This work is being combined with the current budget review process that managers are already undertaking as preparation ahead of the Cabinet Strategy Workshop in October.

5.1.5 Further detail of the Q1 will be included in the First Quarter Performance Report to be received by the Cabinet on 10th October 2022, and this will include commentary on actions taken or being proposed to address the financial position.

5.2 Pay Award

5.2.1 On 6th June 2022, UNISON, GMB and Unite unions lodged their pay claim from April 2022 covering National Joint Council (NJC) staff:

- a substantial increase with a minimum of £2,000 or the current rate of RPI (whichever is greater) on all pay points - RPI at the time was 11.1%;
- a COVID-19 recognition payment;
- a national minimum agreement on homeworking policies for all councils and the introduction of a homeworking allowance;
- an urgent review of all mileage rates currently applying;
- a review and update of NJC terms for family leave and pay;
- a review of term-time only contracts and consideration of retainers;
- a reduction in the working week (without loss of pay) to 35 hours (34 in London); and
- one additional day of annual leave.

5.2.2 The unions submitted a similar request for an increase in pay of 11.1% for Chief Officers covered by the Joint Negotiating Committee (JNC); and the Association of Local Authority Chief Executives and Senior Managers (ALACE) submitted a claim for a pay increase in April 2022 and subsequent years that is the same as the generality of local government staff.

5.2.3 After engaging with employers through regional discussions, the National Employers have responded by making the following one-year (1 April 2022 to 31 March 2023), final offer to the unions representing the NJC workforce:

- with effect from 1 April 2022, an increase of £1,925 on all NJC pay points 1 and above;
- with effect from 1 April 2022, an increase of 4.04 per cent on all allowances (*as listed in the 2021 NJC pay agreement circular dated 28 February 2022 – none of these apply to the Council*);
- with effect from 1 April 2023, an increase of one day to all employees' annual leave entitlement; and
- with effect from 1 April 2023, the deletion of pay point 1 from the NJC pay spine.

5.2.4 For chief executives and chief officers (JNC) the National Employers have made a one-year offer of an increase of £1,925.

- 5.2.5 The effect of the proposal is that the increase in pay for NJC pay points varies at each scale point with the highest increase (Scale Point 1) being 10.5% reducing incrementally down to 4.04% at the highest NJC point. For this Council, the equivalent NJC scale points broadly apply across Grades 1 through to SMG1. For grades in excess of SMG1 the percentage increase reduces to below 4.04%, with an increase of 1.35% at the highest scale point. It should be noted that due to a previous decision by the Council, pay scales are 1% higher than the equivalent NJC scale point.
- 5.2.6 An initial high-level assessment of the proposed pay award on the Council's pay bill suggests an increase of around 6% (based on full time gross pay), which compares to 2% provided in the budget. There is extra allowance within the budget of ¼% resulting from the lower than anticipated April 2021 pay award. The additional cost over and above what is already provided for is estimated at £763k. Further evaluation of the impact of the pay award will be made as detailed staffing budgets are compiled for 2023/24 using the latest workforce profile.
- 5.2.7 The proposed increase of one day's annual leave from April 2023, will have an additional cost particularly where this cannot be accommodated through efficiencies, for example, where operational staff take leave there is a need to provide cover often by agency staff to maintain services. The additional cost of this element will be quantified as part of the staffing budget process.
- 5.2.8 For planning purposes, the assumption in the MTFS for annual pay awards is 2% per annum for 2023/24 onwards. With inflation expected to remain higher during 2023 this assumption, particularly for 2023/24, will need to be reviewed.

6. Local Government Funding

- 6.1 **The Spending Review (SR21)** announced on 27th October 2021, provided new government grant funding of £1.6 billion per annum (total £4.8bn over the period) for councils over the three-year period 2022/23 to 2024/25. Core Spending Power for local authorities was estimated to increase by an average of 3% in real terms each year over the SR21 period, although this was based on inflation assumptions at that time and assumed all councils increase their Council Tax by the maximum allowed. Assumed Council Tax income represents 64% of the Council's Core Spending allocation for 2022/23, and the total amount includes the authority's allocation of New Homes Bonus.
- 6.2 **The Local Government Finance Settlement (LGFS) 2022/23** announced on 7th February 2022, provided for a single-year financial settlement for councils, largely reflecting a roll-forward of the previous year's settlement, but with a new one-off grant, the Services Grant included. At the time, the Government also stated its commitment to ensuring that future funding allocations for councils would be based on an up-to-date assessment of their needs and resources, and that it would work closely with the sector and other

stakeholders before consulting on any potential changes. To date no consultation has been issued.

- 6.3 At the Local Government Association (LGA) conference held in June 2022, the former Secretary of State for the Department for Levelling-up Housing and Communities (DLHUC), announced the intention to introduce a two-year financial settlement covering the financial years 2023/24 and 2024/25, and that his department would be issuing a consultation on this shortly. It was also announced that a review of government funding would be undertaken with the aim of reducing the number of funding streams and therefore the burden on councils. More recently, at the CIPFA conference held in mid-July, the permanent secretary to DLHUC confirmed that the government intends still to rationalise the number of funds involving bidding processes for councils; however, no comment was made with regard to a two-year settlement.
- 6.4 Following the comments made at the LGA conference, some commentators interpreted this to mean rollover settlements in both 2023/24 and 2024/25, i.e., financial settlements that are broadly similar to the 2022/23 settlement. The Fair Funding Review, business rates baseline reset, and other funding reforms it was suggested would be pushed back to 2025/26 to align with the next spending review period. It was also suggested that the 2021 Census might also not be reflected in funding allocations until 2025/26. In the absence of any firm statement of intent, another single-year, roll-over settlement, cannot be ruled out for 2023/24.
- 6.5 **New Homes Bonus.** ‘The Future of the New Homes Bonus’ set out proposals on how the New Homes Bonus (NHB) scheme might be reformed with the intention to provide an incentive which is more focused and targeted on ambitious housing delivery, and which would complement other reforms including those previously outlined in the government’s Planning White Paper. Whilst the consultation on this closed in April 2021, so far, no details on a new scheme have been announced. For 2022/23, NHB was awarded using the same methodology that applied in the previous year. The assumption is that until notified otherwise, NHB will continue to be paid based on the current scheme.
- 6.6 The Council has adopted a policy of using NHB for capital investment and to support programme delivery and economic development activities which bring long-term benefits to residents and businesses.
- 6.7 **Business Rate Pool.** With the continued uncertainty over any future finance settlement, it may be that the Government continues to provide the opportunity for local authorities to form a business rate pool. If this is the case, it is proposed that the Council considers participating with other Essex authorities and if appropriate submit a request for an Essex Pool to be designated for 2023/24.

- 6.8 **Homelessness Prevention Grant (HPG).** The purpose of HPG is to give local authorities control and flexibility in managing homelessness pressures and supporting those at risk of homelessness. HPG is ringfenced and is currently being used to fund additional staffing employed in the housing service to ensure the requirements of the Homelessness Reduction Act are met, and to fund a broader range of costs related to tackling homelessness and temporary accommodation needs.
- 6.9 On 1st July 2022, the Government published a technical consultation paper on the funding arrangements and conditions for 2023/24 onwards. The review is to consider how funding can be best allocated fairly to authorities based on current homelessness pressures. The government also wish to improve their understanding of how the grant is being spent. The consultation was due to close on 26th August 2022, and a response was submitted by the Council.
7. **Other Issues which will impact on the Council's Budget and MTFS**
- 7.1 **Utility Contracts (Gas & Electricity).** The Council contracts its energy through a Crown Commercial Services (CCS) framework. Advanced purchasing by CCS has provided some protection from the rapid increases in prices; however, given the duration that prices have been elevated this protection is diminishing as forward purchases become exposed to current market conditions. Information is being obtained from our energy advisors, Concept Energy Solutions to provide updated projected costs for the forthcoming contract periods.
- 7.2 **Fuel and Other Inflationary Costs** – Fuel costs have risen sharply over the year impacting on the running costs of the operational fleet. Other budget headings are also experiencing higher costs. For budgeting purposes, inflationary allowances are normally allowed as part of the incremental updating of the base budget where expenditure is considered unavoidable. This includes insurances, business rates, contractual arrangements, and core service requirements (e.g., fuel, haulage, vehicle maintenance). There are some areas where there are positive outcomes due to the increases in oil prices, for example, income from recycling material where there has been a significant increase in market prices. This increased income will help towards mitigating some cost pressures and provides a 'hedge' against other budget heads that are adversely impacted by changes in oil prices.
- 7.3 **District Growth.** Growth across the district can increase the taxbase for both council tax and business rates. Where the increase in dwelling numbers exceed a set threshold this will also attract one-off New Homes Bonus – assuming the scheme continues in its present form. There will, however, be growing service pressures, particularly around activities such as waste management. A growth bid that had been rolled forward for a number of years

was removed in the 2022/23 budget pending further clarification of the impacts from the Environment Act. Efficiencies have enabled the service to absorb growth; however, this will not be sustainable long-term and additional funding is likely to be required at some point unless service requirements change. The service is already incurring additional unbudgeted costs for providing new wheelie bins to meet an increasing number of households, alongside lifecycle replacements.

- 7.4 **Fees & Charges** – The general principle of the Charging Policy for discretionary fees and charges is that service users should make a direct contribution to the cost of providing services at their point of use. The majority of fees and charges are reviewed annually, an exception being car parking charges which are normally reviewed on a minimum three-year basis; however, the last review which would have been implemented from April 2023 was deferred whilst income levels were monitored, and a wider review of the parking service was being undertaken. The higher inflationary environment will need to be considered when assessing proposals for proposed changes to fees and charges. Many of the Council's fees and charges, however, are set by government and therefore what, if any, changes might be permitted to reflect the increased cost pressures facing local authorities is unknown at this time.
- 7.5 **Pension Fund** – a triennial review of the Fund will set the Council's contribution rate and deficit payments for the three-year period 2023/24 to 2025/26. The review will be based on an assessment of the Fund as at 31st March 2022 and the outcome of this review is expected to be released in September/ October to tax raising bodies.
- 7.6 **Essex County Council (ECC) contributions** – the Council receives in excess of £3m per annum from ECC towards services, including Waste Collection, Community Transport and the Council Tax Sharing Agreement. The grant for the community transport service is reviewed and agreed annually. A one-year extension of the Council Tax Sharing Agreement between ECC; Essex Police, Fire & Crime Commissioner (Policing & Community Safety and Fire & Rescue Authority); and the Essex district councils was agreed for 2022/23 with a review of the scheme currently being undertaken by ECC. A review of the Essex Joint Municipal Waste Strategy is also ongoing which could have financial implications for the Council and its waste management service in the future.
- 7.7 **Causeway House.** Currently the lettable space within Causeway House remains empty resulting in a reduction in rental income and operating cost recovery. The space is being marketed and discussions are ongoing with prospective tenants. At the same time the Council continues to review its own future office requirements across locations, which will also need to consider any proposals arising from the Agile and Flexible working review. Options for reducing operating costs are being explored to alleviate some of the short-term reduction in income.

- 7.8 **Strategic Investment Projects Stewardship and Transition to Operational.** Several of the Council's strategic projects have reached practical completion and are now transitioning to day-to-day operation, and longer-term stewardship. Whilst the individual project business cases made assumptions about the revenue impact of each project, these are now being reviewed and revised to take into account current circumstances, and any changes in financial implications will be reflected in the budget for 2023/24 and MTFS financial profile.
- 7.9 **Services and Activities met from Non-Base Funding Sources.** The staffing and other related costs of several of the Council's functions and activities are currently met from reserves. The main service areas where this applies are: Economic and Business Development, elements of Development Management resources, Planning Appeals, and the working budget for the recently enhanced Planning Enforcement team. The Strategic Investment Team is currently funded from a mixture of base budget funding, capitalisation, and reserves. During the 2022/23 budget process it was estimated that sufficient funding was in place to cover the next one to two years (depending on service area and actual drawdown on the relevant reserve), and that at the appropriate time a business case will be brought forward on any future base budget requirement.
- 7.10 **Minimum Revenue Provision (MRP) Statutory Requirements.** Local authorities have had flexibility in how to calculate MRP, provided the calculation is 'prudent'. The Council approves its policy on MRP annually as part of the budget and in doing so must have regard to statutory guidance. The current policy excludes MRP on unfinanced capital expenditure where it is the Council's intention to finance this expenditure from future capital receipts, for example, the expenditure incurred on the land and infrastructure at H120 Business Park which is to be paid from the sale of serviced land plots. MRP would not be made whilst the asset retained sufficient market value. Recent proposed regulatory changes by government would no longer permit this approach and therefore additional MRP will be required until such time all related expenditure has been financed. Draft regulations have been issued by the government and on which further consultation has been carried out and we await the final details. The new regulations are expected to become law from April 2024, but in the meantime the Council will continue to review its approach to MRP considering the proposals and determine what level of provision it would be prudent to make for the 2023/24 budget.
- 7.11 **Pooled Fund Valuations Accounting for Changes in Fair Values.** Existing regulations mean any unrealised gains or losses in the fair value of pooled fund investments do not have an impact on the General Fund revenue account. These regulations are due to expire on 31st March 2023. DLUHC has recently published a consultation on the statutory override for English local authorities. The options proposed are: to allow the override to lapse, to extend it, or to make it permanent. The consultation closes on 6th October 2022, for

which a response from this Council will be made by the Cabinet Member for Finance and Corporate Transformation.

- 7.12 **Treasury Management Investment Income and Borrowing Costs.** With rising interest rates this is increasing the Council's short-term investment income. However, a key factor in the current year's outperformance is also the higher than expected cash balances, a significant proportion of which relates to government funding that is a temporary position. Therefore, whilst it will be reasonable to assume higher interest rates than previously for the budget/MTFS, it is expected that cash balances will reduce. Dividend income from pooled fund investments has been recovering since the sharp drop that followed the outbreak of Covid, but income levels will be influenced by economic conditions and the impact of recession and increased costs negatively impacting corporate profitability. The current MTFS already incorporates an expected increase in investment income, with a total recovery of £250k across the period 2022/23 to 2024/25 of the £350k reduction that was reflected in the 2021/22 budget.
- 7.13 The cost of borrowing by the Council on its existing debt has recently been reduced through an early repayment/ refinancing of the LOBO (Lender Option, Borrower Option) loans that the Council held. The Council's borrowing requirement has increased over recent years due to the strategic investment programme. This increased requirement for borrowing has, so far, been met from using the Council's own cash balances held for other reasons, referred to as 'internal borrowing'. The cost of replacing this borrowing with external debt will be exposed to changes in interest rates; however, Public Works Loan Board lending rates are linked to gilt yields, the changes in which are impacted by many factors. Volatility in borrowing rates will therefore be inevitable, and the Council will continue to work closely with Arlingclose on the timing of any replacement of internal borrowing should that become necessary.
- 7.14 **Business Rate Revaluation.** Following a government review, it was announced that the frequency of revaluations would be increased to 3 yearly starting in 2023. The next revaluation of properties for business rates will, therefore, take effect from 1 April 2023, based on the rental market at 1 April 2021. The purpose of revaluations are to reassess and update individual liabilities to reflect the changes evidenced in the rental market. As at previous revaluations, it is expected that transitional arrangements will be introduced to phase in changes to bills. The Council's own property portfolio will be affected by the revaluation.
- 7.15 **Business Rate Income.** In-year monitoring of business rate income indicates that the amount of retained income to the Council is higher than originally assumed when setting the budget. The MTFS already assumes growth of 2% per annum which this outperformance will contribute. Given the economic climate the position will, however, need to be kept under review, including any

signs of any deterioration in collection rate, which may become prevalent amongst Small and Medium Enterprises (SMEs).

- 7.16 Government has capped previous increases in the small business rate multiplier to 2% in each of 2014-15 and 2015-16 and to CPI from 2018-19 to 2020-21 and to freeze it in each of 2021-22 and 2022-23. Compensation has been paid to local authorities based on the resultant reduction in income compared to that which would have been generated based on an annual increase in line with September RPI. The assumption, therefore, is that this arrangement will continue (currently worth c£250k), and that should government seek to help businesses for 2023/24, this principle will be maintained.
- 7.17 A key risk to business rate income is any future reset of the business rate retention scheme, which would be expected to be linked also to a review of council's spending needs. In these circumstances the income above the Council's business rate baseline could be at risk (currently £1.7m of base funding). However, it has also been suggested that there would likely be some transitional arrangement that phased in any reductions (and potentially increases) over a number of years to allow councils to adjust to a new funding level.
- 7.18 **Council Tax Income.** The MTFS assumes growth in taxbase of 1% per annum. The taxbase will be initially assessed in October when the CTB1 Return is made to government, and formally agreed early December based on an updated snapshot of the district and parishes at the end of November.
- 7.19 In making estimates of the taxbase an allowance of 1% for non-collection has normally been reflected. Historically this allowance has been sufficient to provide for the level of non-collection experienced and write-offs. Given the fall in household incomes, exacerbated by the anticipated increases in the energy cap, consideration will need to be given as to whether this allowance remains sufficient in the short-term. Collection rate and any upturn in contact being made by taxpayers struggling to pay their Council Tax bill and other financial hardship claims will be kept under review and their impact considered for finalising next year's taxbase.
- 7.20 The current MTFS also assumes an annual increase in Council Tax rate of less than 2% from 2023/24. The referendum principles that have applied in recent years, including 2022/23, has restricted district councils to an increase in their share of the Band D Tax rate to the higher of £5 or less than 2%. Representations have been made in recent local government finance settlements by the LGA and District Council Network to give district councils increased flexibility on Council Tax levels to enhance local decision making.
- 7.21 **Collection Fund Balance.** Balances held on the Collection Fund for Council Tax and business rates are taken into account for budget setting. In the current year the estimated surplus at 31 March 2022, is being paid to major preceptors and the Council. The difference between this estimate and the

actual balance at the end of last year will roll over into the assessment made for the 2023/24 budget, which will also need to consider the estimated in-year position.

- 7.22 The Collection Fund balance for business rates has been a deficit for the last two years, due to the additional reliefs provided by government to support businesses through the pandemic. The Council has been compensated for these shortfalls by additional government grant.
- 7.23 **Cost of Living Crisis.** Many households will be at greater risk of both immediate hardship and reduced opportunity and wellbeing because of rising costs of fuel, food and other essentials. Given the scale of the issues facing residents the Council approved at its meeting on 20th June 2022, that the Chairmen of the Community Development and the Partnership Development Scrutiny Committees establish a combined committee consisting of all the Members of the respective two Scrutiny Committees. The remit of the combined committee was to review the measures that the Council and its partners in Essex are already offering, and to recommend any further assistance that can be delivered this financial year for the residents of Braintree District. The combined committee is due to report back to the meeting of the Council to be held on 10th October 2022.
- 7.24 **Other issues.** There are several other issues that are likely to impact on the Council's MTFS and for which we either await further information; are monitoring events; or where plans need to be developed further:
- The Environment Act – secondary legislation;
 - The Levelling-Up and Regeneration Bill;
 - The longer-term impact of the Covid pandemic, e.g., changes in working styles, changes in shopping habits, etc. along with the potential for a resurgence in the virus and/ or new strains requiring future interventions and actions;
 - The ongoing costs of supporting Ukrainian and Afghan refugees over and above any funding provided, including the financial implications of any housing related issues; and
 - Meeting the Council's target to be carbon neutral as a Council as far as practical by 2030, as well as supporting our communities to reduce the impacts of climate change across the Braintree District. In so far as it is possible, the Council will look to partners and external funding opportunities to help achieve this objective.
8. **Developing the Budget and Council Tax for 2023/24 and rolling forward the MTFS for 2023/24 to 2026/27**
- 8.1 The economic context for planning next year's budget and updating of the MTFS is considerably different to that which existed when the current year's

budget was set. This coupled with the ongoing uncertainty that exists over local government finance makes for an extremely challenging process.

- 8.2 The announcement on the Local Government Finance Settlement is expected in mid-December, although there may be some details announced earlier as part of an Autumn Statement. This information will continue to be key in determining what the anticipated shortfalls in the Council's finances are for next year's budget and the MTFS for 2024/25 to 2026/27.
- 8.3 The Investment and Development Programme (IDP) continues to draw together various workstreams that include projects and initiatives that are being undertaken to help close the budget gap. The IDP currently contains £1.6m of pipeline projects of which £157k has already been reflected in the MTFS. Whilst it is intended that the IPD continues to be a key element of addressing the budget shortfall, a review and refresh of the programme is currently being undertaken.
- 8.4 Heads of Services and other Senior Managers have been tasked with reviewing budgets for their service areas with a focus on identifying opportunities for savings and efficiencies to be considered by Management Board and/ or Members, as appropriate. This review has now been combined with a Recovery Plan process which has been initiated following completion of the Q1 financial forecasts for the year. Where it is not deemed feasible to contain additional costs within existing budget allowances, or where additional resources are proposed to support achievement of the Council's corporate objectives, these are to be highlighted for review by Management Board and Members.
- 8.5 To provide improved analysis of budgets (including much greater transparency over base budgets) a review is being commissioned that will apply Zero Based Budgeting principles to a range of services. This detailed review will provide a better insight into the budgets and the impact of key variables to enhance and support longer-term decision making around the allocation of resources. The review will initially be piloted across the Operations service area supported by short-term additional resources that will work in partnership with the service and the central finance team. Reviews will then be rolled out across other service areas during which time these will become increasingly led by the in-house finance team. The outcomes from the reviews will inform the Council's budget planning and MTFS as each review area is completed.
- 8.6 Subject to the quantum of savings and additional income identified for 2023/24 through the existing reviews now in place, it would be an option to consider using balances in the short-term to allow a measured approach to identifying longer-term cost reductions or additional income to be agreed and implemented over the next 18 months. The Council's unallocated balances at the 31st March 2022, stood at £6m which is £1.5m higher than was anticipated at the time of agreeing the 2022/23 budget, and is significantly above the minimum level that would be considered prudent to maintain.

9. Budget process Timetable

9.1 Key dates for the proposed Budget process 2023/24 are provided in the table below:

2022		
2 nd September	Councillors	Capital bids to be returned
2 nd September	Managers	Service review, recovery plans, and capital bids returned
September-Early October	Management Board/ Corporate Management Team	Review and refine budget submissions ahead of Strategy Workshop
5 th October	Cabinet	Budget process and timetable for 2023/24 and issues for the MTFS
10 th October	Council	Combined Scrutiny Committee report and recommendations on the cost of living crisis
21 st October	Strategy Workshop	Priorities, Finances, Savings and Investment
October	Autumn Budget (tbc)	Announcement by the Chancellor of the Exchequer
23 rd November	Performance Management Scrutiny	Initial budget proposals (revenue and capital) - All members invited to attend.
28 th November	Cabinet	Initial budget proposals (revenue and capital)
12 th December	Council	
Mid/ Late December	Government announcement	Provisional Local Government Finance Settlement
2023		
January	Business Community	Consultation on budget proposals – article included in January edition of the Business Bulletin
1 st February	Performance Management Scrutiny	Consultation on final budget proposals and updated MTFS - All members invited to attend
Early February	Government announcement	Final Local Government Finance Settlement
6 th February	Cabinet	Final budget proposals and updated MTFS
20 th February	Council	2023/24 Budget and Council Tax approved

- 9.2** As more information becomes known and detailed work progresses on the 2023/24 budget and updating of the MTFS, it may be necessary to modify the process and timetable set out above.

10. Corporate Objectives

- 10.1 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives: A high performing organisation that delivers excellent and value for money services; and delivering better outcomes for residents and businesses and reducing costs to taxpayers. The report shows that the Council adopts a comprehensive approach to reviewing its financial position ahead of determining its budget proposals for the forthcoming year. The report also highlights the planned approach towards addressing the financial challenges faced by the Council.

11. Options

- 11.1 Whilst the report outlines the approach to the budget setting process for 2023/24 and seeks delegated authority for a decision to be taken by the Section 151 Officer and Cabinet Member, the Cabinet may determine that amendments are required, or authority is not permitted.

12. Financial Implications

- 12.1 There are no new financial implications as a result of this report.

13. Legal Implications

- 13.1 There are no new legal matters arising out of this report.

14. Other Implications

- 14.1 No matters arising out of this report, however, other implications such as climate control issues, safeguarding, customer impacts, and risks will be considered, as necessary, for all budget proposals.

15. Equality and Diversity Implications

- 15.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 15.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 15.3 It has not been necessary to conduct an Equality Impact Assessment at this stage, however, equalities and/or diversity implications will be considered, as necessary, for all budget saving proposals as they are prepared through the budget setting process.

16. List of Appendices

- 16.1 None.

17. Background Papers

- 17.1 The Medium-Term Financial Strategy (MTFS) 2022/23 to 2025/26 report agreed by Council on 21st February 2022.

Report Title: Cabinet Appointment to Outside Bodies	
Report to: Cabinet	
Date: 5th October 2022	For: Noting
Key Decision: No	Decision Planner Ref No: DP/2022/42
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Emma Wisbey, Governance and Member Manager, emma.wisbey@braintree.gov.uk	

1. Purpose of the Report

- 1.1 Following the resignation of Councillor Mrs Lyn Walters as the Cabinet's appointment to the Citizens Advice Braintree, Halstead and Witham Management Board (formally known as District Citizens Advice Bureau Management Board) this report seeks to appoint a new Member to represent the Council for the remainder of the Term of Council.

2. Recommendations

- 2.1 To appoint Councillor Justin Wrench to represent the Council on the Citizens Advice Braintree, Halstead and Witham Management Board for the remainder of the Council's term.

3. Summary of Issues

- 3.1 At the beginning of this current 4-year term of Council for 2019-23, the Cabinet made its appointments to those outside bodies which are executive functions. Non-executive functions are made by Full Council. The appointments are for the 4-year term of Council unless the appointment Member is replaced by Cabinet or resigns from the appointment. Cabinet's appointments are noted by Council at its Annual General Meeting, and any changes are usually made and reported at that time.
- 3.2 The Council's representatives on outside bodies are in a position to present and to support the relevant bodies in line with the Council's corporate priorities and objectives.
- 3.3 Councillor Mrs Lyn Walters was appointed by Cabinet as the Council's representative to the Citizens Advice Braintree, Halstead and Witham Management Board in July 2019. In May 2021, Councillor Mrs Walters resigned from the appointment and Cabinet now seeks to appoint a new Member to the outside body. The Leader of the Council has consulted Councillor Frankie Ricci, as the relevant Cabinet Member for Communities who has nominated Councillor Justin Wrench for the appointment.

4. Options

4.1 Cabinet may decline to appoint a Member to the Citizens Advice Braintree, Halstead and Witham Management Board. This is not recommended as this will leave the Council without direct representation on the Citizens Advice Braintree, Halstead and Witham Management Board. This may impact on the Council's relationship and the ability to make representations to the Board. Furthermore, this may impact on the Council's knowledge of the organisation and could affect its potential for decision making.

4.2 Cabinet may wish to select another District Councillor to represent the Council on this outside body. Councillor Ricci as the relevant Cabinet Member has nominated Councillor Justin Wrench. Councillor Wrench has been approached and he has confirmed that he is prepared to represent the Council, therefore it is recommended that Councillor Wrench be appointed.

5. Next Steps

5.1 Following Cabinet's approval of the appointment, the Governance and Members Team will write to the organisation informing them of Councillor Wrench's appointment.

6. Financial Implications

6.1 Members appointed to serve on outside bodies are entitled to claim expenses in accordance with the Member Allowance Scheme in attending meetings of the outside bodies as the Cabinet's representative.

6.2 Any expenses claimed will be met from existing budget for Member Allowances.

7. Legal Implications

7.1 There are no legal implications for Cabinet or the Council in making this appointment.

8. Other Implications

8.1 None have been identified.

9. Equality and Diversity Implications

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

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 A formal equalities impact assessment has not been undertaken in relation to the appointments. Appointments have been selected from the Council Membership and do not impact on any protected characteristics.

10. Background Papers

- 10.1 Resignation of Councillor Mrs Walters
- 10.2 [Report and Minutes of Cabinet dated 8th July 2019](#)

Agenda Item: 10a

Report Title: Braintree Town Centre Public Realm Improvement Scheme and Maintenance Programme	
Report to: Cabinet	
Date: 5th October 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2021/40
Report Presented by: Councillor Tom Cunningham, Cabinet Member for Economic Growth	
Enquiries to: Dominic Collins, Corporate Director of Growth dominic.collins@braintree.gov.uk	

1. Purpose of the Report

- 1.1 This report is to provide an update on the Braintree Town Centre Public Realm and Pedestrianisation project.

2. Recommendations

- 2.1 To note the progress of the Braintree Town Centre Public Realm and Pedestrianisation project.
- 2.2 To approve a virement of £230,000 from the Horizon 120 Enterprise Centre Project (The Plaza) into the Braintree Town Centre Public Realm project.
- 2.3 To approve a virement of £125,000 from the Horizon 120 Enterprise Centre Project (The Plaza) into the Town Centre Improvement budget to fund the purchase of street cleaning equipment.

3. Summary of Issues
Delivery of the Braintree Town Centre public realm project

- 3.1 In 2020 following extensive consultation, the physical works to improve the public realm of Braintree town centre began. The project involved two main phases of work. Lot 1 was around the Fairfield Road and Bank Street areas, and involved widening of the pedestrian footways, the installation of a bus gate, installation of new disabled parking bays and the realignment of traffic movements to provide suitable routing for buses being removed from the High Street and disabled drivers. Public realm improvements such as new and refreshed paving, new street lighting and street furniture were also included. The work was completed in the summer of 2020. Some snagging issues were identified by Braintree District Council (the Council) and Essex County Council

(ECC) prior to the final sign off of these works by both parties and the resultant works were completed in the summer of 2022.

- 3.2 Lot 2 was commissioned in the summer of 2020 and physical works began in September of that year. These works involved the substantive works to the main High Street including the complete lifting and repaving/resurfacing of the High Street between Corner House and the Courtauld fountain in a variety of materials, new loading bays, new infrastructure including ducting, drainage and electricity, new road access, street lighting, street furniture including benches, bollards, trees and bins and a general tidy up of the area including pavement cleaning and new signage.
- 3.3 A report to Council on the 7th June 2021, set out that the contractor originally appointed to complete this phase of works was changed in February 2021 and an additional budget of £382,000 was approved to complete the project.
- 3.4 The substantive works to Lot 2 were completed in November 2021, with snagging taking place throughout December and January. The project has had issues securing the electricity works necessary to put in new street columns and complete the pop up power bollards which has substantially delayed the final completion of the project. However, this is expected to be resolved before this meeting of Cabinet. Further snagging works have also been identified to the surface finish in some areas which were completed in August 2022. Some delays have also been experienced in obtaining materials for the wayfinding monoliths which has meant their installation has been delayed. Again, these are due to be completed in August 2022. Photos of the completed works can be found in Appendix 1 to this report.
- 3.5 The project has been funded by three partners, ECC, the Department of Transport (DFT) and the Council. Following the Council meeting of the 7th June 2021, the revised project budget was £3,332,000. This is made up of £1,000,000 from the DFT, £750,000 from ECC and the remainder £1,582,000 from the Council's capital programme and public realm improvement budget. Further detail of the financial implications are set out below.
- 3.6 Whilst the substantial works were completed at the end of 2021, the project has been subject to substantial delays and has therefore not yet been completed and signed off by the Highway Authority. These delays in the project have been brought about by delays in procuring some materials and getting third party suppliers to the site (in particular the electricity companies), making good some work which was previously carried out not to the required standard and design changes, as well as the pace of delivery has been slow

in some areas. These issues have meant that the existing budget for the project will not cover the final project expenditure.

Delivery of the maintenance of the new public realm

- 3.7 Having invested in the infrastructure of the town centre keeping the public realm clean, tidy and well maintained is essential in ensuring public perception of the overall quality of the town remains high. It will help to create a real 'sense of place' and community pride, stimulating a vibrant and well used town centre.
- 3.8 As the Principal Litter Authority under the Environmental Protection Act 1990 (Section 88(9)), the Council has a statutory duty to keep the town centre looking clean, tidy and well maintained.
- 3.9 Improving the appearance of the town centre by enhancing the existing service standards with a new programme of street washing, will maintain the pedestrian areas to a high quality and standard which is expected. By removing detritus, stains etc. this will improve the overall aesthetic appearance of the town centre whilst helping to extend the life of surfaces through a regular programme of cleaning.
- 3.10 Subsequent to extensive research and consultation with other local authorities, the Councils Operations service have recommended that the Council should procure a ride-on street washer to wash and clean the surface every 6 weeks. The anticipated capital cost of this equipment is £125,000. It is anticipated that the ride-on street washer will also be available to use in other town centres within the District.

4 Options

- 4.1 The Council could look to secure additional funding for both the delivery of the Pedestrianisation Project and its future maintenance requirements from the Council's Reserves. However, in light of available funding from within the approved Horizon 120 Enterprise Centre project budget, arising from savings incurred during that project, it is the Council's recommendation that the requested funding for the final delivery of the project and for the purchase of maintenance equipment is vired from the Horizon 120 Enterprise Centre project to the Braintree Town Centre Public Realm and Pedestrianisation Project for the final project delivery and the Town Centre Improvement Budget for the maintenance equipment.

5 Next Steps

- 5.1 The final snagging works will have been completed before this meeting of Cabinet. The works will then be signed off by the Council and ECC as the

Highway Authority and then handed back to the control of the relevant authority to manage and monitor.

- 5.2 The Council and ECC, who own most of the improved surface, will continue to monitor the public realm and the contractors will be required to remedy any further snagging issues within the contract period.
- 5.3 A stewardship programme to ensure that the town centre is cleaned and maintained has been developed and will be in place once the works have been signed off. This will require the purchase of the above referenced street cleaning equipment.
- 5.4 The Council will be working with businesses and other stakeholders in the town centre to continue to ensure that the new pedestrian area is fully utilised for the benefit of businesses and residents in the town and wider District. This includes being used for the monthly street markets and annual Christmas light switch on, pictures of which are included within Appendix 1. The Council are also actively working with the Braintree Town Partnership to engage businesses in Braintree town centre explore the route to becoming a Business Improvement District (BID).

6 Financial Implications

- 6.1 A revised project budget of £3,332,000 was approved by full Council at its meeting held on 7th June 2021. As the project has continued to progress there have been a number of issues which has meant that the project costs have now increased. The main reasons for the costs increases are set out within this report.
- 6.2 The extended time period of the project has meant additional fees for contract administration, project management, and traffic management in the region of £35,000. However there has been a saving of over £8,000 on the contractors prelims, which were renegotiated following the June Council meeting.
- 6.3 A number of design changes and issues have arisen during the project which have resulted in increased costs. This includes for example changing some surface treatments and street furniture and adding additional bollards to prevent vehicle incursion. However savings were also identified in relation to a number of areas including the gates and traffic management than originally budgeted for, bringing the total net additional cost to around £89,000. There was also a pricing error of £58,000 on the original tender for pop up power units across the town centre, the additional costs of which have been honoured by the Council.

- 6.4 The costs of new street lighting increased by £15,000 when the final detailed tender was received.
- 6.5 Finally there was a reduction in the amount of money the Council had hoped to be secured from a third party and the change in contractors during the life of the project. These costs amount to approximately £15,000.
- 6.6 Taking into account these additional costs together with an allowance to cover any final unexpected expenditure, the completed project will exceed the approved budget by £230,000. This additional cost is proposed to be met by a virement from the Horizon 120 Enterprise Project (Plaza), which is forecast to be completed under budget, into the Braintree Town Centre Public Realm and Pedestrianisation capital budget.
- 6.7 As stated above, the anticipated capital cost of the ride-on street washer is £125,000. This additional cost is also proposed to be met by a virement from the Horizon 120 Enterprise Project (Plaza) into the Town Centre Improvement capital budget as the street washer is expected to benefit all three towns. The purchase of the street cleaning equipment will incur associated revenue costs in order to operate and maintain the street washer and which will be included as an ongoing growth item in the preparation of next year's annual revenue budget. These costs will be detailed within the relevant Cabinet Member decision which will be required to purchase the equipment, subsequent to the relevant procurement process.

7 Legal Implications

- 7.1 This decision is in accordance with the Councils Constitution, which authorises Cabinet to approve virements from another approved budget.
- 7.2 A separate Cabinet Member decision will be taken by the Cabinet Member for Economic Growth (as the Cabinet Member with responsibility for town centres) at the appropriate time to purchase the street cleaning equipment following the conclusion of the procurement process.

8 Other Implications

- 8.1 There are no other implications arising from the contents of this report

9 Equality and Diversity Implications

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

(a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act

(b) Advance equality of opportunity between people who share a protected characteristic and those who do not

(c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

9.3 A full and detailed review of the Equality Impacts of the project was undertaken during the consultation process following Cabinet approval in December 2019. The improvement to the public realm, including removing traffic from the town centre, represented a significant improvement overall. The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10 List of Appendices

10.1 Appendix 1 Photographs of the completed public realm scheme

11 Background Papers

11.1. [Cabinet meeting 18th December 2019](#): Pedestrianisation of Braintree Town Centre: Consultation Report and Feasibility Studies

11.2 [Council meeting 7th June 2021](#): Braintree Public Realm Project

Appendix 1 – Photos of Completed Braintree Town Centre Works

Bank Street





High Street



Lower High Street



Market Place



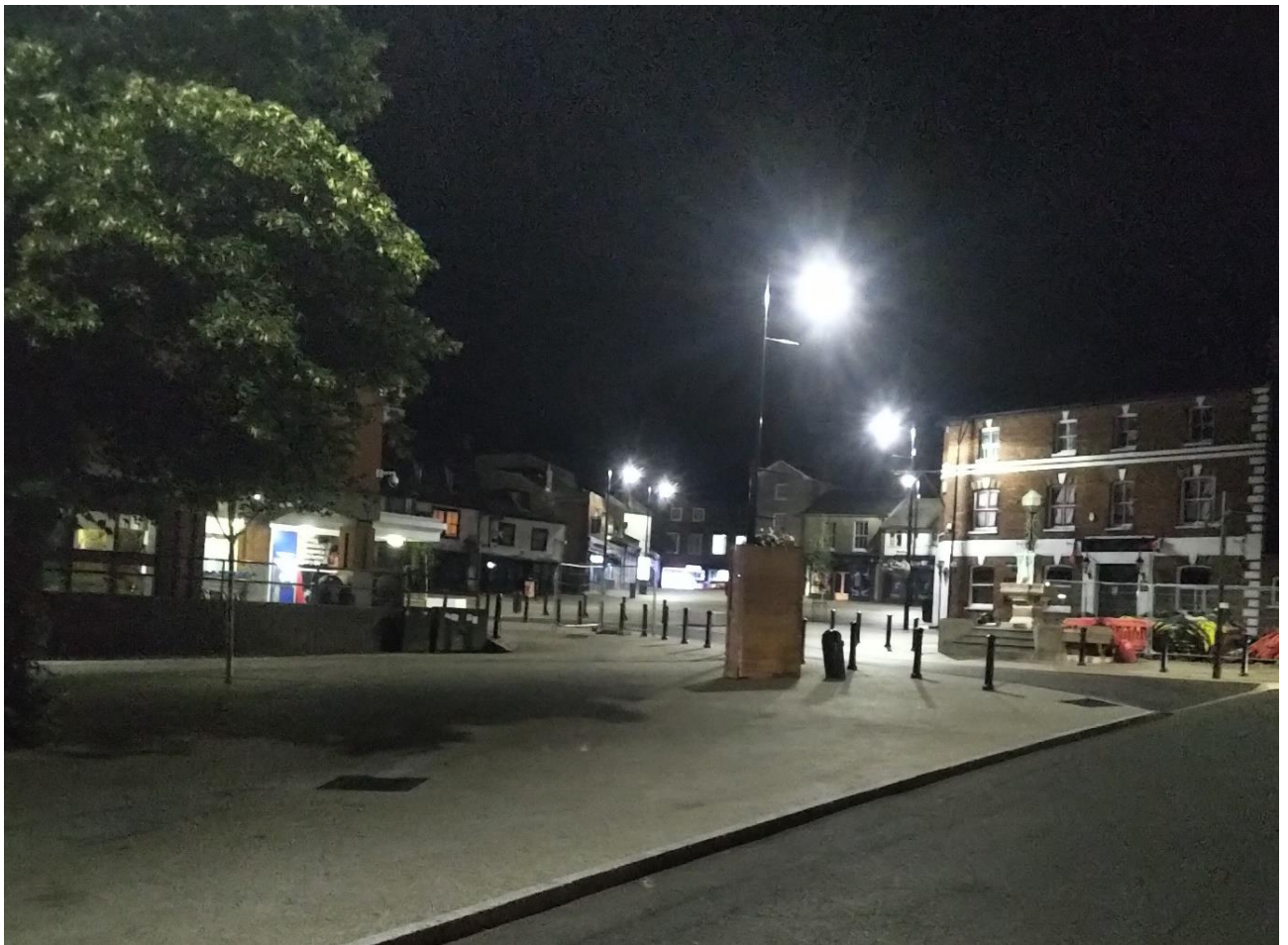
Great Square



New Street Square



New Street Lighting Columns in Operation



Examples of events using the new space





Report Title: Fusion Lifestyle Grounds Maintenance of Leisure Facilities	
Report to: Cabinet	
Date: 5th October 2022	For: Decision
Key Decision: Yes	Decision Planner Ref No: DP/2022/43
Report Presented by: Councillor Richard van Dulken, Cabinet Member for Operations and Commercialisation	
Enquiries to: Samir Pandya, Operations Strategy & Policy Manager samir.pandya@braintree.gov.uk	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of the Report

- 1.1 This report seeks approval for Braintree District Council (the Council) to enter into a new Service Contract with Fusion Lifestyle (FL) for the grounds maintenance of leisure centres.

2. Recommendation

- 2.1 To agree that the Council will enter into a 5-yr Service Contract with Fusion Lifestyle for the Council to undertake their grounds maintenance service, in accordance with the Confidential Appendix.

3. Summary of Issues

- 3.1 In 2013, FL tendered a contract for the grounds maintenance of the leisure facilities they manage within the District on behalf of the Council, namely:
- Bramston Sports Grounds
 - Braintree Leisure Centre and Tabor School Grounds
 - Halstead Leisure Centre
- 3.2 The Contract was won by the Council's Operations Department and was for an initial period of 3 years from 2013 to 2016, before being extended under the terms of the Contract by one year to 2017.
- 3.3 On expiry of the Contract, FL confirmed they were more than satisfied with the overall standard, quality, cost and reliability of the service provided by the Council. This prompted them to ask the Council to provide a new quotation based on 3 options: a 1yr, 3yr and 5yr Service Contract to continue providing the service. Accordingly the Council provided the Service to FL under a further

5-yr Service Contract covering the period 1 September 2017 to 31 August 2022.

- 3.4 In June of this year, FL contacted the Council and confirmed they wished to continue a Service Contract and asked for a price for a new 5-year period from 1 September 2022 to 31 August 2027. This was once again on the basis that they were more than satisfied with the overall reliability and quality of the service being delivered by the Council's Grounds Maintenance Service and subject to the new service price being acceptable.
- 3.5 From a commercial perspective, this is an excellent opportunity for the Council to continue generating net income, whilst at the same time delivering a grounds maintenance service that contributes to the overall standard and quality of its leisure facilities and public satisfaction with them.
- 3.6 FL has confirmed that the existing specification of works for all the leisure facilities remains unchanged. Therefore the Council's previous financial model and business case have been reviewed and updated to reflect current prices. Accordingly, the Council will be providing planned and preventative maintenance to:
- all grass areas within the sites as detailed herein including amenity areas and sports pitches.
 - line markings, both temporary and permanent, for games.
 - all hedges and shrubbery to main entrances and access routes.
 - all trees directly adjacent to car parks and access routes.
 - Other maintenance regimes as outlined in the service specifications, as identified by FL
- 3.7 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:
- A sustainable environment and a great place to live, work and play;
 - Residents live well in healthy and resilient communities where residents feel supported;
 - Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

4. Options

- 4.1 There are 3 options to consider:

- (i) Do nothing. The Council could choose not to submit a new price and the existing contract would end on 31 August 2022.

It is considered there is no benefit in pursuing this option owing to the loss of income and for the reasons outlined above.

- (ii) Provide FL with a price fixed for a 5-yr period and, if accepted by FL, enter into a new Service Contract with them from 1 September 2022 to 31 August 2027.

Whilst this option guarantees the Council a fixed income over a 5-yr period, there is a risk that the costs of inflation built into the financial model will be higher than anticipated, resulting in a reduction in the overall net income to the Council.

- (iii) Provide FL with an annual price for a new 5-yr Service Contract from 1 September 2022 to 31 August 2027 and apply an annual price increase in line with the Consumer Price Index (CPI).

This is the **preferred option** as it carries less financial risk to the Council.

5. Next Steps

- 5.1 Subject to Cabinet's decision, the Council will provide a new Service Charge to FL in line with the recommended option above and the Council's Head of Governance will draft a Service Contract for the Council and FL to formally sign and approve to ensure a bona fide agreement is in place.

6. Financial Implications

- 6.1 These are set out in the confidential Appendix attached to this report.

7. Legal Implications

- 7.1 If the Council's price is accepted by FL, a new Service Contract will be drawn up in consultation with the Head of Governance, and entered into over the 5-year period.
- 7.2 As this Service is being sought by FL, a non-public body, the Public Contracts Regulations 2015 do not apply. However, the Council have ensured compliance with its Constitution where applicable.

8. Other Implications

- 8.1 If Option 1 is agreed, the Council would need to review its grounds maintenance operation to reflect the loss of income and reduced operational costs where appropriate. This would include reviewing the staffing and every effort would be made to redeploy any staff affected through existing vacancies that are in the service or other service areas in Operations.
- 8.2 It should be noted that after the current contract expiry date (31 August 2022), Operations will continue to provide the grounds maintenance service for a period of up to 3 months at the existing fixed price. This will allow time for decisions to be made on a new service contract; and is in the spirit of the long standing partnership between the two organisations. This approach also presents a low financial and reputational risk to both parties.

9. Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.

- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 There are no Equality and Diversity implications with awarding the contract.

10. List of Appendices

- 10.1 Confidential Appendix

11. Background Papers

- 11.1 None.