

Council AGENDA

Monday, 8th October 2018 at 7:15pm

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

THIS MEETING IS OPEN TO THE PUBLIC
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Members of the Council are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest 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 Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 clear working days before the day of the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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Documents

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PUBLIC SESSION	Page
1 Apologies for Absence	
2 To receive any announcements/statements from the Chairman and/or Leader of the Council.	
3 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.	
4 Public Question Time (See paragraph above)	
5 Minutes of the Previous Meeting To approve as a correct record the minutes of the meeting of Full Council held on 23rd July 2018 (copy previously circulated).	
6 Apprenticeship Certificate Presentation: To receive a presentation from Councillor McKee, Cabinet Member for Corporate Services and Asset Management, including a presentation of certificates to the Council's Apprentices.	
7 Anglia in Bloom Awards Presentation To receive a presentation of the Anglia in Bloom Awards from Councillor Mrs W Schmitt, Cabinet Member for Environment and Place.	
8 Request for Dispensation under Section 85 of the Local Government Act 1972 for Councillor David Hume	6 - 8
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12	Recommendation from Licensing Committee – 12th September 2018 – Licensing Policy Statement In Respect of the Gambling Act 2005	19 - 62
13	Recommendation from Licensing Committee – 12th September 2018 – Animal Welfare Licensing	63 - 65
14	Reports from the Leader and Cabinet Members and oral questions from Councillors To receive the following reports from each Portfolio Holder. Oral Questions to the Cabinet: Members are reminded that following the presentation of each Cabinet Member's report, Members may put questions to the Cabinet Member on matters relating to their portfolio, the powers and duties of the Council or the District. Questions are not restricted to the contents of the Cabinet Member's report. Where a verbal response cannot be given, a written response will be issued to all Members. (Council Procedure Rules 29.1 to 29.4 apply). A period of up to 1 hour is allowed for this item.	
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15	List of Public Meetings Held Since Last Council Meeting	91 - 91

16 Note the dates of meetings of Full Council for the remainder of the Civic Year 2018/19 -

10th December 2018

25th February 2019

25th March 2019

23rd May 2019 (Annual General Meeting)

PRIVATE SESSION

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PRIVATE SESSION

There were no items for Private Session at the time this Agenda was published.

Request for Dispensation under Section 85 of the Local Government Act 1972 for Councillor David Hume		Agenda No: 8
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Mrs Jackie Pell, Group Leader for Halstead Residents' Association	
Report prepared by:	Emma Wisbey, Governance and Member Manager	
Background Papers:	Public Report	
Section 85 of the Local Government Act 1972	Key Decision: No	
Executive Summary:		
This report covers two related issues in relation to a Member's absence due to ill health and the requirement for Council to approve a dispensation where a Member is unable to attend a meeting of the Council over a six month period.		
Recommended Decision:		
It is recommend to Full Council:		
1. To approve a dispensation for Councillor David Hume from attending meetings of the Council by reason of illness for a six month period commencing 16 th May 2018, in order to avoid Councillor Hume ceasing to be a member of the Authority under Section 85 of the Local Government Act 1972. Any extension to the dispensation for Councillor David Hume is subject to a further approval at the appropriate time under (2) below;		
2. To agree that any future dispensations under Section 85, in the event of there not being a timely meeting of Full Council to consider the matter, to delegate to the Chief Executive authority to agree dispensations, having obtained the agreement of all of the Group Leaders prior to giving such approval. This is subject to the Chief Executive reporting dispensations agreed under this delegation to the next appropriate meeting of Full Council.		
Purpose of Decision:		
To enable Councillor Hume's compliance with a Member's obligations under the Local Government Act 1972.		

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

Financial:	If dispensation is not granted, unless Councillor David Hume attends a meeting of the Authority before 16 th November 2018 he will automatically cease to be District Councillor. On this occasion the vacancy would be held to the ordinary elections in May 2019.
Legal:	Under Section 85 of the Local Government Act 1972 dispensations for Members are a responsibility of Full Council.
Safeguarding:	None arising out of this report.
Equalities/Diversity:	None arising out of this report.
Customer Impact:	<p>The Ward of Halstead St. Andrew is represented by two District Councillors, Councillor David Hume and Councillor Stephen Kirby.</p> <p>Whilst Constituents of the Ward of Halstead St. Andrew can approach any Ward Member and/or any District Councillor in respect of their concerns; should dispensation not be granted the Ward may not be fully represented.</p>
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	These proposals have been notified to each of the Political Group Leaders.
Risks:	If dispensation is not granted Councillor David Hume will automatically cease to be a Member of Braintree District Council on 16 th November 2018.
Officer Contact:	Emma Wisbey
Designation:	Governance and Member Manager
Ext. No:	2610
E-mail:	emma.wisbey@braintree.gov.uk

1. Background

- 1.1 Members may be aware of Councillor Hume's on-going inability to attend Council meetings on the grounds of ill-health. Councillor Hume's last attendance at a qualifying meeting under Section 85 of the Local Government Act 1972 was the meeting of the Local Plan Sub-Committee on held 16th May 2018. Section 85 states that if a Member fails over a period of six consecutive months from the date of his last attendance to attend any meeting of the Authority he shall, unless the failure was due to some reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority. Qualifying meetings include attendance as a Member at a meeting of any Committee or Sub-Committee of the Authority or at a meeting of any Joint Committee, Joint Board or other body discharging functions of the Authority. It also includes attendance as a representative of the Authority at a meeting of, for example, an outside body.
- 1.2 Under Section 85 of the Local Government Act 1972 such dispensations for Members are a responsibility of Full Council. Therefore unless the Council agrees the recommendation, Councillor Hume will automatically cease to be a Member of the Authority on 16th November 2018. It is possible that similar situations will occur again and it is therefore proposed that in the event of there not being a timely meeting of Full Council to consider a dispensation request, that a flexible mechanism be introduced via a delegated authority to the Chief Executive to consider such requests and which would avoid the need to call an extraordinary meeting of Full Council to deal with the issue.

Recommendation from Cabinet – 10th September 2018 – Strategic Investment Team – Permanent Structure Resource Proposal	Agenda No: 9
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Portfolio	Corporate Services and Asset Management
Corporate Outcome:	<p>A sustainable environment and a great place to live, work and play</p> <p>A well connected and growing district with high quality homes and infrastructure</p> <p>A prosperous district that attracts business growth and provides high quality employment opportunities</p> <p>Residents live well in healthy and resilient communities where residents feel supported</p> <p>A high performing organisation that delivers excellent and value for money services</p> <p>Delivering better outcomes for residents and businesses and reducing costs to taxpayers</p>
Report presented by:	Councillor John McKee, Cabinet Member for Corporate Services and Asset Manager
Report prepared by:	Jessica Mann, Governance and Members Officer

Background Papers:	Public Report
Reports and Minutes of Cabinet – 10th September 2018	Key Decision: No
District Investment Strategy	

DRAFT MINUTE EXTRACT

CABINET – 10th September 2018 – Minute 27

STRATEGIC INVESTMENT TEAM – PERMANENT STRUCTURE RESOURCE PROPOSAL

INFORMATION: Consideration was given to a report on the portfolio of projects identified and developed by the Strategic Investment Team.

Members were informed that a permanent structure was required to be put in place of the current transitional staffing arrangement, which would ensure that the Team had sufficient capacity and dexterity in order to deliver the Council's ambitious capital projects within the stated time frame and budget, and to a high standard.

It was advised that the proposed permanent Team would include a mixture of permanent staff for the purposes of continuity and knowledge retention. Temporary

consultant staff would cover short term contracts and any skill gaps that could arise. In total, the number of Full-Time Equivalent staff (FTE) would increase to 7.6.

Members were informed that a net additional budget of £2,710,700 was needed in addition to the current approved budget of £737,960 over a four-year period, 2019 to 2023. The increase would help enable the Team to recruit the required number of permanent staff in a market where the need for specialist staff was highly competitive. It was recommended that the additional funding was allocated in part from recharges to capital and the Housing Development Company, a figure of £719,477, and also from the unallocated New Homes Bonus, a figure of £1,991,223. The Authority recognised that a premium would be needed to attract the appropriate staff, and the proposed budget included the anticipated costs of employing recruitment consultants, in addition to the required salary levels.

It was reported that current projects being developed by the Strategic Investment Team included the Manor Street Regeneration Project, the establishment of a Housing Development Company (DevCo), the Great Notley Employment Site (GNES), Witham Enterprise Centre, I-Construct Innovation Centre, the Millennium Way Slip Roads and the identified housing sites. To ensure that sufficient, non-aligned resources were available to identify and progress further commercial opportunities, it was proposed that the current projects be allotted into six key areas of work; Officer and Member engagement, the Manor Street Project, GNES and Commercial, establishment of DevCo and site development, Section 106 opportunities and Infrastructure.

In order to support feasibility work and specialist consultancy services, the Strategic Investment Team budget would include £200,000 per annum to allow the team to exploit new opportunities in advance of formal approvals. The proposed budget also encompassed an allowance of £100,000 to support wider anticipated Council resources. It was added that the £100,000 budget would be managed by the Corporate Director for Resources.

DECISION:

That Cabinet **Recommends to Full Council:**

- (1) That the budget increase over a four year period, 2019/2023 of £2,710,700 for the Strategic Investment Team be approved as detailed in the report.
- (2) That funding be provided from an allocation of £1,991,223 from the unallocated New Homes Bonus and the balance of £719,477 be capitalised and recharged to the Housing Development Company.

REASON FOR DECISION: To enable the recruitment of permanent staff to the Strategic Investment Team's new structure, which will enable the delivery of a wide range of capital projects delivering both capital and revenue income to the Council.

Recommended Decision:
It is recommended to Full Council:
<ol style="list-style-type: none">1. That the budget increase over a four year period, 2019/2023 of £2,710,700 for the Strategic Investment Team be approved as detailed in the report.2. That funding be provided from an allocation of £1,991,223 from the unallocated New Homes Bonus and the balance of £719,477 be capitalised and recharged to the Housing Development Company.
Purpose of Decision:
To enable the recruitment of permanent staff to the Strategic Investment Team's new structure, which will enable the delivery of a wide range of capital projects delivering both capital and revenue income to the Council.

Recommendation from Cabinet – 10th September 2018 – Medium-Term Financial Strategy 2018/19 to 2021/22		Agenda No: 10
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	Finance and Performance	
	A high performing organisation that delivers excellent and value for money services	
	Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Councillor David Bebb, Cabinet Member for Finance and Performance	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:		Public Report
Reports and Minutes of Cabinet – 10th September 2018		Key Decision: No
Council Budget and Council Tax 2018/19 and Medium-Term Financial Strategy 2018/19 to 2021/22 report to Cabinet 5th February 2018 and Council 19th February 2018		
DRAFT MINUTE EXTRACT		
CABINET – 10th September 2018 – Minute 29		
<u>MEDIUM-TERM FINANCIAL STRATEGY 2018-19 TO 2021-22</u>		
INFORMATION: Councillor Bebb, Cabinet Member for Finance and Performance, introduced the report to Members and underlined the following information.		
The Medium Term Financial Strategy (MTFS) for the period 2018/19 to 2021/22 was agreed by Full Council on 19 th February 2018. The projected total shortfall in February 2018 for the MTFS over the three-year period was £0.928million. This was based on savings and additional income identified to be delivered over the period; increases in the level of Council Tax after 2019/20 were based on the previous maximum of 2% and provisional Settlement Funding Assessments (SFA) figures for the period 2019/20 that were announced by the Government. The projected shortfall for 2019/20 was £622,000.		
Reference was made to the Technical Consultation by the Ministry of Housing, Communities and Local Government (MHCLG) for the 2019/20 Local Government Finance Settlement and an invitation to Local Authorities to submit an application to pilot the 75% business rates retention scheme in 2019/20.		
The technical consultation covered four areas:		

- Proposal to confirm the final year of the four-year settlement offer which began in 2016/17. The indicative figures for 2019/20 showed that the Settlement Funding Assessment for the Council would be £3.137million, which represented a reduction of £489,570, or 13.5%, over the current year.
- The New Homes Bonus Scheme - the Government was expecting to increase the national baseline for housing growth in 2019/20 from the current figure of 0.4% due to the continued upward trend for house building. In light of this increase, the Council was unlikely to receive a New Homes Bonus payment for next year.
- With regard to the Council Tax Referendum Principles, the Government intended to apply the same principles in 2019/20 as had been implemented in 2018/19; for Councils and Shire Districts in two-tier areas would be permitted increases of up to 3%, or up to and including £5.00, whichever was higher; it was this principle that the Council was currently applying.
- Negative Revenue Support Grant (RSG) - due to reductions in Core Spending Power, some authorities with high business rates had experienced substantial declines in RSG. A small number of authorities had also exceeded their Core Spending Power and a negative adjustment, "negative RSG" was therefore necessary. The four-year settlement indicated that the Council was subject to a negative RSG of £291,482 in 2019/20; however, the Government proposed to eliminate the negative RSG adjustments in 2019/20.

The Government had indicated that it wanted to see authorities form business rates pools to apply jointly for pilot status, which would comprise a County Council and the associated District Councils, a group of Unitary Authorities, or a two-tier area and adjoining Unitaries. Members were advised that it was in the interests of the Greater Essex area for the Council to participate in a bid. The deadline for the submission of a proposal to the MHCLG for either a pilot bid or the revocation of the existing Essex Pool and the creation of a new Pool in 2019/20 was 25th September 2018, the decision of which was to be finalised by the Cabinet Member for Finance and Performance and the Corporate Director (Finance).

Local Government accounts were required to apply the International Financial Reporting Standard (IFRS) 9 – Financial Instruments, which introduced the concept of increased accountability within Local Authorities for their investments. The Council would be required to account for any decrease or increase in the value of its financial assets. Following representations from a number of Local Authorities regarding the potential impact of this change, the MHCLG, on 25th July 2018, issued a consultation on a proposed statutory override for local authorities. It was proposed that the Council responded to the consultation by agreeing to issue a statutory override, but that no time limit be placed on the override.

Funding reforms of Local Governments would be introduced from 2020/21, which would entail a 75% Business Rate Retention Scheme and a reset of Business Rate Baselines which would be as informed by the outcomes of the Fair Funding Review and the Government's Spending Review 2019.

It was explained that the Government would consult on its proposals over the next 12 months, and that there were a myriad of issues to be considered during this time, including; the design of the Business Rate Retention Scheme, the treatment of growth above the baseline achieved under the current scheme, safety net arrangements and the funding of appeals and the mechanics of the Review. It was therefore difficult to anticipate what the impact on the Council's finances for 2020/21 onwards would be, due to the sheer volume of issues under examination by the Government.

Members received an update on the financial assumptions under the current MTFS. Initial work on updating the MTFS had commenced and included a review of the current year's budgets in light of the 2017/18 financial outturn, a review of the savings and additional income proposals to be delivered, a review of other assessments and an assessment of the information received which had financial consequences for the Council. A number of 2018/19 budgetary variations, both positive and negative, were expected to continue and have an impact in 2019/20.

A major variation included Development Management, which was viewed as largely positive as it incorporated a notable increase in development income and the amount of applications received. However, it was acknowledged that additional staff were required to address the increase in pressure on the Planning Department. As such, a virement was proposed between income and staffing budgets. Other variations included Recycling, which as a result of changes in market condition over recent months, the current budget for the gate fees incurred for the disposal of recyclable materials was to be exceeded by £220,000; vehicle fuel costs had also increased which would result in a budget overspend of £50,000; under Asset Management, rental income streams were increasing due to the recent addition of commercial properties such as the Enterprise Centre and Osier House, with predicted additional income of £127,000 in the current year.

A high level assessment of the pressures and/or events that would impact on the Council's financial position over the next four years had identified a number of emerging issues, the majority of which were not currently quantifiable. Amongst the issues was the contract for the maintenance of the Council's vehicle fleets which was due to end on 31st March 2019. Following a review, it was agreed to bring this function back in-house. This would present a number of advantages for the Council overall, such as financial savings of £45,000 per annum, and the ability for the Council to regain full control and management of its fleet operation, allowing it to protect and safeguard its own legal position in relation to its Operator's Licence. It was requested that a capital provision of £150,000 be allocated in the current year to enable the vehicle workshop to be equipped and ready for operation in April 2019. Reference was also made to the uncertainties surrounding Essex County Council's (ECC) contributions to the Council which comprised a number of income streams such as Waste Collection, Council Tax Sharing Agreement and Community Transport. The Council's financial position in this respect was thus indeterminable until budgetary agreements had been confirmed by ECC. It was concluded that the changes to the assumptions and the proposed removal of the negative Revenue Support Grant (RSG) would result in an updated financial shortfall for 2019/20 of £465,000.

With regard to the budget and Council Tax for 2019/20 and the MTFS for 2019/20 to 2022/23, the approach to address the anticipated shortfalls would be the delivery of the "Roadmap to 2020," the main focus of which was the expected shortfall of £0.465million for 2019/20, although this did not preclude the identification of cost reductions and

additional income for the following three years for the which the shortfall levels likely to occur were not yet determined.

Finally, it was remarked that the Council's approach to the Housing Growth Agenda included two key areas; the Garden Communities Project, and the potential establishment of a housing development company. If agreed, this approach would have a significant impact on the Council's medium to long-term financial projections. However, as the projects were currently in the development stages, the only financial requirements thus far had been contributions to the feasibility work, the set-up of the North Essex Garden Communities (NEGC) Ltd and the three Local Development Vehicles. Two contributions of £250,000 had been allocated for the Garden Communities with indications that a request to the four councils would be received for additional short-term working capital to fund the on-going activities of the NEGC Ltd for 2018/19 into 2019/20, whilst the longer term costs were also being considered. An allocation of £130,000 had also been approved for the preparation of a full business case in respect creating a Housing Development Company, for which official recommendations were expected to be made in February 2019.

DECISION:

- (1) That the 2019/20 budget process timetable be noted as detailed in the report.

Business Rates Retention:

- (2) That it was agreed, in principle, the Council participates in an Essex bid to be a Business Rates pilot, if either the bid is unsuccessful, or no bid is submitted, to participate in an Essex Business Rates Pool for 2019/20.
- (3) That it was agreed that authority is delegated to the Cabinet Member for Finance and Performance and the Corporate Director (Finance) to give final agreement to the Council's participation in an Essex pooling arrangement.

That Cabinet **Recommends to Full Council:**

General Fund Revenue Account 2018/19:

- (4) A virement of £181,500 from the Planning Application Fees budget to the Development Management Staffing budget.

Capital Programme 2018/19

- (5) A capital provision of £150,000 in the current year for the equipping and fitting out of the vehicle maintenance workshop to be ready for operation in April 2019, the provision of which would be funded from capital receipts.

REASON FOR DECISION: To ensure that there are good governance arrangements through the proactive management of the Council's finances over the short and medium term.

Recommended Decision:

It is recommended to Full Council that:

General Fund Revenue Account 2018/19:

1. A virement of £181,500 from the Planning Application Fees budget to the Development Management Staffing budget.

Capital Programme 2018/19:

2. A capital provision of £150,000 in the current year for the equipping and fitting out of the vehicle maintenance workshop to be ready for operation in April 2019, the provision of which would be funded from capital receipts.

Members are requested to note that Recommendations 1 to 3 set out in the Minute Extract do not require a decision of Full Council and are matters for Cabinet.

Purpose of Decision:

To ensure that there are good governance arrangements through the proactive management of the Council's finances over the short and medium term.

Recommendation from Cabinet – 10th September 2018 – Treasury Management Annual Report 2017-18		Agenda No: 11
Portfolio	Overall Corporate Strategy and Direction Finance and Performance	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Councillor David Bebb, Cabinet Member for Finance and Performance	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:		Public Report
<p>Reports and Minutes of Cabinet – 10th September 2018 Reports and Minutes of Governance Committee – 25th July 2018</p> <p>Treasury Management Strategy Statement 2017/18 approved by Cabinet on 6th February 2017 and Full Council 22nd February 2017</p> <p>Council Budget and Council Tax 2017-18 and Medium Term Financial Strategy 2017-18 to 2020-21</p>		Key Decision: No
DRAFT MINUTE EXTRACT		
CABINET – 10th September 2018 – Minute 31		
<u>RECOMMENDATION FROM GOVERNANCE COMMITTEE – 25TH JULY 2018 – TREASURY MANAGEMENT ANNUAL REPORT 2017-18</u>		
<p>INFORMATION: The Council's treasury management activities were regulated by statutory requirements and by a Code of Practice issued by the Chartered Institute of Public Finance (CIPFA). One of the key requirements of the Code was that, along with an annual strategy to be approved prior to the commencement of the financial year, and at least one mid-year report, the Council should also receive an annual report after the financial year-end.</p> <p>The Treasury Management Strategy Statement (TMSS) for 2017/18 had been approved by Full Council on 22nd February 2017 as part of the overall Budget and Council Tax setting for the forthcoming financial year. The annual report contained an external context which provided an economic and credit background from the Council's treasury</p>		

management advisors, Arlingclose, as to key events that had taken place over the course of the financial year.

The Corporate Director (Finance) confirmed in the report that all treasury management activities undertaken during 2017/18 had complied fully with the CIPFA Code of Practice and the Council's approved TMSS.

DECISION: That Cabinet accepts the Treasury Management Annual Report 2017/18, prior to its submission to Full Council.

REASON FOR DECISION: The Council had adopted the CIPFA Code of Practice for Treasury Management in Public Services, which required that the Council received an annual report on the treasury management function. This report is considered first by the Governance Committee in order to exercise its responsibility for scrutiny over treasury management activities. The report is then considered by Cabinet before submission to Full Council with the benefit of any proposed changes and/or comments of the Governance Committee.

Recommended Decision:

That the Treasury Management Annual Report 2017/18 is accepted by Full Council.

Purpose of Decision:

The Council had adopted the CIPFA Code of Practice for Treasury Management in Public Services, which required that the Council received an annual report on the treasury management function. This report is considered first by the Governance Committee in order to exercise its responsibility for scrutiny over treasury management activities. The report is then considered by Cabinet before submission to Full Council with the benefit of any proposed changes and/or comments of the Governance Committee.

Recommendation from Licensing Committee – 12th September 2018 – Licensing Policy Statement In Respect of the Gambling Act 2005		Agenda No: 12
Portfolio	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play	
Report presented by:	Councillor Michael Banthorpe, Chairman of Licensing Committee	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:		Public Report
Licensing Committee Reports and Minutes – 12th September 2018 Braintree District Council Draft Gambling Licensing Policy Statement 2019 Gambling Commission – Guidance to Licensing Authorities (5th Edition)		Key Decision: No
DRAFT MINUTE EXTRACT		
Licensing Committee – 12th September 2018 – Minute 15		
<u>GAMBLING ACT 2005 - REVISED STATEMENT OF LICENSING POLICY</u>		
<p>INFORMATION: The Committee was advised that the Gambling Act 2005 authorised the Council to approve the use of premises for various gambling activities. The Council was also required to publish a Statement of Licensing Policy setting out the principles that it would generally apply when determining applications in order to ensure that the three licensing objectives of the Act were promoted. The Council was required to review its Policy every three years.</p> <p>A draft, revised Statement of Licensing Policy had been published for public consultation for a period of 12 weeks. No representations had been submitted during the consultation period. The proposed Statement of Licensing Policy was attached to the Agenda report as an Appendix.</p>		
DECISION:		
<p>(1) That it be <u>RECOMMENDED to Council</u> that the Gambling Act 2005 - Revised Statement of Licensing Policy, including the scheme of delegation set out in the Policy, be adopted and published, as set out in the Appendix to the report.</p>		

(2) That the Environmental Health Manager (Food, Health and Safety and Licensing) be authorised to make minor amendments to the Policy, as required, before its submission to Council.

Recommended Decision:

It is recommended that:

The Gambling Act 2005 - Revised Statement of Licensing Policy, including the scheme of delegation set out in the Policy, be adopted and to come into effect from 1st January 2019.

Note: Attached to this report is an updated version of the Policy Statement containing the minor amendments proposed by the Licensing Committee.

Purpose of Decision:

The re-published Policy will update the Policy in line with current guidance and set out the principles that the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications for licences made under the Act for the subsequent three years.

BRAINTREE DISTRICT COUNCIL



GAMBLING LICENSING POLICY STATEMENT 2019 -2022

Gambling Policy Document – Adopted 1st January 2019

FOREWORD

This is the fifth Statement of Licensing Policy produced by Braintree District Council under the Act and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing in 2019.

The Act created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These Authorities are responsible for issuing a number of different permits, as well as Temporary and Occasional Use Notices.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the District and well-run businesses will get the support of the Council. New gambling related developments that are well planned, and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling, are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

This Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek, through the licensing process and the decisions it takes, to make Braintree a safe and welcoming place for both residents and visitors to enjoy.

Councillor Michael Banthorpe
Chairman, Licensing Committee

Version History

Version No:	Period to which policy applies:	Review date:
1	2007-09	2009
2	2010-12	2012
3	2013-15	2015
4	2016-19	2019

BRAINTREE DISTRICT COUNCIL
GAMBLING LICENSING POLICY STATEMENT

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PART A

1 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles the Braintree District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2. THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. DESCRIPTION OF THE DISTRICT

3.1 The Braintree District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. Braintree District has a population of 149,108 (2013 Mid-Year Population Estimate from Office of National Statistics) and covers an area of 236 square miles. The main centres of population are in the towns of Witham, Halstead and Braintree. A map of the area is attached to this Policy document at Annex 'D'.

4. RESPONSIBILITIES UNDER THE ACT

4.1 The Act has introduced a new licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.

- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Braintree District Council is the Licensing Authority for the Braintree District.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- in accordance with any relevant Codes of Practice;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - reasonably consistent with the Licensing Objectives, and
 - in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5. STATEMENT OF LICENSING POLICY

- 5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising their functions under the Act.

- 5.2 In this document this is referred to as the 'Policy'. This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 5.3 This Policy takes effect on 1st January 2019, and replaces the policy previously in force.

6 CONSULTATION

- 6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is also provided below.
- 6.2 The Act requires that the following parties are consulted by the Licensing Authority:-
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 6.3 The other groups and people consulted were:-
- organisations, including faith groups, voluntary and community organisations working with children and young people and organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizen's Advice Bureau;
 - other tiers of local government;
 - businesses who are, or will be, holders of Premises Licences;
 - responsible Authorities under the Act.
- 6.4 The Licensing Authority's consultation took place between 11th May 2018 and 19th August 2018.
- 6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to the Licensing Department in writing, or by email licensing@braintree.gov.uk

7 APPROVAL OF POLICY

- 7.1 This Policy was approved by Braintree District Council on 8th October 2018 and was published via its website on the 1st January 2019. Copies are available on request.

- 7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8 DECLARATION

- 8.1 In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process and will adopt the Principles of Better Regulation.
- 8.2 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Council's Policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations under the Act.
- 8.3 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes as Equality Impact Assessment.

9 RESPONSIBLE AUTHORITIES

- 9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix B. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.
- 9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- the competency of the body to advise the Licensing Authority;
 - the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons rather than any particular invested interest group, etc.
- 9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex County Council Children's Safeguarding Service for this purpose.

10 INTERESTED PARTIES

- 10.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) has business interests that might be affected by the authorised activities,*
- or*
- c) represents persons who satisfy paragraphs (a) or (b).'*

- 10.2 Interested parties can be persons who are democratically elected, such as District, Parish Councillors and Members of Parliament (MP). No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties.
- 10.3 District Councillors who are members of the Licensing Committee will not qualify to act in this way.
- 10.4 Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.
- 10.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.
- 10.6 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-
- the size of the premises;
 - the nature of the premises;
 - the distance of the premises from the location of the person making the representation;
 - the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
 - the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
 - the catchment area of the premises (i.e. how far people travel to visit); and
 - whether the person making the representation has business interests in that catchment area that might be affected.
- 10.7 The Licensing Authority will decide if a representation made in respect of an application is valid based on the following
- It is not frivolous or vexatious.
 - It raises issues that relate to Guidance issued by the Gambling Commission.
 - It raises issues that relate to this Policy.

- It relates to the Licensing Objectives.

11 EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- the General Data Protection Regulation;
- Human Rights Act 1998;
- Freedom of Information 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form.) An audit trail should include:-

- record of data disclosed;
- project chronology; and
- notes of meetings with other partners and recent correspondence including phone calls.

11.3 In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act.

11.4 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

12 PUBLIC REGISTER

- 12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13 COMPLIANCE AND ENFORCEMENT

- 13.1 Braintree District Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services.
- 13.2 The Authority has had regard to the Regulators Code in the development of this Policy and any operational procedures relevant to this specific licensing regime. The Authority has regard when setting standards or providing guidance which will guide the regulatory activities of other regulators.
- 13.3 The Authority in following these principles if in a particular instance concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable, or is outweighed by another relevant consideration, will not follow that provision but will aim to record the decision and the reasons for it.
- 13.4 The Code specifies the following guiding principles that the Council support and adopt:
- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
 - Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
 - Regulators should base their regulatory activities on risk.
 - Regulators should share information about compliance and risk.
 - Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
 - Regulators should ensure that their approach to their regulatory activities is transparent.
- 13.5 Braintree District Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four Licensing Objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit offences or fail to comply with licence conditions. Braintree District Council has set clear standards of service and performance that the public and businesses can expect. In particular, the Environmental Services' Statement of Enforcement Policy that explains how the

Council will undertake its role as Licensing Authority and how the principles of effective enforcement are achieved. This Policy is advertised and is freely available as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: www.braintree.gov.uk.

- 13.6 Braintree District Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.
- 13.7 The Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Operators will always be advised of the outcome of the test. Where operators carry out their own test purchasing, the Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator.
- 13.8 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this Policy there were four Primary Authority arrangements with host authorities.
 - Coral – London Borough of Newham
 - Ladbrokes – Milton Keynes
 - Paddy Power – Reading
 - William Hill – City of Westminster

14 DELEGATION OF POWERS

- 14.1 The Council has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Appendix.

<p style="text-align: center;">PART B PREMISES LICENCES</p>

15. GENERAL PRINCIPLES

- 15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions, which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.
- 15.2 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objectives concerns can be overcome.
- 15.3 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-
- a) in accordance with any relevant Code of Practice under Section 24 of the Act;
 - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - c) reasonably consistent with the Licensing Objectives (Subject to paragraphs a) and b))and
 - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

15.4 Definition of Premises:

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises, although this will always be considered in the light of the guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

15.5 Demand:

Demand is a commercial consideration and is not an issue for the Licensing Authority.

15.6 Location:

Location will only be a material consideration in the context of the Licensing Objectives.

- 15.7 The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of the premises but that considerations in terms of the Licensing Objectives can. The Licensing Authority will pay particular attention to the objectives of protection of children and

vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

- 15.8 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the Licensing Objectives. From 6th April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, that licensees assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this Policy.
- 15.9 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this Policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.
- 15.10 The Licensing Authority expects the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation;
 - whether the premises is in an area subject to high levels of crime and/or disorder;
 - the ethnic profile of residents in the area, and how game rules, self-exclusion leaflets, etc., are communicated to those groups;
 - the demographics of the area in relation to vulnerable groups; and
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- 15.11 In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 15.12 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
 - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
 - The layout of the premises so that staff have an unobstructed view of persons using the premises.
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
 - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by, etc.

- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines.

15.13 The Licensing Authority expects all licensed premises' to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.

15.14 Such information may be used to inform the decision the Council makes about whether to grant a licence, to grant a licence with special conditions or to refuse an application.

15.15 This Policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

15.16 Local Area Profile:

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a Local Area Profile (LAP). The LAP is published as a separate document to this Policy and does not form part of it. The LAP may be reviewed by the Licensing Authority at any time. Such a review would not constitute a review of this Policy.

15.17 The LAP should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the LAP and assessment, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations. The LAP should not be taken as the definitive overview of a particular area and applicants are encouraged to use their own local knowledge in addition to the content of the LAP to inform their local risk assessments.

15.18 The Licensing Authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However, an applicant who decides to disregard the LAP should be alert to the risk that they may face additional representations and the expense of a hearing as a result. A template of a suggested local risk assessment form for is included at **Annex E**. Applicants and licence holders may use this template or create their own.

15.19 Duplication with other Regulatory Regimes:

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

15.20 Licensing Objectives:

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –**

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

- **Ensuring that gambling is conducted in a fair and open way –**

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

In practice, the objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

The Council will pay attention to the proposed location of gambling premises in terms of the proximity of gambling premises to schools and vulnerable adult centres, or residential areas where there may be a high concentration of families with children.

There is no definition of the term ‘vulnerable person’ in the Act, but this could include people who are gambling beyond their means and people who may not have the mental capacity to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted, and will fully scrutinise the control measures outlined in an operator’s local area risk assessment in this regard.

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this Licensing Objective. Appropriate measures may include supervision of entrances / machines, segregation of areas, etc.

15.20 Conditions

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing Objectives.

Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In addition, the Licensing Authority will examine how applicants propose to address the Licensing Objectives. In considering applications the Licensing Authority will particularly take into account the following:

- proof of age schemes;
- CCTV;
- door Supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours; and
with particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

15.21 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

15.22 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

15.23 **Door Supervisors:**

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at Casinos or Bingo premises need not be licensed by the Security Industry Authority.

The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

15.24 **Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

15.25 **Betting Machines: (See Annex A for definition)**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*). This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the Licensing Objectives. Where there is such evidence, this authority may consider, when reviewing the Licence, the ability of staff to monitor the use of such machines from the counter.

15.26 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

15.27 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or guidance issued under the Act.

16 PROVISIONAL STATEMENTS

- 16.1 It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provisional Statement'. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as Planning Consent.

The applicant should refer to the Act and the detailed information provided in the Guidance.

17 REPRESENTATIONS AND REVIEWS

- 17.1 Representations and Applications for Review of Premises Licence may be made by Responsible Authorities and interested parties.
- 17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Head of Environment and Leisure as being the proper person to act on its behalf.
- 17.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:
- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy.
 - Frivolous or vexatious.
 - Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a Licence or remove, amend or attach conditions on the Licence.
 - Substantially the same as previous representations or requests for a review.
 - In accordance with any relevant codes of practice issued by the Gambling Commission.
 - In accordance with any relevant guidance issued by the Gambling Commission.
 - Reasonably consistent with the Licensing Objectives.
- 17.4 There is no appeal against the Authority's determination of the relevance of an application for review.

18 ADULT GAMING CENTRES

- 18.1 An Adult Gaming Centre is defined in Annex A. Entry to these premises is age restricted.

- 18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

19 (LICENSED) FAMILY ENTERTAINMENT CENTRES

- 19.1 A Licensed Family Entertainment Centre is defined in Appendix 1. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20 CASINOS

- 20.1 The Licensing Authority has made no decision about Casinos, therefore, each application will be considered on its own merits.

20.2 Casinos and Competitive Bidding:

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style Casino, there are likely to be a number of operators which will want to run a Casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State.

20.3 Betting Machines:

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

- 20.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.5 Credit:

Credit facilities are prohibited in Casinos. However, this does not prevent the installation of cash dispensers (ATMs) on the premises (although the Licensing Authority may attach conditions as to the siting of such machines).

21 BINGO PREMISES

- 21.1 A Bingo premises is defined in Annex A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 21.3 **Credit:**

Credit facilities are prohibited in premises licensed for Bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22 BETTING PREMISES

- 22.1 Betting Premises are defined in Annex A.
- 22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 22.3 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

23 TRACKS

- 23.1 A Track is defined in Annex A. Entry to these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.
- 23.2 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act

24 TRAVELLING FAIRS

- 24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

<p style="text-align: center;">PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS</p>
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25 GENERAL

- 25.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.
- 25.2 Forms and Method of Application and any additional information or documents required for Permits covered by this section will be available either direct from our website (www.braintree.gov.uk) or in hard copy from our Licensing Department, Tel 01376 557790.

26 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 26.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it may apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 26.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.
- 26.3 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic Criminal Record Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
 - How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
 - Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises;
 - safeguarding awareness training, and
 - suspected truant children.

27 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current Permit.
- 27.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.
- 27.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.
- 27.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-
- adult machines being in sight of the bar;
 - adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
 - appropriate notices and signage; and
 - as regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/helpline numbers for organisations such as GameCare.
 - Relevant Codes of Practice issued by the Gambling Commission.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

28 PRIZE GAMING PERMITS

- 28.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic Criminal Record Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
 - Proof of age schemes
 - How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
 - Training covering how staff would deal with:-

- unsupervised, very young children being on the premises;
- children causing perceived problems on/around the premises;
- safeguarding awareness training, and
- suspected truant children.

In addition, applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect).

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

29 CLUB GAMING AND CLUB MACHINE PERMITS

29.1 Member's Clubs and Miner's Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

29.2 Commercial clubs may apply for a club machine permit, subject to restrictions.

29.3 The gambling provided under the authority of a Club Gaming Permit must also meet the following conditions:

(a) in respect of gaming machines:

no child or young person may use a category B or C machine on the premises

that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

(b) the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

29.4 Section 273 of the Act sets out the conditions that will apply to the Club Machine Permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

30 TEMPORARY USE NOTICES (TUN)

30.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 2.

30.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

30.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having

a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

- 30.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 30.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

31 OCCASIONAL USE NOTICES (OUN)

- 31.1 Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 31.2 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 31.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 31.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 31.5 The person designated to receive the OUNs and assess validity is specified in the scheme of delegation as shown at Annex E.

32 SMALL SOCIETY LOTTERIES

- 32.1 The definition of a Small Society Lottery is contained in Appendix 1 and require registration with the Licensing Authority.

33 DEFINITIONS

In this Policy the definitions contained in Appendix 1 are included to provide an explanation of certain terms included in the Act and this Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act.

34 HOW TO APPLY FOR A PREMISES LICENCE/TEMPORARY USE NOTICE

Information and guidance on how to apply for a Premises Licence and other Permits or permissions under the Act will be available either direct from our website or in hard copy from our Licensing Department.

35 HOW TO MAKE A REPRESENTATION

Information and guidance on how to make representations in relation to an application or to apply for a review of a Licence will be available either direct from our website (www.braintree.gov.uk) or in hard copy from our Licensing Department (Tel 01376 557790).

36 FEES

The Fees that are applicable to any Licences, Permits or any other permissions will be set by the Secretary of State by Regulations and will appear in Appendix 8. The Licensing Authority will determine their fees when Regulations are published.

37 USEFUL CONTACTS

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk Some of these organisations provide Codes of Practice on their particular interest area.

Contact details of the Licensing Authority and the Responsible Authorities are contained in Appendix 3.

Definitions

Appendix 1

Adult	An individual who is not a child or young person.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect (Premises limited to entry by adults making Category B, C and D gaming machines available to their customers).
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events (not a gaming machine).
Bingo	A game of equal chance.
Braintree District Council	The area of Essex administered by the Braintree District Council (see map – Appendix 9)
Casino	An arrangement whereby people are given an opportunity to participate in one or more Casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B,C or D).
Code of Practice	Any relevant code of practice under Section 24 of the Act.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Automatic provision <input type="checkbox"/> Regulations provided by Secretary of State <input type="checkbox"/> Conditions provided by Gambling Commission <input type="checkbox"/> Conditions provided by Licensing Authority <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	

	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Small Society Lottery (required to register with Licensing Authorities). <input type="checkbox"/> Incidental Non Commercial Lotteries. <input type="checkbox"/> Private Lottery (Private Society, Work or Residents lottery). <input type="checkbox"/> Customer Lotteries.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the Lottery.
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3 rd edition dated May 2009.
Human Rights Act 1998 Articles: 1,6,8 and 10	<p>Article 1: Protocol 1 The right to peaceful enjoyment of possessions.</p> <p>Article 6: The right to a fair hearing.</p> <p>Article 8: The right of respect for private and family life.</p> <p>Article 10: The right to freedom of expression.</p>
Incidental Non Commercial Lottery	A Lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance).
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	<p>A person who:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> lives sufficiently close to the premises to be likely affected by the authorised activities; <input type="checkbox"/> have business interests that might be affected by the authorised activities, or <input type="checkbox"/> represents persons in either of these two groups.

	See paragraph 10.6 for the criteria the Licensing Authority will apply in determining who lives or has business interests sufficiently close to the premises that they are likely to be affected by any authorised activities.
Licensing Authority	Braintree District Council acting under Section 2 of the Act.
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Licensed Lottery	A Large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Licensing Objectives	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> identify the promoting society; <input type="checkbox"/> state the price of the ticket, which must be the same for all tickets; <input type="checkbox"/> state the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and <input type="checkbox"/> State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Specified conditions provided by Regulations under Section 176 of the Act to be attached to Premises Licences.
Members' Club	<p>A Club that must:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> have at least 25 members; <input type="checkbox"/> be established and conducted 'wholly or mainly' for purposes other than gaming; <input type="checkbox"/> be permanent in nature; <input type="checkbox"/> not be established to make commercial profit; and <input type="checkbox"/> be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' for eight days or less in a calendar year without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course

	betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	<p>Issued by the Gambling Commission. Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling</p> <ul style="list-style-type: none"> - Casino Operating Licence - Bingo Operating Licence - General Betting Operating Licence - Pool Betting Operating Licence - Betting Intermediary Operating Licence - Gaming Machine General Operating Licence (for an Adult – Gaming Centre Operator or a Family Entertainment Centre) - Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine) - Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software) - Lottery Operating Licence
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises. Issued by the Licensing Authority (for Unlicensed Family Entertainment Centres, Prize Gaming, Gaming Machines, on alcohol related premises, Club Gaming and Club Gaming Machines).
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place', including a vehicle, vessel or moveable structure. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	<p>There are three types of Private Lotteries:</p> <ul style="list-style-type: none"> ❑ Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; ❑ Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; ❑ Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.

Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <ul style="list-style-type: none"> <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:- <ul style="list-style-type: none"> <input type="checkbox"/> Braintree District Council acting as the Licensing Authority <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police (Essex Police) <input type="checkbox"/> Essex County Fire and Rescue Service <input type="checkbox"/> Local Planning Authority, ie Braintree District Council Planning Department <input type="checkbox"/> The authority having functions in relation to the environment or harm to human health, i.e. Braintree District Council Environmental Health <input type="checkbox"/> Essex Local Safeguarding Children's Board <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency <input type="checkbox"/> Other persons prescribed by the Secretary of State <p>Full details of Responsible Authorities for the Braintree District are contained in Appendix '2' to this Policy.</p>
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to

	use the premises temporarily for providing facilities for gambling.
The Act	The Gambling Act 2005.
The Council	Braintree District Council
The Commission	The Gambling Commission.
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> <input type="checkbox"/> gamble more than they want to <input type="checkbox"/> gamble beyond their means <input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

Contact Details for the Licensing Authority and Responsible Authorities

ORGANISATION	CONTACT AND ADDRESS	TELEPHONE / FAX / EMAIL
Licensing Authority	Licensing Officer Environmental Services Braintree District Council Causeway House Braintree Essex CM7 9HB	Telephone: 01376 557790 Fax 01376 557767 Email: licensing@braintree.gov.uk Website: www.braintree.gov.uk
Essex Police	Licensing Officer Braintree Police Station Blyth's Meadow Braintree Essex CM7 3DJ	Telephone: 0300 333 4444 Fax: 01376 551412
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Braintree and Uttlesford Headquarters Kelvedon Park Rivenhall Witham Essex CM8 3HB	Telephone: 01376 576000
Essex County Council Children's Safeguarding Service	Head of Children's Safeguarding Service [Licensing Applications] Essex County Council DG06, D Block Schools Children's and Families Service PO Box 11 County Hall Chelmsford CM1 1LX	Telephone: 01245 492211
Trading Standards [Essex]	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS	Telephone: 01245 341800

ORGANISATION	CONTACT AND ADDRESS	TELEPHONE / FAX / EMAIL
The Local Planning Authority	Development Services Manager Development Services Braintree District Council Causeway House Braintree Essex CM7 9HB	Telephone: 01376 552525 Fax: 01376 557781
The Local Authority with functions related to prevention of risk of pollution of the environment. (Environmental Health) -	Environmental Protection Team Braintree District Council Causeway House Bocking End Braintree Essex CM7 9HB	Telephone: 01376 552525 Fax 01376 557767
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	Telephone: 0121 230 6500 Fax 0121 2372236 E-mail: info@gamblingcommission.gov.uk Website: www.gamblingcommission.gov.uk
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	

Useful Contacts

Trade Associations:

Association of British Bookmakers	www.abb.uk.com
British Amusement Catering Trade Association	www.bacta.org.uk
British Casino Association	www.britishcasinoassociation.org.uk
Remote Gambling Association	www.rga.eu.com
Bingo Association	www.bingo-association.co.uk
British Horseracing Board	www.britishhorseracing.com
British Greyhound Racing Board	www.thedogs.co.uk

Gambling Support Organisations:

Gamcare	www.gamcare.org.uk
Responsibility in Gambling Trust	www.rigt.org.uk
Gamblers Anonymous	www.gamblersanonymous.org.uk

Other Links

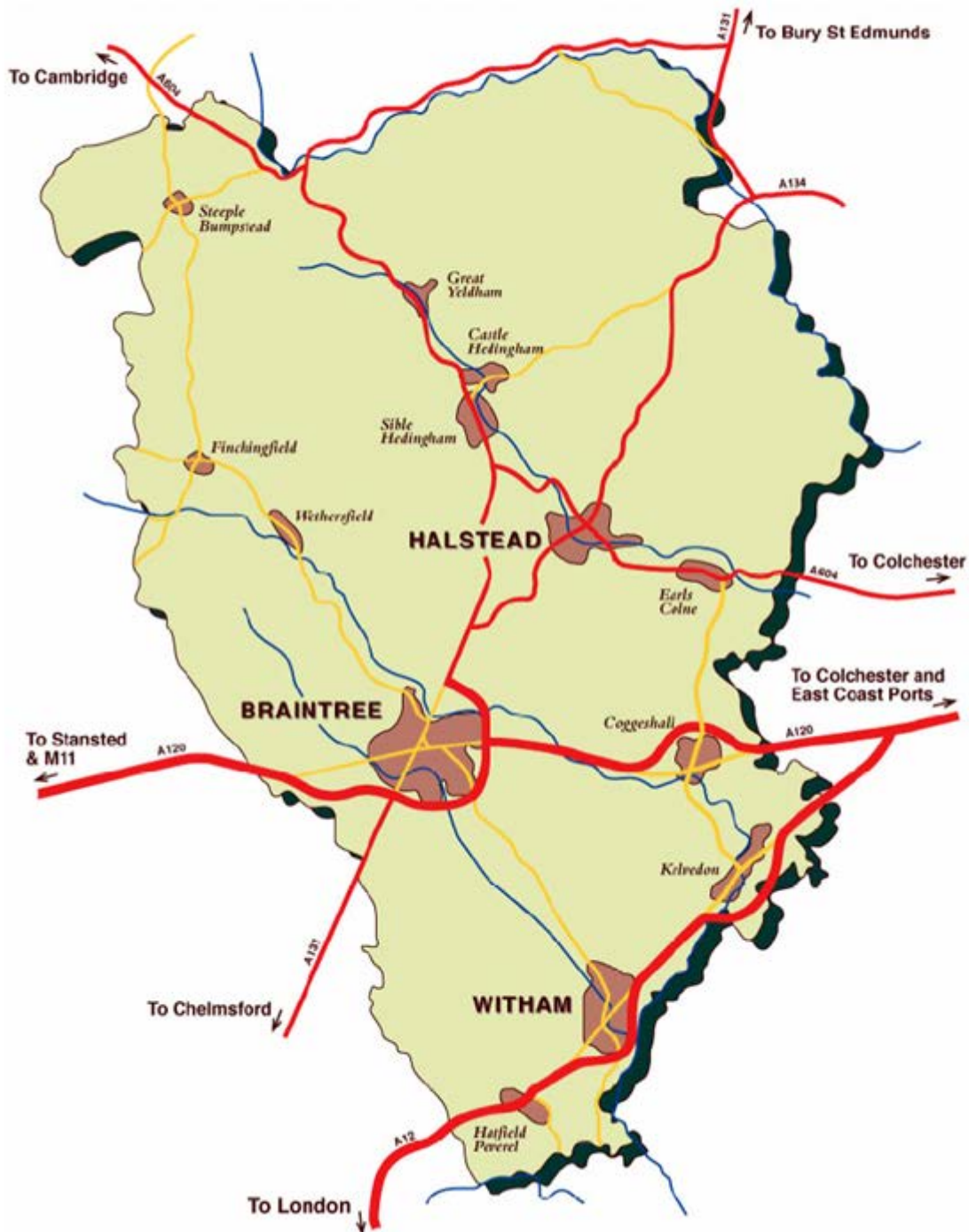
Department for Culture, Media & Sport	www.culture.gov.uk
Casino Advisory Panel	

Table of Delegations of Licensing Functions
Gambling Act 2005

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	OFFICERS	HEAD OF SERVICE
Three year Licensing Policy review	All cases			
Fee Setting – when appropriate	All cases			
Authority to make minor amendments to the Gambling Act policy statement in conjunction with the Chairman of the Licensing Committee				All cases
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Application for a Variation to a Licence		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Application for a Transfer of a Licence		Where representations have been received from the commission	Where no representations have been received from the commission	
Application for a Provisional Statement		Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn	
Authority to make representations to all applications on behalf of the Licensing Authority		All cases		All cases
Authority to attach conditions, where relevant, to Premises Licences			All cases	

Authority to refuse applications for Premises Licences			All cases	
Authority to process applications for Temporary Use Notices		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to process applications for Club Gaming and Club Machine Permits		Where representations have been received and not withdrawn	Where no objections have been made or objections have been withdrawn	
Authority to issue permits for more than 2 machines in Licensed Premises			All cases	
Authority to process application for other Permits			All cases	
Cancellation of Club Gaming/ Club Machine Permits		All cases		
Cancellation of Licensed Premises Gaming Machine Permits			All cases	
Review a Premises Licence		All cases		
Determination as to whether a person is an Interested Party			All cases	
Determination as to whether representations are relevant			All cases	
Determination as to whether a representation is frivolous, vexatious or repetitive			All cases	
Consideration of Temporary Use Notice			All cases	
Decision to give a counter notice to a Temporary Use Notice		All cases		
Consideration of an Occasional Use Notice			All cases	

MAP OF BRAINTREE DISTRICT



Local Area Risk Assessment Example Template

1: Local Area			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
1.1			Systems
			Design
			Physical
1.2			Systems
			Design
			Physical
1.3			Systems
			Design
			Physical

2: Gambling Operation			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
2.1			Systems
			Design
			Physical
2.2			Systems
			Design
			Physical
3.3			Systems
			Design
			Physical

3: Internal and External Premises Design			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
3.1			Systems
			Design
			Physical
3.2			
			Systems
			Design
3.3			Physical
			Systems
			Design
			Physical

Actions following assessment:			
1: Local Area			
Action	Person/Dept tasked	Date tasked	Date completed
2: Gambling Operation			
Action	Person/Dept tasked	Date tasked	Date completed
3: Internal and External Premises Design			
Action	Person/Dept tasked	Date tasked	Date completed

Signed:		Date:	
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Print Name:	
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Notes: In addition to the requirement for existing licence holders to have a local area risk assessment, this risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises. (see section 14 of this policy)

Risks: Area of consideration that may impact on one or more of the licensing objectives

Local Risks: These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises

Licensing Objectives: these are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting. For ease of reference within this assessment the objectives have been given codes that should be used to replace the full objective. These codes are CD for the Crime and Disorder objective, FO for the Fair and Open objective and CV for the protection of children and the vulnerable. Control Measures:

These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.

The fact that there are three subsections in each section of the template should not be taken to suggest that you should limit your assessment to three risks for each section. The above template is an example only. You are at liberty to use your own design.

Recommendation from Licensing Committee – 12th September 2018 – Animal Welfare Licensing		Agenda No: 13
Portfolio	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Michael Banthorpe, Chairman of Licensing Committee	
Report prepared by:	Jessica Mann, Governance and Members Officer	
Background Papers:		Public Report
Licensing Committee Reports and Minutes – 12th September 2018 The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 Explanatory Memorandum to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities		Key Decision: No
DRAFT MINUTE EXTRACT		
LICENSING COMMITTEE – 12th SEPTEMBER 2018 – Minute 16		
<u>ANIMAL WELFARE LICENSING</u>		
INFORMATION: The Committee was advised, that in accordance with the Animal Welfare Act 2006 it was proposed that existing legislation relating to the licensing of animals should be repealed and a new licensing system introduced. The new system would relate to selling animals as pets; providing for, or arranging for, the provision of boarding for cats or dogs; hiring out horses; dog breeding; and keeping, or training animals for exhibition.		
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 would come into force on 1st October 2018 and these would require the Council to have new procedures in place. The Committee was therefore requested to consider proposed fees and charges, a scheme of delegation and the procedure for the determination of appeals in respect of risk ratings. Details of these matters were set out in the Agenda report and the accompanying Appendices		

DECISION: That it be **RECOMMENDED to Council**

- (1) That the fees and charges with respect to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for the period from 1st October 2018 to 31st March 2019, as set out in [Table 1 of Appendix 1 of the report, be approved](#).
- (2) That the Scheme of Officer delegation as set out in [Table 2 of Appendix 2 of the report be approved](#).
- (3) That the procedure for determining an appeal against a risk rating following the inspection/renewal of an operator as set out [in Appendix 3 of the report be approved](#).
- (4) That Article 9 of Chapter 1 of the Constitution (Licensing Committee) be amended to enable the Licensing Committee to discharge the licensing function on behalf of the Council under the Animal Welfare Act 2006 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and any subsequent Regulations made under the Act for the purpose of animal licensing.
- (5) That the Head of Governance be authorised to amend the Constitution to reflect these provisions.

Recommended Decision:

It is recommended that:

- (1) That the fees and charges with respect to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for the period from 1st October 2018 to 31st March 2019, as set out in [Table 1 of Appendix 1 of the report](#), be approved.
- (2) That the Scheme of Officer delegation as set out in [Table 2 of Appendix 2 of the report](#) be approved.
- (3) That the procedure for determining an appeal against a risk rating following the inspection/renewal of an operator as set out in [Appendix 3 of the report be approved](#).
- (4) That Article 9 of Chapter 1 of the Constitution (Licensing Committee) be amended to enable the Licensing Committee to discharge the licensing function on behalf of the Council under the Animal Welfare Act 2006 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and any subsequent Regulations made under the Act for the purpose of animal licensing.
- (5) That the Head of Governance be authorised to amend the Constitution to reflect these provisions.

Purpose of Decision:
To ensure that the Council has the appropriate arrangements in place to discharge the licensing function.

**LEADER'S REPORT TO COUNCIL – OVERALL
STRATEGY AND DIRECTION**

Agenda No: 14a

Braintree District Local Plan

Since the last meeting of the Council I have attended several meetings with representatives of Tendring District Council and Colchester Borough Council. I welcome the decision of the Colchester Borough Council's Local Plan Committee in which they "remain committed to the Garden Communities principles and will work closely with Braintree and Tendring District Councils to secure the future housing requirements in the North Essex Authorities (NEA) area."

This now means that we can get on with the work that is needed to make sure our District has an adopted Local Plan in place. I intend to make a further statement at the next Full Council meeting.

Essex Assembly – 4th September 2018

Along with more than 150 Leaders from across the County I attended the Essex Assembly on 4th September 2018 to collaborate on how we achieve our ambition to Share Prosperity with Everyone, tackle social inequalities and realise The Future of Essex.

Deputy Chief Constable, Mr B.J. Harrington, hosted an afternoon focussing on how our partnership work can address social mobility and ensure that everyone has the opportunity to reach their potential.

Gavin Jones, Chief Executive of Essex County Council opened the event by sharing his aspirations for Essex and the role that leadership and the Vision can play in addressing inequalities within the County.

Social mobility has strong links to a number of the ambitions set out in the Future of Essex, not least to Share Prosperity with Everyone. Rachael Millar, the Head of Secretariat at the Social Mobility Commission, gave the keynote speech talking about the influences on social mobility; economic opportunities; capability development; home environment; housing and infrastructure; and health – many of which are considered through the current eight Vision projects established to support the delivery of the Future of Essex. Rachael recognised the work of public sector partners across Essex as well as the growing challenges that the diversity of the county presents. Solve together, scale together.

We had a live conference link to California to hear from Sebastian Buck, the co-founder of Enso, which has been leading work around building mission-driven brands with the likes of Google, Starbucks, and many more, and creating social impact at a scale.

Sebastian introduced us to the concept of 'social missions' and offered some interesting insights and innovative approaches to building social capital through community and private sector engagement.

Councillor John Spence, Ian Davidson, Chief Executive Tendring District Council and Mike Gogarty, Public Health and Wellbeing Director, Essex County Council completed our afternoon with the launch of the Joint Essex Health and Wellbeing Strategy, which sets out our approach to tackle our most challenging issues to reduce health inequality, increase life chances and support people to access and maintain employment.

Essex Leaders Meeting – 6th September 2018

I attended the above meeting at Chelmsford City Council. The agenda contained four items, namely: -

- The work of the Essex Children's Board led by County Councillor Dick Madden
- Discussion on the Business Rates Pilot
- Update on North Essex Garden Communities
- Update on Local Highway Panels

Meeting with Witham Town Council – 7th September 2018

The Chief Executive and I met with Councillor M Lager and Mark Squire of Witham Town Council to discuss a variety of issues affecting the town. These included anti-social behaviour around the Rickstones Pavilion and the possibility of devolution of services and transfer of assets from the District Council to the Town Council.

Voter Identification Pilots Meeting – 12th September 2018

The Government continues to build on its manifesto commitment to introduce legislation which will require voter identification at Polling Stations for the next scheduled election in 2022.

To prepare for this the government invited pilot areas to trial forms of voter identification for the 2018 Elections last May. Five pilots were run and have recently been evaluated. Electoral returning officers have now been formally invited to participate in a further round of pilots for the May 2019 elections.

In order to understand the pilot process better the Returning Officer invited Mark Hughes the Head of Election Projects from the Cabinet Office to a meeting with the Group Leaders to question the process and rationale. I attended the meeting with Councillors Mrs Wendy Schmitt, David Mann and Mrs Jackie Pell on 12th September 2018 which proved to be both informative and helpful. The Returning Officer is now in continued dialogue with the Cabinet Office about the potential for the Council being involved in the pilot process. The Returning Officer will keep members informed of progress.

Meeting with Halstead Town Council – 13th September 2018

The Chief Executive and I met with the Mayor and Town Clerk of Halstead Town to discuss several issues affecting the town. We discussed anti-social behaviour in the town, the Council's Open Spaces plan, the Portway Bridge and future developments around the area.

Transport East Forum – 14th September 2018

I attended the third meeting of the Forum, representing Essex District, Borough and City Councils.

Amongst other matters the meeting received a presentation from Phil Stanier, Government & Industry Manager Highways England, about the Lower Thames Crossing Project.

The full agenda and papers are available online at:

<https://www.eelga.gov.uk/meetings/transport-east-forum/view-meeting/14-sept-2018/>

Councillor Graham Butland
Leader of the Council

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

Agenda No: 14b

Council Tax and Business Rates:

Tax Collection rates as at end of August 2018

- **Council Tax** collected was 49.45% compared to 49.66% for the previous year and the target for the year is 98.3%. Amount collected was £43.679million.
- **Business Rates** collected was 49.84% compared to 49.17% for the previous year and the target for the year is 98.6%. Amount collected was £21.728million.

Council Tax:

The number of dwellings in receipt of 50% Council Tax Premium (empty for two years+) is 204.

An Empty Homes Review has recently been completed to ensure that homes recorded as empty (for over 6 months) are correct. If a home has become occupied i.e. has come back into use the record needs to be amended as this will be counted in the calculation of New Homes Bonus for 2019/20.

Statement of Accounts and External Audit

The Council's Statement of Accounts for 2017/18 have been audited and were approved by the Governance Committee and then received at Cabinet on 10th September 2018.

The Council's current external auditors, Ernst & Young LLP, are finalising the last element of their audit: certifying the Housing Benefit Subsidy claim for 2017/18. The Council has new Auditors, BDO LLP, for 2018/19. BDO won the tender to audit a number of Authorities including this Council. BDO were the Council's external auditors for a number of years up to 2014/15.

2019/20 Local Government Finance Settlement: technical consultation

The Ministry of Housing, Communities and Local Government (MHCLG) published a Technical Consultation on the 2019-20 Local Government Finance Settlement on 24th July 2018 to which we have responded. The consultation focused on four areas including our views on potential changes to the threshold on payment of New Homes Bonus, and proposals to retain the threshold for council tax referendum principles. Most welcome is the proposal to abandon Negative Revenue Support Grant in 2019/20, which for this council would have been £291,482.

Business Rates Pilots / Business Rates Pool 2019/20

The Government has also invited Local Authorities in England to make a proposal to pilot 75% business rates retention in 2019/20 and has indicated that it would like to see Authorities form pools (either on existing or revised boundaries) to apply jointly for pilot status. Discussions are ongoing between Essex Authorities with regard to a potential pilot bid and/or a request for an Essex Business Rate Pool.

The deadline for the submission of a proposal for either a pilot bid or the revocation of the existing Essex Pool and the creation of a new Essex Pool to the MHCLG is 25th September 2018. Given this timescale Cabinet on 10th September delegated to the Cabinet Member for Finance and Performance and the Corporate Director (Finance) to determine the Council's participation in either an Essex pilot bid or an Essex pooling arrangement for 2019/20. I will provide a verbal update.

Medium Term Financial Strategy (MTFS)

Work is in hand on updating the MTFS for 2019/20 to 2022/23 and projected shortfalls, including a review of the current year's budgets in light of the 2017/18 financial outturn. The work also encompasses a review of the savings/additional income planned to be delivered; review of other financial assumptions; and assessment of all information received which have financial consequences for the Council.

A number of the 2018/19 in-year budget variations identified at Quarter 1, positive and negative, are expected to be ongoing and therefore have a budget impact in 2019/20. The main variations include: staffing resources for Development Management, Recycling (increases in gate fees which has resulted in an expectation that the 2019/20 budget will need to be increased by approx. £300,000), vehicle fuel cost increases, with these additional demands being partly offset by increased revenue streams under Asset Management.

Performance Indicators

As at the end of the first quarter, four projects have been completed, a further 57 projects are on track and progressing well and five projects are experiencing delays which will push back the end dates to the projects.

Nine performance indicators have achieved or exceeded target, two have missed target by less than 5% and three have missed target by more than 5%.

The performance indicators that have missed target by less than 5% relate to the percentage of household waste recycled and the percentage of invoices paid within 30 days.

The performance indicators that have missed target by more than 5% are in relation to the tonnage of residual household waste not recycled, the average waiting time for disabled facilities grants and the time taken to process housing benefit claim changes.

Summary Financial Position at the end of June

An overall adverse variance for the year of £87,000 is projected against the budget.

Councillor David Bebb
Cabinet Member for Finance and Performance

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

Agenda No: 14c

Enterprise Centres

Braintree Enterprise Centre Phase 2

Completion and handover of the four commercial grow-on units and associated car parking took place on Friday 14th September 2018. All four units have now been let.

Regeneration – Town Centres

Manor Street, Braintree

Following approval of the full business case at Council on 4th June 2018, the planning application was submitted and subsequently validated on 24th July 2018. It is anticipated that the planning application will be determined late October 2018. The procurement process has commenced with the Pre-Qualification Questionnaire (PQQ) submissions now being evaluated. The programme (subject to planning) is as follows:-

- Let Contract – April 2019
- Construction Start – June 2019
- Scheme Completion – June 2021

Town Centres

Halstead Town Centre

Officers and I held a meeting with the Town Council and Ward Members on 17th September 2018 to discuss town centre improvements, the market and tourism. Regular meetings have been scheduled to continue a positive dialogue.

Witham Town Centre

On Saturday 8th September 2018 we held our inaugural Witham Street Market which was hailed a great success. Our traders were delighted with the positive engagement of the public, with some reporting to have completely sold out of their produce. Comments from traders include 'YES, we found it worthwhile and enjoyable and YES we would like to attend further markets.' and 'All good Saturday. Can't tell you the exact footfall but I reckon I had a good 50-60 customers. Busy and constant selling all day.'



Braintree Town Centre

Our public consultation on the pedestrianisation of Market Place and the High Street launched on 31st August 2018. The consultation closes on 15th October 2018 after which point the responses will be analysed and reported on.

Tourism

The development of our Tourism Plan is well underway and will be brought to Cabinet in November 2018. Officers have worked with private and public sector partners to ensure that the plan is fit for purpose and will position Braintree District as an attractive tourism destination to both residents and visitors.

Business Engagement

A drop-in clinic was arranged for 19th September 2018 for the BEST Growth Hub to visit Braintree Enterprise Centre to offer a free Business Diagnostic session to explore routes to business growth support and access to funding.

An update has been received on the number of businesses who successfully secured [LoCase](#) grant funding. To date, 28 Braintree District businesses have received a combined total of £179,142.82 of grant funding to grow their business through reducing their carbon footprint. 19 businesses have been referred for LoCase mentoring and are currently being assessed for eligibility. 9 of these are tenants at the Braintree Enterprise Centre. It is estimated that successful candidates will, on average, receive £5,000 of fully funded mentoring. LoCase has advised that it is unable to accept any further applications due to a forecasted overspend and it is exploring any underspend with partners to ring-fence any further funding for BDC. There is a potential extension of this funding from July 2019, although this is not yet confirmed.

To bridge the gap between the temporary loss of this business support programme, we will be promoting [KEEP+](#) which is an ERDF programme for larger SMEs. This is 50% match funding for consultancy support. The project is funded with £9.3m ERDF money (European Reconstruction and Development Fund) and is managed by Anglia Ruskin University. The aim of the funding is to help Small and Medium Sized Enterprises (SMEs) develop, market and sell new products and services. This grant is capped at £12,499 and excludes VAT.

Following the success of the rural business tours earlier this year, a series of tours has been arranged for the Economic Development Team, Corporate Director and portfolio holders to visit some of the top 20 businesses in the district by turnover. This is to gain a greater insight into the challenges and successes our business community face and to promote the ongoing business support the team offer.

Broadband

Since signing of the contracts, all addresses in the new Phase 4a plans are now shown on the [Superfast Essex interactive map](#) with a green dot. The county-wide £3.4million [Openreach rollout](#) will bring superfast speeds to 1,668 homes and businesses across Braintree District between October 2019 and September 2020. The Superfast Essex programme held an event to celebrate the new contracts last month, with [Openreach at Chelmsford City Racecourse](#).

The delivery of existing deployment plans to upgrade Essex homes and businesses to fibre continues to be three months ahead of Openreach's contracted schedule. The network operator is pressing ahead with work under Phase 2a, countywide, and Phase 3, in the South East and Tendring District, with more than half of the total addresses planned for a fibre upgrade across the two phases now enabled to access superfast speeds. All work is contracted to complete between now and December 2019 or March 2020, for Phases 2a and 3, and by September 2020 for Phase 4a. Earlier estimated timescales will be added to the [interactive map](#) once known.

Skills

Officers worked with the Braintree Information, Advice and Guidance Cluster Group to deliver the annual Braintree Careers Fair, held on 26th September 2018. The event was a huge success with over 1,000 year 11 students meeting 90 exhibitors from local and national universities, colleges, employers, as well as apprenticeship and training providers. The Braintree District Education and Skills Board contributed to the financial cost of transport to ensure all year 11 students from the 7 schools participating were able to attend and take advantage of this fantastic event.

*Councillor Tom Cunningham
Cabinet Member for Economic Development*

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

Agenda No: 14d

INFRASTRUCTURE

Braintree Integrated Transport Package

Essex County Council has commenced a 6 week consultation allowing residents and other local stakeholders to comment on two highway improvement schemes proposed as part of the Braintree Integrated Transport Package (ITP).

The Braintree ITP is a package of schemes designed to improve access to Braintree Town Centre. Essex County Council will be engaging with the public on two of these schemes in advance of an application for funding through the South East Local Enterprise Partnership Growth Fund Round 3 (SELEP3):-

Springwood Drive Roundabout

The proposed improvements to Springwood Drive Roundabout involve widening the roundabout in order to help relieve existing traffic congestion and accommodate future traffic growth. The proposals include:-

- Enlarging the roundabout to improve capacity and accessibility
- Improving the geometry of the roundabout and adding lane markings to improve safety
- Adding an additional lane (dedicated left turn or straight ahead) on the southern approach to the roundabout (Pod's Brook Road)

Braintree Station Access

A number of improvements are proposed to enhance access to and from Braintree Rail Station as well as provide appropriate facilities for non-motorised users and local residents. The Station Approach proposals include:-

- Introduction of a one-way system from east to west along Station Approach to minimise conflict between road users (including buses, taxis and car park users)
- Additional non-motorised user access along Station Approach, including a contraflow cycle lane
- Enhanced urban environment, including five design options for a new pedestrianised area (to replace the existing bus turning circle) and new bus stop facilities beside the station

In addition to the schemes proposed as part of the Braintree ITP, ECC will also be seeking views on the A120 Millennium Way Slips scheme, which involves the creation of two new slip roads connecting Millennium Way (B1018) with the A120. While not part of the Braintree ITP, the scheme is located to the south-east of Braintree and will

also contribute to improving access to the town centre. Further information on this scheme can be found on the ECC A120 Millennium Way Slips web page:-

www.essex.gov.uk/A120millenniumway

PLANNING POLICY

Local Plan

Following the receipt of three Inspectors' letters in June and July 2018, the North Essex Authorities have been considering the way forward for the strategic Section 1 Local Plan. All three Authorities have now considered these next steps, with Colchester Borough Council being the last to consider this on 13th September 2018. The next steps will be to inform the Planning Inspector of the Councils' chosen approach and agree a timetable for the completion of the necessary further evidence and if necessary additional examination sessions.

Once this timetable has been agreed it will be shared with Members. This will include consideration of the new and updated evidence and any proposed modifications to the Section 1 Local Plan at Local Plan Sub-Committee and Council.

Neighbourhood Planning

Cressing Parish Council and Bradwell with Pattiswick Parish Council have now completed their Regulation 14 consultation, which is the stage prior to submission to the Local Authority. Once submitted a further period of consultation will be carried out, followed by an examination, referendum and adoption.

The examiner for the Hatfield Peverel Neighbourhood Plan wrote to the Council asking for comments on the European Court Judgement on Habitats Regulation Assessments and how this may impact on Hatfield Peverel Neighbourhood Plan. The Council sought legal advice on the matter, which indicated that the Neighbourhood Plan requires modification as a result of the judgement, and that further consultation is needed. This will be arranged as soon as possible.

DEVELOPMENT MANAGEMENT

The Service is monitoring applications granted for new dwellings on a quarterly basis. The most up to date figures relate to quarter 1 2018/2019 (April to June 2018). During that quarter, planning permissions were granted for a total of 667 dwellings of which 214 would be affordable dwellings.

HOUSING

Affordable Housing Development Programme

As at the end of August 2018 there have been 91 new affordable homes completed and let during the first 5 months of this financial year. By the end of September 2018 it is anticipated a further 13 homes in Halstead and Kelvedon will be completed. The homes completed are located in Braintree, Halstead, Kelvedon, Black Notley and Witham and are owned and managed by 3 Housing Associations: Greenfields, Colne Housing and CHP. We continue to expect around 130 new affordable homes will be

completed during this financial year.

There have been 106 affordable homes started in the first half of this year which are being constructed on sites in Braintree, Halstead, Witham and Cressing.

Homelessness Reduction Act

The new Act came into force in April 2018. By the end of August 2018, the Housing Options Team had worked with 468 households who approached us for assistance because they were homeless or threatened with homelessness. The amount of additional work generated by the new legislation has exceeded expectations and following an assessment of the resourcing necessary to respond to the level of demand across the Housing Service, 4 new frontline posts have been established and recruitment is in progress.

Councillor Mrs Lynette Bowers-Flint
Cabinet Member for Planning and Housing

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

Agenda No: 14e

Governance Service

The Governance and Legal Teams continue to have a very full workload supporting the work across the Council, particularly in relation to the Council's commercial and project priorities.

Business Solutions

ICT and Digital

Work continues on implementing the Digital Strategy projects for 2018/19 including:

- Customer on-line booking systems,
- On-line payment system,
- Business Continuity/Disaster Recovery procedures,
- Improved on-line services for staff including collaboration on-line and enhancements to the phone system.

The organisation is also currently upgrading to Office 2013, Office 365 and Windows 10.

Technical Issues with Uniform

In August there was a major technical issue with the UNiform system, which is used for Planning (including public access), Land Charges, Environmental Health, Licensing, Estates & Evaluation, Building Control. This affected the system for a week and had a significant impact on services being able to operate. This problem occurred following application of a routine patch to fix a minor problem with the land charges module of system. Following this issue, there has been a major incident review by the ICT Team and the system supplier which has identified a number of improvements that need to be made to the way that we manage system issues. Some of these have been actioned already and will continue to be over the coming months, along with a full review of the long term management of the UNiform system.

Cyber Security

Cyber Security continues to be an important area of focus within the Council, and will continue to be a regular update subject in the report to Council. Cyber security exercises are run regularly and issues are identified and improvements made. A new cyber security training module has been developed for the new Vision training package. It will be compulsory for all new joiners to the Council.

ASSET MANAGEMENT

Asset Management continued to be very active and have made significant progress with many investments that form part of our overall investment strategy and recent approved schemes are all on track:

Premdor Business Hub (Osier House)

As previously reported the construction of Osier House has been completed, but last minute transfer and title issues are in the process of being resolved before transfer to the Council's ownership can take place. In view of the impending handover the Council has commenced marketing the 7 small office spaces within the building and is seeking to attract start-up or small local businesses. The Council has interest in 4 office units from prospective tenants but cannot progress with any lettings until the building has been transferred to the Council.

Braintree Enterprise Centre

Asset Management has taken over the responsibility of the Braintree Enterprise Centre from Ignite Business Enterprise Limited from 1st May 2018. Asset Management is undertaking the day to day management of this facility. The Centre contains a total of 44 units of which 2 are currently vacant. 10 new lettings and 3 new virtual tenancies have been agreed by the Asset Management Service since 1st May 2018. Tenant interest in these premises has been very strong.

The 4 **Grow-on units** have now been completed and were handed over to the Asset Management Service on 17th September 2018. Tenants have been identified for all 4 units and are due to move in by the 1st October 2018 following the completion of their leases.

Rent review negotiations were recently concluded regarding the Council's office investment at Connaught House, 850 The Crescent, Colchester Business Park. The rent is due to increase by £29,500 per annum for the next 5 years with effect from 7th October 2018. This equates to a 10.2% increase in the rent payable to the Council.

COMMUNICATIONS AND MARKETING

Due to increased commercial activity, the Marketing Team has been busy with a significant increase in press releases and social media campaigns across the full range of the Council's activities including:

- **Contact magazine** - printed and distributed
- **Local Plan** - PR and comms around Planning Inspectors letter and Colchester Local Plan Sub Committee outcome
- **Manor Street Development** - Comms continues around the planning application, communication regarding how residents can contribute to the planning process and Manor Street branding
- **Street Markets** - Creation of Braintree Street Market Instagram account and launch competition. New Witham Street Market promotion
- **Braintree Town Centre** – pedestrianisation consultation
- **New social media litter campaign** launched
- **#swap your screen campaign** – targeted at 10 Livewell Child schools.

HR

Staff Self Service (MY HR iTrent) project proceeding well and in line with the Project Delivery Plan and Recruitment module will go live in September, followed by Expenses in January and Annual Leave in April 2019.

Payroll services across three Local Authorities Braintree District Council, Colchester Borough Council and Epping Forest District Council has been running as a partnership service with Braintree Council staff leading. This successful “pilot” project has led to a shared service discussion between the three Authorities to capture the productivity gains and efficiencies that a full shared service can deliver.

EMPLOYEE of the MONTH

The employee of the month winner for July was Peter Nice from Operations. Please see the nomination below.

“Peter has and continues to go above and beyond in his role as Team Leader, Peter can often be found in the early hours of the morning and indeed after core hours putting in the extra hours and attention to detail which has resulted in such fantastic results, for all his efforts Peter expects no reward. These occasions can and often are linked with events in our District such as Memorial Services, and Party's in the Park however are not limited to these times. Peter's partnership working with Halstead in Bloom Volunteers, Halstead Town Council and the Friends of Halstead to name but a few is a credit to him and Braintree District Council, in all of these areas Peter's name speaks volumes as a polite, friendly and a very competent Gardener, additionally to this I recently had the privilege to attend the Judging for Halstead Public Gardens & Halstead Cemetery with Peter, at both of these events Peter's confidence and knowledge was very apparent, what was also very apparent was the amount of effort and time Peter would have taken to memorise all of the details he shared with the Judges and all those present.

Whilst I understand it could be considered some of what I have commented on is "Peters Job", I would like to add this is so much more for Peter, this is a passion which he has and one which would be very hard to replace. This passion continues for Peter with his works with our Horticultural Apprentices, Peter very clearly enjoys sharing his knowledge and experience which I am certain any of our Apprentices could confirm has assisted them greatly with their learning. To summarise Peter, his efforts and achievements continue to go beyond just his Job Role, I cannot think of anyone more deserving to be awarded the Employee of the Month, I hope that my words will be sufficient for you to agree.”

The employee of the month winner **for August** was Janet Whyte from Economic Development. Please see the nominations below.

“Janet deserves recognition for using initiative and creative thinking to overcome a construction problem. Construction of new grow-on units at Braintree Enterprise Centre is almost complete and tenants are lined-up to move in. Due to delays with the provision of phone lines to the premises (caused by BT), handover on the programme has been jeopardised as the contract is incomplete without the units having phone and internet connections. Despite timely ordering, placement and the best efforts of our contractor, BT confirmed they would be unable to

connect the premises until September (not unusual with statutory undertakers). Rather than accepting this position and leaving the contractor to deal with the matter, Janet took it upon herself to source an alternative solution. Having researched the issue, she identified a provider able to install wireless broadband, delivering internet and VOIP phone, enabling the units to be handed-over and let. Janet secured written agreement that the contractor would pay all associated costs, ensuring a cost-neutral position for the Council. Janet's actions display an excellent example of a proactive project management. Her unwillingness to accept an unsatisfactory situation and use of initiative ensured handover on schedule, removing the risk of additional contractor costs and safeguarding income."

Garry Hollocks was the other nomination for the month.

Apprentice of the Year Award

The Council is delighted to announce that Lawrence Stokes (Apprentice in OD&L and HR) has been chosen as a finalist at the Countywide Business Awards 2018 in the "Apprentice of the Year Award" category.

Lawrence has been an Apprentice with the Council since July 2017 and successfully completed his level 3 Apprenticeship. He is now moving onto a Degree Apprenticeship and will study a BA Hons Chartered Management Apprenticeship at Anglia Ruskin University – starting in September.

Lawrence had to complete an application form, and Sam Jenkins had to provide the supporting statements and evidence for the first stages of the judging. Lawrence passed this and was then shortlisted and invited to a face to face interview.

Following this, the judges shortlisted again and Lawrence has now reached the final stage. The final stage is a presentation and black tie event being held in October of which Lawrence will be attending. We will feedback to Members the outcome of this event, however it should be noted how much Lawrence has achieved to get this far.

Councillor John McKee
Cabinet Member for Corporate Services and Asset Management

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

Agenda No: 14f

Vehicle Maintenance

The Council's existing contract for vehicle maintenance with Riverside Truck Rentals Ltd. (RTR) is due to expire on March 31st 2019 and the service will be brought back in-house from 1st April 2019. RTR has been formally notified and officers will be working with them over the next 6 months to ensure a smooth transition to the new arrangements

Recycling

The Council has worked in partnership with Essex Textiles to conduct a six-month trial of fortnightly kerbside textile collections in the District. The trial mirrored our recycling routes and ran from early December 2017 until the end of May 2018. It involved 5,000 properties in the Halstead (urban) and Coggeshall/Feering (rural) areas, which represents just under 8% of all households (64,200 incl. flats) that receive recycling collections. The total material recycled was just under 2 tonne which generated a small amount of income (£2.5k)

Feedback was sought from residents in the trial area. 105 residents responded which represents just 2.1% of all households involved in the trial. Of these, 56 (52.34%) said they were likely to use the service and 47 (43.93%) indicated that they would not.

Owing to the low take-up, the volatility of the recycling market (income levels cannot be guaranteed) and the fact that there is already an excellent established market with a whole host of charitable organisations offering the service, including doorstep collections, it was felt that there would be a minimal value to the customer in rolling out a kerbside collection districtwide

Grave Search Project

Officers are part-way through a project to search for 'unused' grave space in our cemeteries and are currently reviewing Braintree Cemetery. To date the following spaces have been found:-

- 29 cremated remains graves
- 107 full burial plots

The search of the cemetery is not yet complete, but these plots alone will extend its operational life by some 2-3 years. Officers have now moved on to Halstead and will then search Bocking and Witham Cemeteries to ensure that the Council makes full use of the capacity available at each site

Halstead in Bloom

Once again congratulations are in order for Halstead winning yet another Gold and Best Town in Anglia in Bloom. The Council's Public Gardens won Gold and Best Medium Park

(3rd year Running) and Halstead cemetery Silver. No additional work had been done at the cemetery which shows the excellent condition that our staff keeps it in all year. Congratulations also go to Gosfield, Sliver Gilt and Coggeshall, Silver Gilt.

As a District we are blessed with so many enthusiastic and hardworking volunteers and our own hard working staff and a big thank you is due to them all.

Car Parks

A public meeting was held in Witham on the evening of 15 August 2018 to discuss Greater Eastern's planning application for a multi-storey car park at Witham. The meeting, chaired by The Rt. Hon. Priti Patel MP, included representation from Greater Eastern, Braintree District Council, North Essex Parking Partnership and Essex County Council and was well attended by local residents and Elected Members (Town and District Councils).

The main issues raised were as follows:-

- Distance of the multi-storey car park to the existing flats and other dwellings.
- Light pollution from the car park affecting nearby residents.
- Capacity at the two road junctions (Station Road/Avenue Road and Easton Road/Collingwood Road).
- Current HGV movements along Avenue Road (nothing to do with the planning application).
- Current pedestrian safety issues for those who walk to the train station – some people felt the existing situation would only get worse with the development.
- Poor cycle links in Witham.
- Possibility of Park & Ride on the outskirts of Witham Town Centre – this would negate the need to have the proposed development which it was felt would add to the already gridlocked main roads. (Councillor Bentley acknowledged this and said he would look into the feasibility of Park & Ride but warned that it would depend on funding and availability of land.)

Transfer of Rural Facilities - Silver End Pavilion

Silver End Pavilion was transferred to the Frances Crittall Pavilion Trust on 1st September 2018 and I was pleased to attend the official opening ceremony on 15th September 2018.

The Council allocated £40,000 capital funding to help fund modification works which included creating a large multi-use space for a nursery school and general use such as birthday parties or public meetings. The kitchen was also refitted and made larger to accommodate a wider variety of events/bookings. The Silver End Youth Football Club will continue to use the pavilion as two changing rooms have been retained.

Prosecutions taken between 21 June 2018 and 24 August 2018.

A resident of Beazley End was prosecuted for fly tipping a truck full of waste on an unnamed road between Great Yeldham and White Ash Green. The offender was convicted in Chelmsford Crown Court on 21st June 2018, fined £500 and ordered to pay £1,084 in costs.

A resident of Chelmsford was summoned to Chelmsford Crown Court on 21st June 2018 for sentencing, after pleading guilty to fly tipping and associated offences in Witham. He was sentenced to 24 months' custody, suspended for 2 years, has to complete 250 hours

of unpaid work, undertake 10 hours of literacy and education, forfeit the vehicle used for the offence and pay £1,000 costs.

A resident of Ridgewell was convicted in Chelmsford Magistrates Court of fly tipping and associated offences. Waste was collected for payment from an address in Cavendish and then found fly tipped in a by-way in Ridgewell. The defendant was fined £320 and ordered to pay costs of £561.

On 28th June 2018, Chelmsford Magistrates Court heard a complaint that 2 dogs from an address in Beazley End were dangerously out of control resulting in the death of another dog. The Magistrates found the complaint justified and a control order was put on both dogs. The owner was ordered to pay £854.54 in costs.

On 16 August 2018, a resident of Silver End was summoned to Chelmsford Magistrates Court for Anti-Social Behaviour. A Community Protection Notice was served in January 2018 after anti-social behaviour and nuisance was witnessed. The behaviour continued and a warrant was obtained from Chelmsford, and Council officers accompanied by the Police, entered the property and seized the stereo and speakers. The woman did not attend the hearing and the case was proven in her absence. She was fined £1,320, ordered to pay costs of £1,177 and pay the neighbour £150 in compensation. A forfeiture and destruction order was given for the seized equipment.

Other actions

- Dealt with 18 stray dogs.
- Investigated 59 reports of abandoned vehicles.
- Actioned 252 complaints/offences.
- Issued 34 written warnings under the Anti-social Behaviour, Crime and Policing Act 2014.
- Issued 10 notices enforceable through the Court.
- Issued 17 fixed penalty notices.

Health and Safety Prosecution

A National Haulier was fined £120,000 after pleading guilty to health and safety failings which resulted in serious injuries to an employee.

Wincanton Group Limited has been prosecuted by Braintree District Council following an incident in 2015 whereby 3m long plastic drainage pipes fell onto a driver who was unloading them at a site in Braintree. The driver was unstrapping the pipes when they fell onto him, causing him to fall to the ground, resulting in facial injuries, a broken nose and arm.

During the investigation, it was found that Wincanton Group Limited had not put in place suitable load plans for this type of product. It also revealed their inadequacies in their risk assessments, safe systems of work, supervision, monitoring and training.

In Chelmsford Crown Court on 8th August 2018, Wincanton Group Limited pleaded guilty to a charge of failing to comply with Section 2(1) of the Health and Safety at Work Act 1974 and were fined £120,000 and ordered to pay full costs of £29,540 to Braintree District Council.

GREENHEART OF ESSEX

On 10th September 2018 the latest campaign commenced and will run until October. This campaign is running on Social Media and is aimed at 17-30 year olds regarding car littering. The tag line is are you/don't be a Melt, to those who like me have not come across the expression Melt it is used as a way of pouring scorn on someone, in this regard if you throw litter from your car and also pointing out why it is socially unacceptable and that the fine is now £100. Also information is given as to how to report someone who does litter. This campaign has a longer reach than expected as Councillor Richard van Dulken received it whilst in Estonia.

LANDSCAPES

An expression of interest has been made in setting up a volunteer/friends group for Leys Wood, Braintree. Thanks are given to the group of people who are already doing litter picks there.

The Witham Tree Group is looking to plant another 25 trees on a number of sites this autumn. They have done a great job, during the drought, in watering last season's plantings.

COMMUNITY SAFETY

Chief Inspector Craig Carrington, Braintree and Uttlesford District Commander has left Essex Police and joined the Metropolitan Police. He has been replaced by Chief Inspector Janette Rawlingson, who has in the past worked in the Braintree District.



The Council has taken an active part in a series of events targeting ASB in Halstead, led by The East of England Co-operative Society along with many partners. This has been an excellent example of partnership work which appears to have had good results.

Councillor Mrs Wendy Schmitt
Cabinet Member – Environment and Place

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REPORT TO COUNCIL – PORTFOLIO AREA OF HEALTH AND COMMUNITIES

Agenda No: 14g

HEALTH AND LEISURE

“Breastfeeding Welcome” scheme

The Council has been approached by Essex Child and Family Wellbeing Service (Virgin Care) to sign up to their “breastfeeding welcome” scheme.

The scheme has been introduced to recognise the low numbers of mums breastfeeding in public. It has been reported that the main reason for this is that mums feel uncomfortable feeding in sight of the general public.

With the release of the 2018 Public Health Profile for the Braintree District by Public Health England, breastfeeding in the Braintree District is lower than the National average and should therefore be a priority for our Livewell initiative.

The scheme requires the Council to encourage local businesses to sign-up and provide a suitable place for mothers to breastfeed.

The Council will promote the scheme and provide information on the Livewell website and via social media. A press release has been produced to publicise the scheme.

Town Hall

I am pleased to report that bookings for the Town Hall have increased for both Community and Approved Premises weddings. The Marketing Plan for room hire is being reviewed to diversify activities at the Town Hall and identify activities that can be attracted. One interesting event that is being considered is to use the Town Hall as an “Escape Room” venue with staff volunteering to be trained to run the events.

A Rock ‘N’ Roll evening was held on 8th September 2018. Dave Harley provided a fantastic night of Rock ‘N’ Roll from all eras and even Elvis made an appearance!! The event was a sell-out with all 78 tickets being sold. After all outgoings a healthy profit was made which will go towards the upkeep of the Town Hall. The Town Hall staff put a lot of effort into this event and the outcome really reflected this.

The Chairman and I hosted an afternoon tea and tour of the Town Hall for members of the Kellogg family on 20th September 2018. The Kellogg family has historic ties with the Braintree area. Martin Kellogg was a church warden at St. Michael's Church in 1687. He had eight children and sent three sons to America on board the “The Lyon” in 1632, one branch of which invented the cereal for his health sanatorium.

Livewell Child

Over 3000 children from the ten schools taking part in the Livewell Child project received free information booklets, lunch boxes and water bottles as part of an initiative to promote healthy living to children.

Livewell Child is a project being led by Braintree District Council and supported by Essex County Council Public Health to halt the rise of childhood obesity. Now in its second year, a number of initiatives have been delivered including cooking clubs, the daily mile, free vegetable growing pots plus campaigns and communications designed to support families make healthy choices.

Every child and their family received an interactive booklet, endorsed by Public Health England and Change4Life, containing information on oral health, keeping hydrated, sleep, being active and eating well. One parent said, *"My daughter was so excited to have this pack and insisted we use the water bottle and lunch box the next day. Thank you!"*



Livewell Child has already engaged a number of parents via its Facebook group and in the schools, and conversations are starting to happen between parents who are supporting each other. We are looking forward to the year ahead where we will be delivering a 'less screen time, more play time' campaign and recruiting Livewell Champions.

Our two apprentices, Katie Bright and Greg Tye, have organised and delivered a number of Xplorer events in our parks over the summer holidays. Xplorer is a family friendly, fun, navigation challenge that is educational and gives children a sense of adventure as they explore the park to find the markers. The challenge involves a healthy mix of physical activity and decision making that the whole family can enjoy together.

Events have been a real success and have been run at the following parks:-

- Witham Town Park – 31st July 2018 – 112 participants across the whole day
- Halstead Public Gardens – 7th August 2018 – 103 participants across the whole day
- Braintree and Bocking Public Gardens 2018 – 14th August – over 200 participants across the whole day

Thank you to Katie Bright and Greg Tye for their hard work on this project which was carried out in addition to their everyday workload.



Public Health Grant Memorandum of Understanding (MOU)

A Public Health Grant MOU has been produced which sets out the terms and understanding between Essex County Council and Braintree District Council to use the allocated Public Health grant in the recruitment of a dedicated Public Health Practitioner/Officer (PHP/O) to support the development and improvement in public health across Braintree District Council.

This MOU also sets out the terms and understanding for the allocation of a separate Public Health's Health and Wellbeing grant to support health and wellbeing projects and/or activities across the district of Braintree.

The MOU provides confidence that Essex County Council grants to District Councils for Public Health are being maintained.

Livewell run

To encourage our residents to become more active the Council organised two runs for local residents in Braintree; the John Ray 2k and Bocking and Blackwater 3k. As part of the process for signing-up for the run online, residents have to provide some basic information about their level of activity. These details will be a valuable tool in planning other similar events and allow us to target the most appropriate audience for promoting the events.

The two events will be held annually in the future and officers are also looking at the possibility of organising events in Witham and Halstead.





Leisure Contract

There has been an increase in the usage at the Leisure Centres over the last few months. Officers are working with Fusion to maintain these figures although the recent significant increase in participation is probably due to the recent spell of hot weather and the school holidays.

Health Facilities

A meeting was held between Officers and the Clinical Commissioning Group (CCG) regarding Witham Health Centre. The CCG reported that it met with Priti Patel MP following the meeting and it is hoped to provide a briefing for Members in the near future.

A business case relating to the Sible Hedingham Health Centre will be brought to Cabinet in the Autumn.

Discussions continue to take place between Officers and the CCG to look at developing further joint working between Braintree District Council and the Mid Essex CCG in the future.

Mental Health Workshop

A Mental Health Workshop took place in July which brought together Council officers and representatives from key practitioners in the District to look at an in-depth study of mental health issues across the District. Information from the workshop will be produced and an approach has been made to the Public Health team at ECC to engage with them to produce a specific plan for Braintree, which will aim to avoid duplication, link services and provide a clear pathway for service users.

Service users will be involved in developing this action plan as it is intended that they will be at the centre of the consultation. The intention is to produce a draft plan this Winter.

COMMUNITY SERVICES

Halstead Connected

A project to help understand and tackle social isolation and loneliness in Halstead has been carried out by the Young Foundation. The final report setting out the findings and recommendations from the project has now been received.

The key findings show:-

- While many parts of the community find Halstead to be a welcoming community, some groups feel disconnected and isolated

- Social isolation and loneliness result from a range of factors, including changing support networks
- Local services, growth and change play a central role in people's sense of connection to their community and to one another

The project worked to support local people and organisations to address social isolation and loneliness in diverse and creative ways, through promoting better connections locally:-

- Encouraging local residents to support their neighbours
- Building confidence and connections for young people
- Welcoming and connecting existing residents and newcomers with the town

A community meeting has been scheduled for 26th September to enable residents and stakeholders to receive feedback from the project, discuss the recommendations and agree a way forward.

Dementia Update

The dementia friendly cinemas at the Halstead Empire and the Archer Centre in Braintree are receiving good attendance.

Citizens Advice

We are working with the Citizens Advice to support them with their new service delivery and development plan.

Maltings Lane Community Facility

Following the request at the last Council meeting, consultants looking at possible uses and tenants for the Maltings Lane Community Facility carried out a number of interviews with key stakeholders including Ward Members, Witham Town Council, Community Voluntary Sector and Faith Groups. Before any final decision is made there will be further consultation with the public/community.

Equalities E-Learning

The Equalities Act 2010 sets out a number of requirements for local authorities under the Public Sector Equality Duty. It ensures that public bodies consider the needs of individuals in their day to day work including their staff and members of the communities they serve.

A new revised e-learning module has been developed which all staff across the organisation will be required to complete.

Councillor Peter Tattersley
Cabinet Member for Health and Communities

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List of Public Meetings Held Since Last Council Meeting		Agenda No: 15
Portfolio Not applicable Corporate Outcome: Not applicable Report presented by: Not applicable Report prepared by: Jessica Mann, Governance and Members Officer		
Background Papers:		Public Report
Published Minutes of the meetings listed within the report below.		Key Decision: No
Executive Summary: Since the last Council meeting held on 23 rd July 2018, the following Minutes have been published for meetings held in public session: <ul style="list-style-type: none"> (1) Governance Committee – 25th July 2018 (2) Local Plan Sub-Committee – 1st August 2018 (3) Planning Committee – 28th August 2018 (4) Cabinet – 10th September 2018 (5) *Planning Committee – 11th September 2018 (6) Licensing Committee – 12th September 2018 (7) *Overview and Scrutiny Committee – 19th September 2018 <p>*Those minutes identified by the prefix * were not available at the time of publishing the Agenda, but are intended to be available to view on the Council's website prior to the meeting.</p>		
Recommended Decision: Members are invited to note the Minutes published.		
Purpose of Decision: Not applicable.		