

Council AGENDA

Monday 13th December 2021 at 7.15pm

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

This meeting is a public meeting. The Council is continuing to maintain social distancing at all its public meetings. In order to ensure the safety of everyone involved, members of the public are recommended to watch the meeting live via the Council's YouTube channel and not attend the venue unless they are participating in the meeting or have been advised to do so by the Governance Team.

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

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

Membership:-

Councillor J Abbott	Councillor H Johnson	Councillor Mrs W Schmitt
Councillor J Baugh	Councillor A Kilmartin	Councillor P Schwier
Councillor Mrs J Beavis	Councillor W Korsinah	Councillor Mrs G Spray
Councillor K Bowers	Councillor D Mann	Councillor P Tattersley
Councillor G Butland	Councillor T McArdle	Councillor P Thorogood
Councillor J Coleridge	Councillor J McKee	Councillor N Unsworth
Councillor G Courtauld	Councillor A Munday	Councillor R van Dulken
Councillor Mrs M Cunningham	Councillor Mrs I Parker	Councillor D Wallace
Councillor T Cunningham	Councillor Mrs J Pell	Councillor T Walsh
Councillor C Dervish	Councillor I Pritchard	Councillor L Walters
Councillor P Euesden	Councillor M Radley	Councillor Miss M Weeks
Councillor T Everard	Councillor S Rehman	Councillor D White
Councillor Mrs D Garrod	Councillor F Ricci	Councillor Mrs S Wilson
Councillor A Hensman	Councillor B Rose	Councillor J Wrench
Councillor S Hicks	Councillor J Sandum	Councillor B Wright
Councillor P Horner	Councillor V Santomauro	
Councillor D Hume	Councillor Mrs W Scattergood	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

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

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

Public Question Time:

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

Members of the public wishing to speak 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 you will need to register by midday the previous Thursday).

All registered speakers will have 3 minutes each to make a statement.

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

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.

Members of the public will be invited to participate in the Public Question Time remotely, and once registered will be provided with the relevant link, and joining instructions.

Public Attendance at Meeting:

Members of the public are welcome to attend the meeting, but attendance is currently subject to restrictions due to the Covid arrangements in place to keep venues Covid secure and safe for visitors.

Public attendance is extremely limited and will be on a first come first served basis with priority given to any Public Registered Speakers required to be in attendance. In order to maintain safe distances, the Council may have to refuse entry to members of the public.

If attending the venue, 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 the meeting venue to observe the meeting are recommended to contact the Governance and Members Team to reserve a seat within the public gallery.

The Council request Members of the public to use face coverings, unless an exemption's applies, as they move around the venue and when using communal areas. Once seated, face coverings can be removed. Please do not attend the meeting if you are feeling unwell. The Council would recommend that anyone who is intending to attend the meeting take a lateral flow test on the morning of the meeting. This will help to protect you and others.

Health and Safety:

Any person attending meetings are requested to take a few moments to familiarise themselves with the nearest available exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by Officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones:

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

Webcast and Audio Recording:

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Documents:

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

Data Processing:

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

Your Comments:

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Full Council held on 11th October 2021 (copy previously circulated).

4 Public Question Time (See paragraph above)

5 To receive any announcements/statements from the Chairman and/or Leader of the Council.

6 Essex Playing Fields Awards 2021

A presentation by Councillor Mrs Wendy Schmitt to Full Council of the Essex Playing Fields Awards awarded to Braintree District Council.

7 Motions

There are three Motions for Full Council. In accordance with Council Procedural Rule 12.17 of the Constitution the Motions are included on the Agenda in the order they were received.

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| 7a | Motion by Councillor Mrs D Garrod - Championing Mental Health | 6 -7 |
| 7b | Motion by Councillor N Unsworth – Supporting the Environment Bill commitment to better Air Quality in Braintree District | 8 - 9 |
| 7c | Motion by Councillor Mrs J Beavis – Improving Primary Care in the Braintree District | 10 - 11 |
| 8 | Treasury Management Mid-Year Report for 2021-22
Independent Remuneration Panel | 12 - 21 |

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| 9 | Appointments to Council Committee | 22 - 23 |
| 10 | Independent Remuneration Panel | 24 - 28 |
| 11 | Emergency Decision taken by Chief Executive - Fee and Policies for Fit and Proper Person Register – The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 Policy for Fit and Proper Person Applications | 29 - 31 |
| 12 | Cabinet's Report to Full Council | 32- 43 |
- Following the presentation of the Cabinet's report to Full Council, the Chairman will invite Councillors to ask questions of the Cabinet.
- Any Councillor may ask up to two questions, the Leader of the Opposition may ask up to four questions which relate to the functions of the Leader or Cabinet Members, the powers and duties of the Council or matters pertaining to the District. Questions are not restricted to the contents of the Cabinet Member's report.
- Where a verbal response cannot be given at the meeting, a written response will be issued to all Councillors within 10 working days of the meeting.
- A period of up to 1 hour is allowed for this item. (Council Procedure Rule 12.13 applies).
- 13 Urgent Business - Public Session**
- To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

PRIVATE SESSION

There is no business for Private Session.

Agenda Item: 7a

Report Title: Motion by Councillor Mrs Diana Garrod Championing Mental Health	
Report to: Council	
Date: 13th December 2021	For: Debate
Key Decision: No	Decision Planner Ref No: Not applicable
Motion Presented by: Councillor Mrs Diana Garrod Motion Seconded by: Councillor Andrew Hensman Motion Support by: Councillors Mrs J Pell, D Mann, J Abbott and G Butland.	
Enquiries to: Emma Wisbey, Governance and Members Manager	

1. Motion:

This Council notes:

- 1 in 4 adults and one child in six will experience a mental health problem in any year.
- Mental ill health costs some £119 billion each year in England alone.
- People with a severe mental illness die up to 20 years younger than average in the UK.
- The Covid-19 pandemic has put extra strain on people's mental health, and this is likely to last for some time after.

This Council believes:

- As a Local Authority we have a crucial role to play in improving the mental health of everyone in our community and tackling some of the widest and most entrenched inequalities in health.
- Mental health should be a priority across all the Local Authority's areas of responsibility.
- All Councillors, whether Members of the Executive or Scrutiny in all our work, including in our community and casework roles, can play a positive role in championing mental health on an individual and strategic basis.

This Council has:

- Signed the Local Authorities' Mental Health Challenge run by Centre for Mental Health and has appointed Councillor Diana Garrod and Councillor Andrew Hensman as Mental Health Champions, who have both undertaken MHFA training.

- Appointed 12 Mental Health First Aiders as a point of contact for an employee who is experiencing a mental health issue or emotional distress and appointed a Senior Officer (Cherie Root – Corporate Director as a Mental Health Champion).
- Identified Mental Health as a priority of the Braintree Health and Wellbeing Panel and created a District wide Mental Health Forum to bring together partners working in this field from statutory and voluntary sector to jointly work on priorities

This Council will also:

- Work to reduce inequalities in mental health in our community.
- Work with local partners to offer effective support for people with mental health needs.
- Tackle discrimination on the grounds of mental health in our community.
- Proactively listen to people of all ages and backgrounds about what they need for better mental health.

2. **Constitution provisions:**

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Constitution.

Notice of Motion was received on 9th November 2021 at 21:23hrs giving 9 clear working days' notice and contains the names of at least five Councillors supporting the Motion including the Proposer and Seconder.

3. **Amendments to Motion on Notice:**

In accordance with Council Procedural Rule 12.20 of Chapter 2 of the Constitution, no amendments to the Motion shall be moved unless written notice has been given to the Chief Executive or the Monitoring Officer by 12 noon on the third working day before the meeting of Full Council, namely 12 noon on Wednesday 8th December 2021.

Agenda Item: 7b

Report Title: Motion by Councillor Nick Unsworth – Supporting the Environment Bill commitment to better Air Quality in Braintree District	
Report to: Council	
Date: 13 th December 2021	For: Debate
Key Decision: No	Decision Planner Ref No: Not applicable
Motion Presented by: Councillor Nick Unsworth Motion Seconded by: Councillor Tom Walsh Motion Support by: Councillors J Abbott, P Thorogood, Mrs J Beavis, B Wright, Mrs J Sandum, Miss M Weeks and S Hicks	
Enquiries to: Emma Wisbey, Governance and Members Manager	

1. Motion:

With the passing of the Environment Bill, Council welcomes and fully supports the commitment in this new legislation to improving the environment in every part of the United Kingdom.

Council notes that the Environment Bill focuses on Air Quality as one of its key priorities for environmental targets.

Council also notes that in its Adopted Climate Change Strategy Action Plan, it is committed to:

“Review our current air quality monitoring to ensure that it continues to monitor high risk pollutants and locations and take appropriate action”

Council agrees that in order to effectively deliver its duty to monitor and improve air quality, it is vital to develop an Air Quality monitoring regime that provides a network of modern effective detectors across the district.

Council therefore agrees that the Review of its Air Quality monitoring regime should deliver a system that:

- a. Represents a significant technological advancement;
- b. Improves the scope of monitoring to include NO_x, CO, SO₂, O₃ and small particles (PM 2.5 & PM 10) with accuracy certified to the correct standards;
- c. Makes data more openly available so as to help the public make informed decisions about their air quality;
- d. Helps the Council make informed strategic and planning decisions;

- e. Enables Braintree District Council to notify Essex County Council of areas where 'standards and objectives' cannot be achieved in accordance with the Environment Bill.

And recommends the review also considers a system that:

- f. Can be remotely accessed so as to minimise detector visits;
- g. Does not require laboratory-based analysis of samples;
- h. Makes air quality data available in real time.

2. Constitution provisions:

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Constitution.

Notice of Motion was received on 17th November 2021 at 20:34hrs giving 9 clear working days' notice and contains the names of at least five Councillors supporting the Motion including the Proposer and Seconder.

3. Amendments to Motion on Notice:

In accordance with Council Procedural Rule 12.20 of Chapter 2 of the Constitution, no amendments to the Motion shall be moved unless written notice has been given to the Chief Executive or the Monitoring Officer by 12 noon on the third working day before the meeting of Full Council, namely 12 noon on Wednesday 8th December 2021.

Agenda Item: 7c

Report Title: Motion by Councillor Mrs J Beavis – Improving Primary Care in the Braintree District	
Report to: Council	
Date: 13 th December 2021	For: Debate
Key Decision: No	Decision Planner Ref No: Not applicable
Motion Presented by: Councillor Mrs Joanne Beavis Motion Seconded by: Councillor James Abbott Motion Support by: Councillors P Thorogood, Mrs J Sandum, B Wright, Miss M Weeks, S Hicks, N Unsworth and T Walsh	
Enquiries to: Emma Wisbey, Governance and Members Manager	

1. Motion:

Council notes that the Comprehensive Spending Review, the Build Back Better agenda and previous Government statements to increase NHS spending should deliver significant improvements in Primary Care.

Council is therefore concerned that the Government's intentions are not sufficiently translating into grassroots Primary Care in Braintree District, there being widespread concern about waiting times to see GPs and Practice Nurses.

Council accepts that new funding comes with specific targets to reduce the backlogs in Primary Care but that the shortage of local practitioners in General Practice settings will make this difficult in the short term; but in the medium and longer term improvement must be secured to meet the needs of existing communities and the many thousands of additional residents expected to live in the district within the new Local Plan period.

Council notes that the Health and Care Bill, which is due to become an Act in 2022, establishes new Integrated Care Systems (ICS) and in our case Mid and South Essex ICS (MSEICS).

This Council therefore commits to a new and energised priority towards improving Primary Care in the Braintree District by:

Establishing a new Braintree District Primary Care Local Strategic Partnership with the aims of:

- Re-establishing a Preventative Health Programme across our district
- Formulating a Braintree District Primary Care Charter, under the banner of Livewell
- Supporting increasing the numbers of GPs, Clinicians and Practice Nurses
- Supporting expanding GP facilities in both town and village communities
- A levelling-up of access to Primary Care across the Braintree District
- Better utilise capacity in current Primary Care settings
- Better and more focused delivery on S106 agreements from development sites, proportionate to population growth

2. Constitution provisions:

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Constitution.

Notice of Motion was received on 25th November 2021 at 16:04hrs giving 9 clear working days' notice and contains the names of at least five Councillors supporting the Motion including the Proposer and Seconder.

3. Amendments to Motion on Notice:

In accordance with Council Procedural Rule 12.20 of Chapter 2 of the Constitution, no amendments to the Motion shall be moved unless written notice has been given to the Chief Executive or the Monitoring Officer by 12 noon on the third working day before the meeting of Full Council, namely 12 noon on Wednesday 8th December 2021.

Agenda Item 8:

Report Title: Treasury Management Mid-Year Report for 2021/22	
Report to: Full Council	
Date: 13 th December 2021	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
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 The Council has adopted the Code of Practice for Treasury Management in Public Services published by the Chartered Institute of Public Finance and Accountancy (CIPFA), which requires the Council to receive at least one mid-year report on its treasury management activities.
- 1.2 The mid-year report was considered by the Governance and Audit Scrutiny Committee on 28th October 2021, which recommended its submission to Full Council.

2. Recommendations

- 2.1 To receive and note the Treasury Management Mid-Year Report for 2021/22.

3. Summary of Issues

- 3.1 The Treasury Management Strategy for 2021/22 was approved by Full Council at its meeting held on 22nd February 2021. The mid-year report for 2021/22 is attached to this report as Appendix 1.
- 3.2 The recommendation set out in this report will help the Council to demonstrate that it is achieving its corporate objectives of being a high performing organisation that delivers excellent and value for money services; and is delivering better outcomes for residents and businesses and reducing costs to taxpayers. Details of how the Council's treasury management activities contribute towards these objectives are set out in the mid-year report.

4. Options

- 4.1 To receive and note the mid-year report.

5. Financial Implications

- 5.1 There are no new financial implications arising from this report. The financial impact from the Council's treasury management activities are reported in the Council's Quarterly Performance Report.

6. Legal Implications

- 6.1 The Council's treasury management activities are subject to regulation by the CIPFA Code. This report fulfils the Authority's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.

7. Other Implications

- 7.1 There are no other implications arising from this report.

8. Equality and Diversity Implications

- 8.1 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.
- 8.2 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).
- 8.3 This report will not have a disproportionately adverse impact on any people with a particular characteristic.

9. List of Appendices

- 9.1 Treasury Management Mid-Year Report 2021/22.

10. Background Papers

None.

Treasury Management Mid-Year Report 2021/22

1. Introduction

- 1.1 The Authority's treasury management strategy for 2021/22 was approved by Full Council as part of the overall budget at the meeting on 22nd February 2021. The Authority has invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.

2. External Context**Economic Background**

- 2.1 The economic recovery from the coronavirus pandemic continued to dominate the first half of the financial year. By the end of the period over 48 million people in the UK had received their first dose of a COVID-19 vaccine and almost 45 million their second dose.
- 2.2 The Bank of England (BoE) held Bank Rate at 0.1% throughout the period and maintained its Quantitative Easing programme at £895 billion, unchanged since the November 2020 meeting. In its September 2021 policy announcement, the BoE noted it now expected the UK economy to grow at a slower pace than was predicted in August, as the pace of the global recovery had shown signs of slowing and there were concerns inflationary pressures may be more persistent. Within the announcement, Bank expectations for Gross Domestic Product (GDP) growth for the third (calendar) quarter were revised down to 2.1% (from 2.9%), in part reflecting tighter supply conditions. The path of CPI inflation is now expected to rise slightly above 4% in the last three months of 2021, due to higher energy prices and core goods inflation. While the Monetary Policy Committee (MPC) meeting ended with policy rates unchanged, the tone was more hawkish.
- 2.3 Government initiatives continued to support the economy but came to an end on 30th September 2021, with businesses required to either take back the 1.6 million workers on the furlough scheme or make them redundant.
- 2.4 The latest labour market data showed that in the three months to July 2021 the unemployment rate fell to 4.6%. The employment rate increased, and economic inactivity rates decreased, suggesting an improving labour market picture. Latest data showed growth in average total pay (including bonuses) and regular pay (excluding bonuses) among employees was 8.3% and 6.3% respectively over the period. However, part of the robust growth figures is due

to a base effect from a decline in average pay in the spring of last year associated with the furlough scheme.

- 2.5 Annual CPI inflation rose to 3.2% in August, exceeding expectations for 2.9%, with the largest upward contribution coming from restaurants and hotels. The Bank of England now expects inflation to exceed 4% by the end of the calendar year owing largely to developments in energy and goods prices. The Office of National Statistics' (ONS) preferred measure of CPIH which includes owner-occupied housing was 3.0% year/year, marginally higher than expectations for 2.7%.

Financial Markets

- 2.6 Monetary and fiscal stimulus together with rising economic growth and the ongoing vaccine rollout programmes continued to support equity markets over most of the period, albeit with a bumpy ride towards the end. The Dow Jones hit another record high while the UK-focused FTSE 250 index continued making gains over pre-pandemic levels. The more internationally focused FTSE 100 saw more modest gains over the period and remains below its pre-pandemic peak.
- 2.7 Declines in bond yields in the first quarter of the financial year suggested bond markets were expecting any general price increases to be less severe, or more transitory, than was previously thought. However, an increase in gas prices in the UK and EU, supply shortages and a dearth of HGV and lorry drivers with companies willing to pay more to secure their services, has caused problems for a range of industries and, in some instance, led to higher prices.
- 2.8 The 5-year UK benchmark gilt yield began the financial year at 0.36% before declining to 0.33% by the end of June 2021 and then climbing to 0.64% on 30th September 2021. Over the same period the 10-year gilt yield fell from 0.80% to 0.71% before rising to 1.03% and the 20-year yield declined from 1.31% to 1.21% and then increased to 1.37%.
- 2.9 The Sterling Overnight Rate (SONIA) averaged 0.05% over the quarter.

Credit Review

- 2.10 Credit default swap spreads were flat over most of the period and are broadly in line with their pre-pandemic levels
- 2.11 Fitch and Moody's upwardly revised to stable the outlook on a number of UK banks and building societies, recognising their improved capital positions compared to last year and better economic growth prospects in the UK.
- 2.12 The successful vaccine rollout programme is credit positive for the financial services sector in general and the improved economic outlook has meant some institutions have been able to reduce provisions for bad loans. While there is still uncertainty around the full extent of the losses banks and building societies will suffer due to the pandemic-related economic slowdown, the sector is in a generally better position now compared to earlier this year and 2020.

- 2.13 The Authority's treasury management advisors, Arlingclose Ltd, completed their review of the credit advice on unsecured deposits. The outcome of this review resulted in the maximum duration for all recommended counterparties being extended to 100 days (from 35 days).
- 2.14 As ever, the institutions and durations on the Authority's counterparty list remain under constant review.

3. **Local Context**

- 3.1 On 31st March 2021, the Authority had cash and investments totalling £38.11m, and borrowing of £6.00m.
- 3.2 With low official interest rates reducing returns on investments the strategy adopted was to keep borrowing and investments below their underlying levels in order to reduce risk, resulting in internal borrowing of £15.84m at 31st March 2021.
- 3.3 The treasury management position on 30th September 2021 and the change over the six months is summarised below:

	31.3.21 £m	Movement £m	30.09.21 £m
Borrowing	6.00	-	6.00
Pooled Funds ¹	19.00	-	19.00
Short-term investments ¹	14.00	33.50	47.50
Restricted cash	3.07	(3.07)	-
Cash	2.04	(0.11)	1.93
Cash and Investments	38.11	30.32	68.43
Net Cash and Investments	32.11	30.32	62.43

¹ Excludes unrealised change in market values

- 3.4 Restricted cash represented funds that were received from the sale of serviced land plots at Horizon 120 for which a proportion was required to be placed into escrow pending completion by the Authority of certain infrastructure works. These works have been completed and the funds were released in August.

4. **Borrowing Update**

4.1 **Revised Public Works Loan Board (PWLB) Guidance**

- 4.1.1 Changes introduced to PWLB lending policy in November 2020 resulted in local authorities being prevented from borrowing from PWLB if their capital plans for the next three years included the acquisition of investment assets for yield. HM Treasury issued further guidance in August 2021 providing additional detail and clarifications predominantly around the definition of an 'investment asset primarily for yield'. Revisions were also made to the terms and conditions applicable to loans obtained from the PWLB taking effect from 8th September 2021, which extends the settlement time for a new loan from two working days (T+2) to five working days (T+5). In a move to protect the PWLB against negative interest rates, the minimum interest rate for PWLB loans has also been set at 0.01% and the interest charged on late repayments will be the higher of Bank of England Base Rate or 0.1%.

4.2 Existing Borrowing

- 4.2.1 The Authority continues to hold £6m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. The current lender of these loans has not exercised their option.
- 4.2.2 An initial assessment of the LOBO loans by Arlingclose indicated potential restructuring opportunities through a negotiated settlement with the lender. The risks and benefits, including restructuring savings, are currently being assessed.

5. Treasury Investment Activity

- 5.1 The Authority holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. For the period April to September, the Authority's investment balances averaged £55.77m with the highest amount held being £73.48m. The change in investment position over the period is shown in the table below:

	31 Mar 21 £m	Movement Apr-Sept £m	30 Sept 21 £m
Pooled Funds			
Equity funds	13.00	-	13.00
Diversified funds	3.00	-	3.00
Property fund	3.00	-	3.00
Sub-total	19.00	-	19.00
Short-term investments			
Debt Management Office	-	28.50	28.50
Money Market Funds (low volatility)	10.00	5.00	15.00
Money Market Fund (variable)	4.00	-	4.00
Sub-total	14.00	33.50	47.50
Restricted cash	3.07	(3.07)	-
Lloyds Bank	2.04	(0.11)	1.93
Total	38.11	30.32	68.43

- 5.2 Investment balances typically peak around September before reducing over the remaining six-months. Balances have been elevated again during the first half-year from government funding for business rate reliefs and grants. The post-payment reconciliation of these funds, along with the current expected spend on the capital programme of circa £38m in the year, means that cash balances are expected to reduce significantly towards the end of the current financial year, resulting in the potential for having to refinance some of the existing internal borrowing with new external loans.
- 5.3 Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The

objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

- 5.3 Ultra-low short-dated cash rates, which have been a feature since March 2020 when Bank Rate was cut to 0.1%, have resulted in the return on sterling low volatility net asset value money market funds (LVNAV MMFs) being close to zero even after some managers have temporarily waived or lowered their fees. At this stage net negative returns are not the central case of most MMF managers over the short-term, and fee cuts or waivers should result in MMF net yields having a floor of zero, but the possibility cannot be ruled out yet.
- 5.4 Deposit rates with the Debt Management Account Deposit Facility (DMADF) have also been largely around zero.
- 5.5 The amount of interest earned on short-term investments in the period April to September is £5,141, which is an annualised return of 0.03%.
- 5.6 The Authority has £19m invested in externally managed strategic pooled funds comprising: equity funds, multi-asset funds, and a property fund. Investments in these funds are made where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. The full-year budget for income from pooled funds is £686,000. At the end of September the funds had generated income of £423,539, which represented an annualised return of 4.45%. This figure is based on the actual dividends received or declared in the year; however, two funds were yet to confirm their September quarterly dividend.
- 5.7 The improved market sentiment in the past six months is reflected in the valuation of these funds which at the end of September had an overall valuation of £21.29m representing an unrealised gain of £2.29m.
- 5.8 Pooled funds have no defined maturity date, but are available for withdrawal after a notice period, therefore, their performance and continued suitability in meeting the Authority's medium- to long-term investment objectives are regularly reviewed. Investments are made in the knowledge that capital values will fluctuate; but with the confidence that over a three- to five-year period total returns will be expected to exceed cash interest rates.
- 5.9 The progression of risk and return metrics for the Authority's investments are shown in the following extracts from quarterly investment benchmarking:

Period end	Credit Rating ¹	Bail-in exposure ¹	WAM ¹ (days)	Pooled funds volatility	Income return %	Total return ² %
31.03.21	A+	100%	1	11.8%	2.61%	14.14%
30.06.21	AA-	53%	13	9.48%	1.66%	7.45%
30.09.21	AA-	37%	20	9.31%	1.36%	7.44%
Similar LAs	A+	69%	32	3.04%	1.20%	3.65%
All clients	A+	69%	10	3.87%	0.78%	2.35%

Source: Arlingclose quarterly benchmarking

¹ Relates to internally managed investments

² Income plus change in market value of pooled funds

6. Compliance

- 6.1 All treasury management activities undertaken during the first half year complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy, and specifically:
- Borrowing remained within the Operational and Authorised Boundary approved by Full Council of £30m and £50m, respectively;
 - Investments were made primarily in Money Market Funds (MMFs) and with the Debt Management Office where the aggregate limits are unlimited, subject to an individual fund limit of £5m for MMFs.
 - The only direct use of banks for holding cash during this period was via Lloyds Bank as the Council's banking services provider.

7. Other Developments

- 7.1 In February 2021, CIPFA launched two consultations on changes to its Prudential Code and Treasury Management Code of Practice. These followed the Public Accounts Committee's recommendation that the prudential framework should be further tightened following continued borrowing by some authorities for investment purposes. In June, CIPFA provided feedback from this consultation.
- 7.2 CIPFA have now issued revised Codes and Guidance Notes in draft form and opened a further period of consultation on their proposed changes. The changes include:
- Clarification that (a) local authorities must not borrow to invest primarily for financial return; and (b) it is not prudent for authorities to make any investment or spending decision that may lead to new borrowing (as measured by the Capital Financing Requirement or CFR), unless directly and primarily related to the functions of the authority.
 - Categorising investments as those (a) for treasury management purposes; (b) for service purposes; and (c) for commercial purposes.
 - Defining acceptable reasons to borrow money: (i) financing capital expenditure primarily related to delivering a local authority's functions; (ii) temporary management of cash flow within the context of a balanced budget; (iii) securing affordability by removing exposure to future interest rate rises; and (iv) refinancing current borrowing, including replacing internal borrowing with external borrowing.
 - For service and commercial investments, in addition to assessments of affordability and prudence, an assessment of proportionality in respect of the authority's overall financial capacity (i.e. whether plausible losses could be absorbed in budgets or reserves without unmanageable detriment to local services).
 - Prudential indicators:

- New indicator for net income from commercial and service investments to the budgeted net revenue stream.
- Inclusion of the liability benchmark as a mandatory treasury management prudential indicator. CIPFA recommends this is presented as a chart of four balances – existing loan debt outstanding; loans CFR, net loans requirement, liability benchmark – over at least 10 years and ideally to cover the authority's full debt maturity profile.
- Excluding investment income from the definition of financing costs.
- Incorporating Environmental, Social, and Governance issues as a consideration within the Treasury Management Practice (TMP) on Risk Management.
- Additional focus on the knowledge and skills of officers and elected members involved in decision making.

7.3 Responses to this latest consultation have been requested to be submitted by no later than 16th November.

7.4 The former Ministry for Housing, Communities and Local Government (MHCLG) published a brief policy paper in July outlining the ways it feels that the current capital finance framework is failing and potential changes that could be made. The paper found that “while many authorities are compliant with the framework, there remain some authorities that continue to engage in practices that push the bounds of compliance and expose themselves to excessive risk”.

7.5 The actions announced include greater scrutiny of local authorities and particularly those engaged in commercial practices; an assessment of governance and training; a consideration of statutory caps on borrowing; further regulations around Minimum Revenue Provision (MRP); and ensuring that MHCLG regulations enforce guidance from CIPFA and the new PWLB lending arrangements.

7.6 A further consultation on these matters is expected soon.

8. Outlook for the remainder of 2021/22

8.1 Arlingclose expects Bank Rate to rise in Q2 2022 which they consider to be driven as much by the Bank of England's desire to move from emergency interest rate levels as by fears of inflationary pressure.

8.2 Investors have priced in multiple rises in Bank Rate to 1% by 2024. While Arlingclose believes Bank Rate will rise, their view is that this will be by a lesser extent than expected by markets.

8.3 The views expressed by Arlingclose are based on the following:

- The global economy continues to recover from the pandemic but has entered a more challenging phase. The resurgence of demand has led to the expected rise in inflationary pressure, but disrupted factors of supply are amplifying the effects, increasing the likelihood of lower

growth rates ahead.

- While Q2 UK GDP expanded more quickly than initially thought, the 'pingdemic' and more latterly supply disruption will leave Q3 GDP broadly stagnant. The outlook also appears weaker. Household spending, the driver of the recovery to date, is under pressure from a combination of retail energy price rises, the end of government support programmes and soon, tax rises. Government spending, the other driver of recovery, will slow considerably as the Covid support measures for the economy are ended.
- Inflation rose to 3.2% in August. A combination of factors will drive this to over 4% in the near term. While the transitory factors affecting inflation are expected to unwind over time, the MPC has recently communicated fears that these will feed longer-term inflation expectations that will require tighter monetary policy.
- The supply imbalances that are apparent in the labour market. While wage growth is currently elevated due to compositional and base factors, stories abound of higher wages for certain sectors, are driving inflation expectations. It is uncertain whether a broad-based increase in wages is possible given the pressures on businesses.
- Government bond yields increased sharply following the September Federal Open Market Committee (FOMC) and MPC minutes, in which both central banks communicated a lower tolerance for higher inflation than previously thought. The MPC in particular has doubled down on these signals in spite of softer economic data. Bond investors expect higher near-term interest rates but are also clearly uncertain about central bank policy.
- The MPC appears to be playing both sides, but has made clear its intentions to tighten policy, possibly driven by a desire to move away from emergency interest rate levels. While the economic outlook will be challenging, the signals from policymakers suggest Bank Rate will rise unless data indicates a more severe slowdown.

Agenda Item: 9

Report Title: Appointments to Council Committees	
Report to: Council	
Date: 13 th December 2021	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Cole, Head of Governance and Monitoring Officer	

1. Purpose of the Report

- 1.1 The Council has a number of Committees and Sub-Committees whose membership is determined to by the Council. This report outlines the mid-year changes to the appointments made at the Annual General Meeting on 19 April 2021, and identifies any changes to politically proportionality requirements set out in the Local Government and Housing Act 1989.

2. Recommendations

- 2.1 That Council:
- 2.1.1 Note that there is no change to the political balance requirements; and
- 2.1.2 Approves the change to the Governance and Audit Scrutiny Committee as set out in paragraph 3.5 and 3.6.

3. Summary of Issues

- 3.1 The requirements set out in the Local Government and Housing Act 1989 require that the allocations to seats on Council Committees and Sub-Committees to Political Groups are done so on a politically proportionate basis.
- 3.2 The membership of the Council is 49 seats and for the purpose of the allocation of seats, this is broken down as follows:-
- 33 - Conservative Group
 - 9 - Green and Independent Group
 - 4 - Halstead Residents Association
 - 2 - Labour Group
 - 1 – Independent
- 3.3 A review of the political proportions has been carried out to reflect the changes that have arisen since the Councils Annual General Meeting on 19 April 2021, and there are no changes to the Political Proportionality of the Committees.

3.4 **Governance and Audit Scrutiny Committee Appointment**

- 3.5 The Governance and Audit Scrutiny Committee membership will be subject to the following changes:

Stepping Down	Proposed Member
Councillor Richard van Dulken	Councillor Justin Wrench

- 3.6 Councillor van Dulken held the Chairman role for the Governance and Audit Scrutiny Committee. As a result of stepping down from the Committee, it is proposed that the Chairman appointment is allocated to proposed member Councillor Wrench. As a result of this appointment, Councillor Wrench would be entitled to receive a Special Responsibility Allowance in the sum of £5,064.00.
- 3.7 On the basis of the information set out in this report, Council is recommended to approve the changes to the Council's Governance and Audit Scrutiny Committee.

4. **Options**

Recommended option: To make the appointment as set out in this report.

Should Council decline to make this appointment there will be vacancy on the Committee and the Chairman position will be vacant.

5. **Financial Implications**

- 5.1 There are no financial implications arising out of the recommendations set out in this report.

6. **Legal Implications**

- 6.1 Article 5 of the Constitution states that it is a function of Council to make appointments to its Committees, unless the appointment is a Cabinet function or has been delegated by Council to a Committee or Officer.

8. **Other Implications**

There are no other implications arising from the recommendations set out in this report.

9. **Equality and Diversity Implications**

- 9.1 There are no equality or diversity issues arising from this decision.

10. **List of Appendices**

- 10.1 None

11. **Background Papers**

- 11.1 None

Report Title: Independent Remuneration Panel	
Report to: Council	
Date: 13 th December 2021	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2021/39
Report Presented by: Councillor John McKee, Cabinet Member for Finance and Corporate Transformation	
Enquiries to: Kim Cole, Head of Governance and Monitoring Officer	

1. Purpose of the Report

- 1.1 Under the Local Authorities (Members' Allowances)(England) Regulations 2003 (the Regulations), Local Authorities are required to have in place and maintain an Independent Remuneration Panel (IRP). This report sets out the proposed recruitment process to be undertaken for the appointment of Braintree District Councils (the Council) IRP.

2. Recommendations

- 2.1 That Council:
 - 2.1.1 Approve the Independent Remuneration Panels Terms of Reference as set out in Appendix 1;
 - 2.1.2 Authorise the Monitoring Officer to commence the recruitment process for three Independent Remuneration Panel Members in accordance with the timetable set out in paragraph 3.6;
 - 2.1.3 Authorise the Monitoring Officer at the conclusion of the recruitment process to appoint each of the three Independent Remuneration Panel Members; and
 - 2.1.4 Delegate authority to the Monitoring Officer, in consultation with the Head of Finance, to set the level of remuneration for the Chair of the Independent Remuneration Panel and the two Independent Remuneration Panel Members.

3. Summary of Issues

- 3.1 The Regulations set out that the IRP are required to make recommendations to the Council on the Members Allowance Scheme concerning any proposed changes for adoption. The IRP's recommendations include the level of the Basic Allowance received by all Members, as well as the level of Special Responsibility Allowances and to who they should be paid. While it is up to the Council to agree its Member Allowance Scheme, under the Regulations it

must have regard to the advice and recommendations from the IRP before making any changes.

- 3.2 Currently the Council does not have any IRP Members in place and a new IRP is therefore required in order to continue to support the Council as it reviews the Member Allowance Scheme as part of its Annual General Meeting preparations.
- 3.3 The Regulations specify that there must be at least three Panel Members and the guidance suggest that, as far as possible, the make-up of the Panel should be representative of the diversity of the communities in the local area.
- 3.4 The Regulations allow for the Council to determine the term of office and the allowances paid to each of the IRP's. The Council's previous IRP's were appointed for a period of 3 years, with the provision to extend. Those provisions have now come to their natural end. It is proposed that the new appointments continue to be on a 3 year period, with the provision to extend for a period of 1 year. These arrangements allow for flexibility going forward.
- 3.5 The previous arrangements in place meant that only the Chairman of the IRP received an allowance of £618 per annum. This was set at the point of their respective appointments and has not been reviewed for some time. It is likely that in order to ensure that the Council attract the right calibre of people as part of the recruitment process, each IRP Member will need to receive an allowance. Accordingly, the Monitoring Officer will conduct a desk top benchmarking review of IRP remuneration of neighbouring authorities and will work with the Head of Finance, in determining the appropriate fee payment in accordance with the findings of the review and in line with the Council's allocated budget.
- 3.6 The Council will look to commence the recruitment process in January 2022, with a view to the Monitoring Officer and Governance and Member Manager conducting the interviews in February 2022. Appointment of each of the three IRPs at the completion of the recruitment process will be carried out by the Monitoring Officer.
- 3.7 The Regulations stipulate that none of the IRPs may be a Member of the Council or is disqualified from being or becoming a Member of the Council. As part of the recruitment process, candidates will be required to confirm that they are not subject to these restrictions.

4. Options

- 4.1 The Council's current IRP arrangements have now lapsed. If the Council did not carry out the necessary recruitment process, then any future review of the Council's Member Allowance Scheme would be limited to the remit of the findings of the previous IRP in 2019.
- 4.2 The IRP also undertake reviews of the Parish and Town Councils within the District. Therefore by not having an IRP in place which can be called upon as the Parish and Town Councils consider their own Member Allowance

Schemes, places them at a disadvantage as local authorities begin their preparations for their own Annual General Meetings.

- 4.3 Therefore the recommended option is to proceed in line with the recommendations set out in this report.

5. Financial Implications

- 5.1 The allowances paid to the IRP's are included within current budget provisions.

6. Legal Implications

- 6.1 The Council is under a statutory obligation to ensure that it has an IRP in place to review the Councils Member Allowance Scheme. The proposals set out in this report will ensure that the Council continues to meet that obligation.

7. Other Implications

- 7.1 No other implications arising out of the recommendations set out in this report.

8. Equality and Diversity Implications

- 8.1 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.

- 8.2 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).

- 8.3 The proposals set out in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The recruitment process will be undertaken in accordance with the Councils Recruitment and Equal Opportunities Policies.

9. List of Appendices

- 9.1 Appendix 1 – Terms of Reference for the Independent Remuneration Panel

10. Background Papers

- 10.1 None

APPENDIX 1

Independent Remuneration Panel

Terms of Reference

1. Role and Responsibilities

- 1.1 The Independent Remuneration Panel ("IRP") shall, on a 3 yearly basis or, if otherwise requested, propose recommendations as to any required amendments to the Members' Allowance Scheme in relation to the following matters:-
- the amount of basic allowance payable;
 - the roles and responsibilities for which special responsibility allowances should be paid and if so, the duties to which they should apply and the amount;
 - whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
 - whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount;
 - Whether a basic allowance should be paid to co-opted members and if so, the amount;
 - whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated as permitted in law;
 - whether any roles should receive pensionable allowances, where permitted in law.
- 1.2 In making its recommendations at paragraph 1 above, the IRP shall undertake a full review of the Members' Allowance Scheme as well as obtaining the views of officers and Members of the Council to which it relates and having regard to the following general principles:
- that Councillors undertake their Council work for the sake of public service and not private gain;
 - the varying demands placed upon Councillors, dependent upon their roles and responsibilities;
 - the need to fairly and equitably compensate Councillors, so far as the panel thinks appropriate, for the time and effort they can reasonably be expected to devote to their work as a Councillor;
 - the need for the scheme to be economic, efficient to administer and effective;
 - the requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate;
 - That recommendations should confirm with existing legislation and anticipate likely future legislation so far as possible.
- 1.3 The IRP shall be required in reporting its recommendations to include guidance on what is to be encompassed by each relevant allowance so as to ensure that the Members' Allowance Scheme is consistently applied.

2. Panel Membership and Appointment

- 2.1 The ("IRP") shall be comprised of 3 members of the public ("IRP Members")
- 2.2 IRP Members will be sought via advert in accordance with the Council's standard recruitment arrangements.
- 2.3 As part of this a person specification shall be drawn up to ensure that candidates who are appointed:
- are able to demonstrate a high degree of personal integrity;
 - are not members of any local authority and are not disqualified from being or becoming a member of a local authority;
 - have, if possible the appropriate level of skill, knowledge and understanding of setting remunerations;
 - have the necessary time and commitment for the role;
 - Are not affiliated to any political party – candidates must disclose the extent of their connections to a political party and whether these are such as to risk the effective discharge of the IRP's functions were the candidate to be appointed;
 - A knowledge of local government is preferable however a lack of familiarity will not be a bar to appointment.
- 2.4 Recruitment should be by either public advertisement or direct approach to appropriate business and community/voluntary sector organisations who command local respect and public confidence and would be able to nominate persons who should have the necessary skills, integrity, independence and who are recognisable members of the local business and voluntary/community sectors within their respective areas.
- 2.5 IRP Members will be appointed by the Council or by the Monitoring Officer where such delegation has been made.
- 2.6 The term of office of IRP Members will be three years each. Their appointment shall cease in circumstances where:
- is found guilty of any conduct which brings the office into disrepute e.g. being found guilty of a criminal offence, an act of dishonesty, made bankrupt or any other serious misconduct;
 - They have demonstrated a serious lack of diligence or incompetence;
 - They become an elected or co-opted member (or an employee) of the Council.
- 2.7 The IRP shall:
- require a quorum of 3 at all meetings;
 - meet a minimum of once per Municipal Year with additional meetings convened as necessary;
 - Otherwise devise its own rules for the conduct of meetings providing that they are consistent with legislative requirements and general good governance requirements.

Report Title: Emergency Decision taken by Chief Executive – Fee and Policies for Fit and Proper Person Register – The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020	
Report to: Council	
Date: 13 th December 2021	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Cole, Head of Governance and Monitoring Officer	

1. Purpose of the Report

- 1.1** To inform the Council that it became necessary to use the Special Urgency Provision as set out in Braintree District Councils (the Council) Constitution.

2. Recommendations

- 2.1** To note the use of the Special Urgency Provision as set out in the Constitution, and
- 2.2** To note the decision taken by the Chief Executive relating to the provision of the Fit and Proper Person applications and Policy.

3. Summary of Issues

- 3.1** The Council is under a statutory duty to enforce The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (the Regulations) and determine any application for a Fit and Proper Person. Adopting the Fit and Proper Persons Determination Policy will ensure that the Council are able to undertake the relevant enforcement activities and determine applications as they come forward.
- 3.2** From 1st October 2021, it is a criminal offence to operate a relevant protected site unless a fit and proper person is appointed. Accordingly, it was not possible to hold this decision over until the next available meeting of Council, and it was necessary to invoke the Councils urgency decision making provisions.
- 3.3** Paragraph 25.7.1(j) of the Councils Constitution sets out that the Chief Executive shall be authorised to take urgent non-executive decisions which are considered necessary to protect the interests of or for advancing the business of the Council.
- 3.4** In accordance with that provision the Monitoring Officer, on 13 October 2021 consulted the Chairman of the Council on the intention to activate the provisions of the urgent decision making of the Council.

- 3.5 The Regulations prohibit the use of land as a residential mobile home site, unless the Council is satisfied that the owner or manager of the site is a fit and proper person to manage the site. The purpose of the fit and proper person test is to improve the standards of park (mobile) home site management.
- 3.6 Accordingly on 11 October 2021, the Chief Executive approved the following decisions:
- 3.6.1 To approve the draft Fit and Proper Persons Determination Policy to enable compliance with The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
- 3.6.2 To adopt the proposed fees to accompany applications for inclusion in the Fit and Proper Person register; and
- 3.6.3 To delegate to the Head of Environment, the authority for the determination of applications received to be a Fit and Proper Person for the purposes of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and approve any in-year revisions to the Fit and Proper Person policy, as required.
- 3.7 The Decision Report was circulated to all Members on 15 October 2021 and is available on the Council's website.

4. Legal Implications

- 4.1 The use of the Urgency provision and the decision taken by the Chief Executive, was in accordance with the Council's Constitution.

5. Financial Implications

- 5.1 There are no financial implications arising out of this report. All financial implications arising out of the decision taken by the Leader were considered and are set out within that decision report.

6. Other Implications

There are no other implications

7. Equality and Diversity Implications

- 7.1 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.

8.2 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).

8.3 The Equality Impact Assessment was undertaken as part of the original decision.

9. List of Appendices

9.1 None.

10. Background Papers

10.1 [Decision report](#) dated 11 October 2021: policy for the Fit and Proper Person Application

Agenda Item: 11

Report Title: Cabinet's Report to Full Council	
Report to: Council	
Date: 13 th December 2021	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: N/A	

1. **Introduction**

This report covers the main activities of all Cabinet Members since the last ordinary meeting of full Council.

2. **Councillor Graham Butland - Leader of the Council**

2.1 **Outside Bodies**

Since the last meeting of Council I have attended the following meetings of outside bodies:-

- 26 October 2021 Essex Health & Wellbeing Board
- 29 October 2021 COP26 Carbon Battle Bus
- 3 November 2021 SELEP AGM
- 4 November 2021 Covid19 Local Outbreak Engagement Board
- 5 November 2021 EELA Informal Members Meeting
- 24 November 2021 Essex Health & Wellbeing Board
- 30 November 2021 Covid19 Local Outbreak Engagement Board
- 2 December 2021 Essex Leaders & CEOs Meeting
- 8 December 2021 North Essex CEO and Leaders
- 10 December 2021 SELEP Strategic Board
- 13 December 2021 Transport East Forum

2.2 **Levelling Up White Paper**

We await the forthcoming White Paper from the Secretary of State Michael Gove. If it is published before our meeting I will make a statement on it at Full Council.

3. Councillor John McKee – Cabinet Member for Finance and Corporate Transformation

3.1 Collection of Council Tax and Business Rates as at 31st October

Council Tax collection – 66.63% to end of October 2021 compared to 66.79% for 2020 and 68.03% for 2019. Target for the year is 98.3%. Amount collected £68.203m.

Business Rates collection – 61.63% to end of October 2021 compared to 64.34% for 2020 and 67.23% for 2019. Target for the year is 98.6%. Amount collected £23.499m.

Amount of Retail Relief and Nursery Relief (children) awarded increased to £8.311m (£8.197m at end August). The rate of discount reduced from 100% to 66% from July which required businesses to be rebilled part-way through the year and which has adversely impacted the in-year collection rate as payment plans were revised for the remainder of the year.

3.2 Housing Benefit Claims

Latest housing benefit performance data for October 2021 showed that new benefit claims were being processed on average in 14.63 days compared to a target of 22 days; and change events were taking an average of 3.91 days against a target of 6 days.

3.3 NHS Track and Trace payments

As at 31st October 2021, the Benefits Team had received a total of 2,621 (August 2,231) applications from residents, who had been told by NHS Test and Trace to self-isolate, for a payment of £500. Of these 1,206 applicants received payments totalling £603,000, and 1,381 applications were rejected as they did not meet the eligibility criteria for either the standard or discretionary schemes. 34 applications were awaiting further information being submitted before determining the claims.

3.4 Business Rate Pool

We have now agreed alongside the 14 other authorities in the current Essex Business Rate Pooling scheme to request that the scheme continues for 2022/23. Since 2015/16 the Council has benefited by over £3m from this arrangement, which has to date provided funding towards investment in the I-Construct Innovation Centre and the Horizon 120 Enterprise Centre.

3.5 Customer Services

The target for the call answer time has been reviewed and it has been agreed to amend this to a more realistic target of 30 seconds (rather than the previous 15 seconds). This takes effect from October in line with the publication of our new Annual Plan 'Bouncing Back Together'.

The average call answering time for October was 20 seconds, with 85% of calls answered within 30 seconds. The number of calls received in the month was 7,635,

the number of emails received was 674 and the number of online enquiries dealt with was 1,328. The percentage of calls resolved at first point of contact was 69%. The annual delivery of clear sacks took place over the summer which has resulted in a reduction in the number of people contacting the CSC.

The service has recently taken on an apprentice who has completed their training and they are now taking calls. The new apprentice, combined with improvements in call transfers has seen the call answer time go under 30 seconds for the first time since January 2021.

3.6 Human Resources

People Indicators of Performance

	20/21 Year End	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	21/22 Cumulative
Total headcount	499	495	492			
Total staff FTE	449.84	446.07	441.97			
Level of employee turnover	5.01%	3.03%	2.24%			5.27%
Number of leavers	25	15	11			15
Number of starters	32	11	8			11
Working days lost to sickness per employee	5.52 days	1.4 days	1.72 days			3.12 days
Percentage of staff with nil sickness	57.1%	84.8%	71.95%			
Number of learning hours	6114.5	1365.5	1556			2921.5
Number of delegates	280	189	169			358
Number of apprentices	16	16	14			

3.5 Recruitment

There has been an increase in the level of staff turnover in the first half of this year as indicated above and this includes a small number of senior managers which were anticipated, however a concerted and focussed recruitment campaign is underway and has created a significant increase in new starters in the Authority.

- Current advertising campaign in November 2021: HGV Technician Apprentice, Street Cleansing Operative and Digital Services Team Leader.
- At Interview Stage: Legal Administrator and Corporate Health & Safety Officer.
- Pre-Employment: Marketing & Communications Officer and Economic Development Officer.
- New Starters: Corporate Director (February 2022), Programme Manager, OD&L Assistant, Housing Options Officer, ICT & Facilities Manager, Senior Planner, HR Assistant, Head of Environment, Financial Services Manager, Marketing & Communications Officer.

4. Councillor Mrs Wendy Schmitt – Cabinet Member for Environment

4.1 Environmental Health

The team continue to distribute hundreds of covid-19 LFT test kits at pop-up stalls in high footfall areas and support the Contact Tracing Service. This includes regular Health Protection Boards to identify if our local approach to COVID response needs to be adjusted. Numbers are being monitored closely, specifically in schools.

New requirements for food allergen information to be provided on foods sold Pre Packed for Direct Sale (PPDS) came in on 1st October 2021 (Natasha's Law). The Food and Health & Safety Team are advising food businesses on the new requirements and have worked with Trading Standards on a mailshot.

4.2 Licensing

Licensing Officers undertook proactive checks of taxis with Essex Police over the course of a Friday night in October in Braintree, Witham and Halstead. Approximately 10 vehicles were checked and the operation highlighted no major issues.

Licensing Officers undertook proactive checks of Licensed Premises with Essex Police over the course of a Friday night in September. Four visits were made and a number of issues not normally identified were highlighted.

4.3 Sustainability

4.3.1 Electric Vehicle Charging

- 2 x 22Kw fast EV chargers at Victoria Square are to be installed and commissioned shortly.
- 2 x 22Kw fast EV chargers cables being laid for Enterprise Centre, Horizon site.
- 2 x 22kW fast EV chargers going in at I-Construct.

The energy switching auction has been paused for the first time in 5 years due to the current volatility with energy prices. We are working with partners to consolidate messaging and signposting advice. We are hoping to run February auction if market settles, as there is a backlog of people wanting to take part

4.3.2 Energy Efficiency - All schemes are progressing:

- ECO Flex now at 195 households signed up this year
- LAD 2 funding of £449K for Braintree District - about to sign the Inter Authority Agreement to launch the scheme with Warmworks
- Social Housing Decarbonisation Fund (SHDF) bid is in; announcement of successful applicants expected end of December.

4.3.3 Braintree District Council Website

The Council published its Climate Change Strategy in September 2021. The Strategy and Action Plan reflect the Council's aspirations for addressing climate change in the Braintree District over the period 2021-2030.

A Communications Strategy has been developed to help ensure the widest promotion of sustainability messages, measures and opportunities. The Council's website is one of the communication channels used to influence behaviour and increase awareness about how residents and businesses can contribute to reducing energy use and CO2 emissions through providing information and support. This month a series of videos were featured on the website showcasing what residents, businesses, schools and community groups are already doing to tackle climate change.

4.4 Operations

4.4.1 Green Heart: Community Bulb and Tree Planting

The scheme has proved popular, attracting interest from a wide variety of community groups. In total, 139 applications were received for the 185 packages that were available.

4.4.2 Car Park Tariff Machine Thefts

There has been a spate of thefts from car park ticket machines across Essex, with 12 in this District alone since 10th May 2021, the most recent occurring on Saturday 16th October. It costs approximately £1,000 for replacement parts every time a machine is broken into, as well as the stolen takings from the machines, which was over £3,000 at the last count. The most heavily targeted machines are at Newlands Drive and Mill Lane, Witham.

The Police recently caught two individuals 'in the act' in another District and will be pursuing investigations into the thefts as it may be the same culprits targeting all machines.

4.4.3 Essex Playing Fields Association Awards (EPFA)

At the EPFA awards ceremony held on Thursday 21st October 2021, the Council received 42 awards including:

- 21 Gold, (6 more than last year);
- 17 Silver (4 more than last year);
- 4 Certificates of Merit.

One of the gold awards was also the winner in Class 7 category (for exceptional work carried out during the year) for Braintree and Bocking Public Gardens. Whilst the Council doesn't own these Gardens, our staff do manage and maintain the play equipment as part of an historical arrangement and this was refurbished last year; we also plant up and maintain the flower beds.

4.4.4 Anglia In-Bloom (Virtual) Competition 2021

Operations has worked in partnership with Halstead in Bloom and between us we have entered all 10 categories in this year's competition. The closing date for entries was 31 July 2021 and the Council was notified of the results on 29 October. Both Gosfield and Halstead won Silver and Gold awards respectively in the Neighbourhood category.

4.4.5 Recycling And Waste Minimisation

Textile Banks: 19.9 tonnes of textiles have been collected since April 2021 which has generated approx. £2.5k in income.

Food & Drink Cartons: collections have now reached 10 tonnes.

Trial WEEE (Waste from Electrical and Electronic Equipment) Collections: We have collected 6,450kg of small WEEE waste to date. The scheme has slowed down in collection rates so we are working with Comms to try and push the message again.

Freegle: In July there were 2,146 members in Braintree's Freegle Group. By September, this had increased to 2,210 members.

4.4.6 Street Scene Enforcement

The information below shows the work undertaken by the Enforcement Team from 1 August 2021 to 30 September 2021.

- 41 Dog barking complaints investigated
- 6 Dog fouling complaints investigated
- 19 Stray dogs detained (15 stray dogs for Braintree District Council and 4 for Uttlesford District Council)
- 7 Statutory Notices served
 - 1 x Environmental Protection Act 1990 - requesting duty of care paperwork
 - 1 x Environmental Protection Act 1990 - requesting information,
 - 1 x Microchipping
 - 3 x Anti-Social Behaviour
 - 1 x Abatement Notice (noise)
- 18 - Fixed Penalty Notices served
 - 10 general litter
 - 2 littering of cigarette butts
 - 5 Unauthorised Deposit of Waste (fly tipping)
 - 1 Householder Duty of Care

On 22nd September 2021, a resident from Halstead was found guilty by Chelmsford Magistrates Court for 6 offences of fly tipping. They were fined £200, ordered to pay a victim surcharge of £30 and £550 towards the Council's costs.

This year we have seen a substantial increase in our recycling income from our Contract with Suffolk County Council. Last year we received an average of £21 per tonne for our material. In Quarters 2 and 3 of this year, the income per tonne was £65 and £76 respectively, with each £1 p/t extra generating an additional £10k. This evidences how the global market for recyclable material can fluctuate and 12 months

ago we could only have dreamt of this current level of income. Of course the market can always swing the other way without too much warning.

5. Councillor Tom Cunningham – Cabinet Member for Economic Growth

5.1 Business Adaptations Grant

On 22nd November the Council reopened the window for grant funding requests for the Business Adaptation Grant. The scheme is funded by Essex County Council and administrated by Braintree District Council. A further £400,000 has been made available and the scheme is expected to be open for a maximum of a 3 week period. Grants of up to £5000 are available for businesses to make adaptations to their businesses to respond to Covid 19.

5.2 Modern Methods of Construction (MMC)

Myself and officers attended an event to discuss the opportunities presented by modern methods of construction, particularly in relation to affordable housing. The event was hosted at the Braintree STEM Innovation Centre and was hosted by the Haven Gateway Partnership and Estuary Housing Association. Promoting MMC and innovations in the successful construction sector in Braintree District is a key part of our work at I-Construct.

5.3 North Essex Economic Board

The North Essex Economic Board (NEEB) goes from strength to strength and the group of 6 local authorities in north and mid Essex and ECC are in the mobilisation phase for a series of projects relating to business support and skills, in particular digital skills to ensure people can access the workforce. These projects are in addition to the 'Click It Local' online shopping service for local businesses which was launched in the summer. A programme manager has also been recruited to drive the project forward and is being hosted by BDC.

6. Councillor Kevin Bowers – Cabinet Member for Housing, Assets and Skills

6.1 Affordable Housing

There were 22 affordable housing completions in October 2021 on sites in Braintree and Witham which produces a total 212 completions for the year to date. For November 2021 we anticipate there are likely to be around 30 further completions.

The affordable housing delivery programme remains on track to comfortably exceed the annual plan target of 250 despite delays on some sites caused mainly because of supply issues with building labour and building materials. We are continuing to monitor this situation and will report further if this issue threatens our expectation of a minimum of 300 completions for the year.

6.2 Manor Street

Despite recent supply chain issues, works are progressing, with Travelodge completion projected in early December and the residential units, being bought by Eastlight, in January.

The Mid Essex CCG have reported that they are in an advanced stage of negotiations with a GP practice to move into the Livewell Hub facility.

6.3 Horizon 120

Construction of the new British Off-site (Weston Logistics) building began on the 26th November 2021.

Detailed planning negotiations are progressing in respect of plots 1, 2 & 3 at Zone C (which will see the final plots developed in this zone) and the EOS development (of grow on business units) in Zone B.

The electric mini-bus service, which will serve the Horizon 120 site and is being delivered in partnership with Essex County Council, will now commence in January 2022, as a result of recruitment difficulties being experienced by Essex County Council.

6.4 Horizon 120 Enterprise Centre

Recent supply chain issues have been resolved and practical completion is now projected for the end of June 2022. Work is already in hand to plan for the advertising of the office spaces, conferencing facilities, café and other on-site facilities and business support programmes in early 2022.

6.5 I-Construct

Practical completion of the I-construct building was achieved on the 30th November 2021. The buildings first tenants, the Haven Gateway Partnership, have already moved in and bookings have already been secured for the use of the meeting and conferencing facilities.

7. Councillor Mrs Gabrielle Spray – Cabinet Member for Planning and Infrastructure

7.1 Local Plan Section 2

Since the hearing sessions in July 2021 on the Local Plan Section 2, Officers have been working with the Inspectors, via the Programme Officer, to consider what Main Modifications need to be made to the Section 2. These were considered and approved to be taken to public consultation by the Local Plan Sub-Committee on 25th November 2021, alongside a revised Sustainability Appraisal and Strategic Environmental Assessment. A 6 week public consultation on the modifications therefore began on the 6th December 2021 which will be open until Monday the 24th January 2022.

7.2 Neighbourhood Plans

Braintree District now has five Neighbourhood Plans completed. The authority has just received the Inspectors report for the Kelvedon Neighbourhood Plan and will now be working through the process to send it to referendum in the New Year.

7.3 Planning Enforcement

Between July and October 2021, I chaired a cross party member reference group on Planning Enforcement. The group considered the current Planning Enforcement Service and specifically considered:

- The key principles and objectives
- The prioritisation of cases
- Approach to enforcement
- Quality and quantity of correspondence with customers

A final report with seven recommendations was agreed by the group and officers and I are now considering how those recommendations can be implemented to ensure the Council delivers an effective and efficient planning enforcement function.

7.4 Housing Land Supply

The Council recently received a very disappointing appeal decision in which, despite the Council winning the appeal, the Inspector considered that the Council's housing land supply position stood somewhere between 4.7 and 4.9 years, rather than the 5.34 years that the Council had indicated. As we won the appeal, the decision is not able to be challenged, however, the Council is able to present new and further evidence to an Inspector examining another case at High Garrett which started on 23rd November. A further enquiry is due to start in relation to another site in Black Notley on 14th December 2021. Whilst awaiting these decisions the Council will continue to consider planning applications for new residential development against the 'untilted' or 'flat' planning balance.

7.5 Planning Training for Parish Councils

Following the Member training for Planning held in September 2021, a similar session was held for Parish Councils and dealt with the Local Plan, Neighbourhood Planning and Housing Land Supply. For those who were not able to attend a copy of the slides and presentation is available.

8. Councillor Peter Tattersley – Cabinet Member for Health & Wellbeing and Councillor Frankie Ricci – Cabinet Member for Communities

8.1 Activate Holiday Hunger sessions – Summer Holiday 2021 report

The link below shows an infographic report and the impact of the government funded Holiday Hunger activity programme operated across the district, supporting those families who would normally benefit from the free school meals scheme during term time.

<https://www.livewellcampaign.co.uk/essex-activate-braintree-infographic/>

8.2 Encouraging return to swimming lessons in the District

With swimming being a life skill that was put on hold for many during the lockdown of the pandemic, there has been a real positive shift in uptake of child swimming lessons since re-opening after the Covid lockdowns at our districts swimming pools operated by Fusion Lifestyle. Overall numbers have now surpassed February 2020 figures by 26. Particular focus has been made on trying to open up as many early-stage classes as possible, this has given us the opportunity to increase capacity and occupancy in line with demand.

Site Name	Feb 2020 SS Members	October 2021 SS Members	vs Feb 2020 (Members)
Braintree Swim & Fitness	1097	1041	95%
Halstead Leisure Centre	439	510	116%
Witham Leisure Centre	809	820	101%

8.3 Cycle Storage Scheme

Braintree District Council's Cycle Storage Funding Scheme offers capital grants to invest in one site cycle storage to reduce traffic and parking issues in priority industrial areas.

Businesses and owners of industrial units can apply for a capital grant of up to £2,000 for cycle storage purchase and installation. Businesses can submit a joint application to enable a larger cycle storage facility to be placed between premises. The scheme aims to increase sustainable travel options and support behaviour change in support of Braintree District Councils Climate Change Strategy and Cycle Strategy, whilst reducing traffic and parking issues, and encouraging improved health and wellbeing.

The scheme is funded directly from the Industrial Estates Improvement Fund up to a value of £66,000 and we are accepting applications from small and medium sized businesses (with fewer than 250 employees) as long as it is based on one of the industrial estates in our district.

- Support available: Grants up to £2,000, although joint applications will be accepted
- Overall budget: £66,000
- Target of businesses to be supported: 30

Businesses who are members of the Cycle to Work scheme will be awarded additional marks. This scheme is born from the Government's 'Green Transport Plan' to encourage working adults to swap their car commute for a cycling one, and as an incentive, riders benefit from a tax exemption on the cost of their cycle commuting goods.

The scheme was launched on 8th November 2021 and to date we have received 5 application requests and 1 application submission.

The scheme will close to applicants once all the funding has been allocated.

8.4 Community Transport

The Community Transport services has started to see an increase in demand with the number of passenger journeys doubling over the last month with 1,561 journeys in September 2021 and 2,372 in October 2021.

19 of our volunteer drivers have returned and the team have working with C360 and Marketing & Comms to recruit new volunteers. We have also provided 53 confidence building trips which has enabled those of our members who were hesitant about getting back out into the community following the lockdown out and about again.

8.5 Essex Police, Fire & Crime Commissioner – Braintree District Public Meeting

Councillor Frankie Ricci, Chair of the Braintree District Community Safety Partnership was part of the panel at a Facebook Live public meeting hosted by the Police, Fire & Crime Commissioner for Essex – Roger Hirst. The Panel also included Chief Inspector Colin Cox, Terry Povey from Essex Fire Service and Adam Pipe, Head of Roads Policing. Residents put forward questions around visibility of policing, community speedwatch, drugs and county lines, special constables, drink and drug driving and burglary.

8.6 Councillors Community Grants

The review of the Councillors Community Grants Scheme has been completed, thank you to all Members who took the time to complete the survey. The way forward for the scheme will be considered through the budget setting process over the next few months.

As of the end of October 2021 42 grants have been awarded totalling £31,809.98.

8.7 Mental Health Workshop

At the most recent Multi-Agency Mental Health Workshop an update was provided by the Mid Essex Clinical Commissioning Group regarding the mid locality model of care which has a local Braintree hub that provides specific services and teams including a Dementia Intensive Support Team, a Memory Assessment Service, early intervention and psychosis and a pilot in Earls Colne around diagnosis in primary care. An update was also given about the Mental Health Support Teams for schools which are due to go live in January 2022 and will include 9 primary schools and 4 secondary schools from the district. These teams will provide extra capacity for early clinical interventions, support the promotion of good mental health, wellbeing and whole school approaches and provide evidence based interventions to support those with mild to moderate needs. The two Witham secondary schools are covered by the Maldon team, this is due to the configuration on the Primary Care Networks.

8.8 Dementia Activities

The Halstead Empire have relaunched the dementia friendly cinema showing monthly films for those people living with dementia, carers and anyone who may feel lonely or vulnerable. Freshwell Health Centre in Finchingfield were recently

presented with their DAA Certificate following the development of a comprehensive action plan.

On 7th December 2021, Greater Anglia are welcoming the first ever dementia music train for people living with dementia and their carers. The train will travel between Witham and Braintree with musical entertainment on board & then refreshments and further entertainment at the Town Hall.