

Cabinet AGENDA

Monday, 8th July at 7:15pm

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)

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

Membership:-

Portfolio

Leader of the Council	Councillor G Butland (Leader of the Council)
Economic Development and Infrastructure	Councillor T Cunningham (Deputy Leader of the Council)
Communities Culture and Tourism	Councillor F Ricci
Corporate Transformation	Councillor J McKee
Environment and Place	Councillor Mrs W Schmitt
Finance and Performance Management	Councillor D Bebb
Health and Wellbeing	Councillor P Tattersley
Homes	Councillor K Bowers
Planning	Councillor Mrs G Spray

Invitees

Representatives of the Green Party and Independent Group, Halstead Residents Association and Labour Group.

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 by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

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AGENDA

No	Title and Purpose of Report	Pages
1	Apologies for Absence	
2	Minutes of the Previous Meeting To approve as a correct record the minutes of the meeting of the Cabinet held on 11th March 2019 (copy previously circulated).	
3	Public Question Time (See paragraph above)	
4	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.	
5	OVERALL CORPORATE STRATEGY AND DIRECTION	
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5b	Appointments to Outside Bodies	12 - 14
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6a	Cabinet Response to Overview and Scrutiny Review into The Role of the Highway Authority in the Braintree District	15 - 21
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AGENDA – PRIVATE SESSION

No	Title and Purpose of Report	Pages
11	CORPORATE TRANSFORMATION	
11a	Disposal of Land at Horizon 120, Great Notley - PRIVATE	

Leader's Announcements – Further Appointments To Cabinet Sub Committees		Agenda No: 5a
Portfolio	Overall Vision and Strategic Direction	
Corporate Outcome:	Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Councillor Graham Butland, Leader of the Council	
Report prepared by:	Ian Hunt, Head of Governance	
Background Papers:		Public Report
Constitution Agenda and Minutes of the Annual General Meeting 21 st May 2019		Key Decision: No
Executive Summary:		
<p>Further to the Leader's announcements at the Annual General Meeting under item 11 of his Cabinet and some of the Cabinet Sub Committees, this report makes further announcements in relation to additional Cabinet Sub Committees.</p> <p>The Leader can appoint Cabinet Sub-Committees to consider issues within the terms of reference set by the Leader. Whilst these Groups are not subject to the rules of political proportionality, although the Leader may appoint any Member of the Council to a Group.</p>		
Recommended Decision:		
That Cabinet notes the appointments and delegations set out in this report.		
Purpose of Decision:		
To note the Leader's appointments of Cabinet Sub-Committees.		

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	Member Allowances are payable in accordance with the Member Allowance scheme.
Legal:	Cabinet Sub Committees, may be appointed by the Leader, with relevant terms of reference as set out in the report.
Safeguarding:	No matters arising directly out of this report.
Equalities/Diversity:	The Council supports all Members in delivering their functions making reasonable adjustments as required for any protected characteristics.
Customer Impact:	The Leader has considered the appointments to ensure appropriate management of service delivery and oversight.
Environment and Climate Change:	No matters arising out of this report.
Consultation/Community Engagement:	No matters arising out of this report.
Risks:	No matters arising out of this report.
Officer Contact:	Ian Hunt
Designation:	Head of Governance
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E-mail:	Ian.Hunt@braintree.gov.uk

1. Background:

- 1.1. The Leader set out his appointments to Cabinet and scheme of Delegation together with the first of his appointments to sub committees at the Councils Annual General Meeting on the 21st May 2019.
- 1.2. The Leader has the right to appoint such Sub-Committees of the Cabinet as he may choose to undertake work on behalf of the Leader and the Council in accordance with the Terms of Reference set for the Sub-Committees. These are detailed within the report.
- 1.3. The appointment of the Local Plan Sub-Committee is unaffected by these announcements.

2. Cabinet Sub-Committees

- 2.1. The Leader appoints the following Sub-Committees of the Cabinet with the Membership set out as below:

Sub-Committee Name: **Developing Democracy Group**

Terms of Reference:

To be responsible for the consideration of matters relating to:

1. The promotion of democracy and democratic accountability.
2. Consideration of amendments to the Constitution and to make recommendations to Full Council as to their adoption.
3. Consideration of matters relating to the administration of elections and electoral balance and to make recommendations to Full Council as to their adoption.
4. To consider other matters relevant to the purposes of the group including consultations and make recommendations to Cabinet or Council as appropriate.
5. To consider matters in relation to the management of parish boundaries including the grouping of parishes as well as community governance reviews and to make recommendations to the Full Council in relation to these.

Membership:

Councillor J Abbott
Councillor D Bebb
Councillor G Butland (C)
Councillor H Johnson
Councillor D Mann
Councillor Mrs J Pell
Councillor Mrs W Schmitt
Councillor Mrs G Spray
Councillor N Unsworth

Sub-Committee Name: **Member Development Group**

Terms of Reference:

1. To lead, manage and review elected Member development for the organisation.
2. To enable Members to fulfil their different roles within the Council and externally as community leaders.
3. To regularly review the Member development strategy to ensure that it continues to meet the needs of individual members and the Council.
4. To act as Champions for Member development leading by example and actively promoting the work of the Member Development Working Group.
5. To approve the methods of identifying and assessing Member development needs.
6. To identify factors either within or outside the Council that may create training needs such as changes to service delivery mechanisms or legislation.
7. To identify the appropriate training required as relevant to the various roles undertaken by Members.
8. To identify Members who may have the skills and knowledge to act in a role as trainer or facilitator for other Members and provide the support required to undertake this role.
9. To recommend suitable and cost-effective development programmes including the annual Member development plan.
10. To monitor how training and development is being carried out, and its effectiveness.
11. To monitor Member involvement in the training and development provided and take relevant action, as required, to improve attendance.
12. To monitor the use of resources required to support the Member development programme.
13. To update the Cabinet Member portfolio holder for inclusion in reports to full Council and report to Cabinet as and when required.
14. To lead on the East of England Member Development Charter Plus

Membership:

Councillor Mrs C Dervish

Councillor F Ricci (C)

Councillor P Schwier

Councillor Mrs S Wilson

Additionally one Member of each opposition group if requested.

Sub Committee Name: **Strategic Investment Programme Group (SPIG)**

Terms of Reference:

1. To monitor the Council's Strategic Investment Programme and to monitor performance of key corporate investment projects.
2. To receive reports and recommendations from Project Reference Groups as appropriate.
3. To undertake and maintain a strategic oversight of the Council's Strategic Investment Programme to monitor the impact on the Council's resources and finances and its impact on corporate priorities.
4. To monitor and consider the mix of asset classes the Council is investing in and to make recommendations to Cabinet if necessary to adjust the balance to support a strong strategic investment portfolio.
5. To make recommendations to Cabinet or Corporate Management as to changes in the programme to support the Council's aims taking into account:
6. Link to Corporate Strategy priorities/needs
7. Impact on customers, the community and the Environment
8. Financial implications – Cost, Funding and Return on the investment
9. Risks and Timescales
10. To consider potential new strategic investment projects and to make recommendations to Cabinet and Council as to their adoption and prioritisation.
11. To assess projects against the Council's Corporate Investment Appraisal tool and to determine their score on behalf of the Council.
12. To consider changes in levels of long term investments such as equity funds and property funds and;
13. to make recommendations to Cabinet and Council in respect of changes to the maximum level of investment in the respective assets and,
14. to make recommendations to the Corporate Director Finance in respect of the purchase, retention or disposal of any equity or property fund.
15. To make recommendations to the Developing Democracy Group, Governance Committee, Cabinet or Council in respect of any changes to delegations, Financial Procedure Rules or the Council's Constitution to support the development of the Council's Strategic Investment Programme.

Membership:

Councillor D Bebb

Councillor K Bowers

Councillor T Cunningham

Councillor J McKee (C)

Councillor P Schwier

Additionally one representative of the Green and Independent Group if notified.

Sub Committee Name: **Horizon 120 Project Reference Group**

Terms of Reference:

1. Member oversight of the Horizon 120 Project, and to report on progress to the Strategic Investment Group.
2. To receive reports from Officers on the project and to monitor progress.
3. To challenge and support Officers in the delivery of the project and to ensure project delivery in line with the approved project scope.
4. To act as a point of consultation for Portfolio Holders or Corporate Directors making delegated decisions in relation to the project.
5. To make recommendations to the Strategic Investment Group, Cabinet and Council in respect of key decision milestones and or on variations to the project.

Membership:

Councillor J Abbott
Councillor J Baugh
Councillor T Cunningham (C)
Councillor D Mann
Councillor F Ricci
Councillor W Rose
Councillor P Schwier
Councillor R van Dulken

Sub Committee Name: **Housing Development Company Project Reference Group**

Terms of Reference:

1. Member oversight of the Housing Development Company project, and to report on progress to the Strategic Investment Group.
2. To receive reports from Officers on the project and to monitor progress.
3. To challenge and support Officers in the delivery of the project and to ensure project delivery in line with the approved project scope.
4. To act as a point of consultation for Portfolio Holders or Corporate Directors making delegated decisions in relation to the project.
5. To make recommendations to the Strategic Investment Group, Cabinet and Council in respect of key decision milestones and or on variations to the project.

Membership:

Councillor D Bebb
Councillor K Bowers (C)
Councillor P Horner
Councillor D Mann
Councillor Mrs I Parker
Councillor I Pritchard
Councillor Mrs J Pell
Councillor J Wrench

Sub Committee Name: **Manor Street Project Reference Group**

This group to form after a grant of planning permission for the project.

Terms of Reference:

1. Member oversight of the Manor Street Project, and to report on progress to the Strategic Investment Group.
2. To receive reports from Officers on the project and to monitor progress.
3. To challenge and support Officers in the delivery of the project and to ensure project delivery in line with the approved project scope.
4. To act as a point of consultation for Portfolio Holders or Corporate Directors making delegated decisions in relation to the project.
5. To make recommendations to the Strategic Investment Group, Cabinet and Council in respect of key decision milestones and or on variations to the project.

Membership:

Councillor K Bowers
Councillor Mrs M Cunningham
Councillor T Cunningham (C)
Councillor T Everard
Councillor A Hensman
Councillor S Rehman
Councillor Mrs W Schmitt

Appointments to Outside Bodies		Agenda No: 5b
Portfolio	Overall Vision and Strategic Direction	
Corporate Outcome:	Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Councillor Graham Butland, Leader of the Council	
Report prepared by:	Ian Hunt, Head of Governance	
Background Papers:	Public Report	
None	Key Decision: No	
Executive Summary:		
<p>The Cabinet is asked to make the appointments detailed in the report to those outside bodies where the appointments are made by Cabinet. Full Council at the Annual General Meeting appointed representatives to those outside bodies which are non-executive functions.</p> <p>The Councils representatives on outside bodies are in a position to represent and to support the relevant bodies in line with the Councils corporate priorities and objectives.</p> <p>It is proposed that the appointments are for the four years of the Councils term unless altered.</p>		
Recommended Decision:		
<p>That Cabinet makes the appointments detailed in the report for the four years of the Councils term.</p>		
Purpose of Decision:		
<p>To ensure appropriate representation of the Councils views on the relevant outside bodies.</p>		

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

Financial:	Members appointed to serve on outside bodies are entitled to claim expenses in accordance with the Member Allowance Scheme in attending meetings of the outside bodies as the Cabinet's representative. This will be met from the existing budget for Member Allowances.
Legal:	No matters arising out of this report.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	A formal equalities impact assessment has not been undertaken in relation to the appointments. Appointments have been selected from the Council Membership and do not impact on any protected characteristics.
Customer Impact:	No matters arising out of this report.
Environment and Climate Change:	No matters arising out of this report.
Consultation/Community Engagement:	No matters arising out of this report.
Risks:	Appointments to bodies enable representation of views and the potential for decision making. There are limited impacts directly on the organisation.
Officer Contact:	Ian Hunt
Designation:	Head of Governance
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Appointments to Outside Bodies:

Outside Body	Appointments 2019/2020
Braintree District Citizens Advice Bureau Management Board	Councillor Mrs L Walters
Braintree District Local Highways Panel	Councillor Mrs M Cunningham Councillor P Horner Councillor van Dulken Councillor Mrs S Wilson
Braintree District Museum Trust	Councillor F Ricci
Community 360	No further appointments
Community Safety Partnership	Councillor Mrs W Schmitt
District Council Network	Councillor G Butland
East of England Local Government Association (EELGA)	Councillor G Butland
Essex Flood Partnership Group	Councillor Mrs W Schmitt
Essex Rural Partnership	Councillor P Schwier
Essex Waste Partnership Board	Councillor R van Dulken
Braintree Village Consultative Group	Councillor T Cunningham Councillor Miss V Santomauro
Great Notley Country Park – Joint Governance with Essex County Council (also known as Joint Governance – Great Notley Country Park Partnership Board)	Councillor G Butland Councillor Mrs W Schmitt
Haven Gateway Partnership	Councillor T Cunningham
Local Government Association General Assembly	Councillor G Butland
Local Government Information Unit	Councillor J McKee
North Essex Garden Communities Limited (NEGC)	Councillor G Butland Councillor Mrs G Spray
North Essex Parking Partnership Joint Committee	Councillor R van Dulken
Police and Crime Panel	Councillor Mrs W Schmitt Councillor G Butland to deputise.
Stansted Airport Consultative Committee	Councillor H Johnson
Superfast Essex Steering Board	Councillor T Cunningham
Youth Strategy Group	Councillor T Cunningham

Cabinet response to Overview and Scrutiny Review into The Role of the Highway Authority in the Braintree District		Agenda No: 6a
Portfolio: Environment and Place Corporate Priority: A sustainable environment and a great place to live, work and play. Report presented by: Councillor Mrs Wendy Schmitt, Cabinet Member for Environment & Place Report prepared by: Paul Partridge, Head of Operations		
Background Papers: Overview & Scrutiny Meetings: 11 April, 10 May, 6 June, 11 July, 19 September, 21 November, 5 December 2018; 6 February and 6 March 2019 Full Council: 25 March 2019		Public Report Key Decision: No
Executive Summary: <p>A report outlining the findings of the Overview and Scrutiny Committee's review into the Role of the Highway Authority in the Braintree District was presented to Full Council on 25 March 2019. In line with the corporate process, Council requested Cabinet to respond to the Committee's recommendations.</p> <p>A copy of the report was also sent to Essex County Council who, as the Highway Authority, have direct accountability and responsibility for implementing the recommendations. At this stage they have only acknowledged receipt.</p> <p>The Cabinet Member for Environment and Place has considered and provided a response to each of the recommendations put forward by the Overview and Scrutiny Committee. For ease of reference, the recommendations and proposed responses are set out in the table contained in the main body of the report.</p> <p>Cabinet is requested to consider the responses to the recommendations and, if in agreement, request officers to discuss with their counterparts at ECC how these can be taken forward.</p>		
Decision: <p>To agree Cabinet's response to the recommendations made by the Overview and Scrutiny Committee, as set out within this report, and delegate the actions to the Corporate Director/Head of Operations to pursue with Essex Highways.</p>		
Purpose of Decision: <p>To agree the actions arising from the recommendations made by the Overview and Scrutiny Committee.</p>		

Corporate implications	
Financial:	None identified.
Legal:	Nothing specific to the recommendations.
Equalities/Diversity	None identified.
Customer Impact:	Many of the recommendations, if actioned, will improve the overall customer experience for users of the public highway.
Environment and Climate Change:	None identified.
Consultation/Community Engagement:	The Overview and Scrutiny Committee report was sent to the Essex Highways for comment.
Risks:	None identified.
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Ext. No.	3331
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1. The Cabinet Response

- 1.1 The Cabinet wishes to thank the Overview and Scrutiny Committee for its comprehensive report on the role of the Highway Authority in the Braintree District and notes the recommendations made.
- 1.2 Cabinet also wishes to thank Essex County Council and other stakeholders for their input into this review.
- 1.3 Responses to the recommendations are set out in the table below in the order in which they appears in the original report.

O&S Finding: Improvements to Essex County Council Highways' customer service system are needed. Multiple reporting of the same issues is frustrating, a waste of public resources and an unnecessary inconvenience to customers.	
Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
1. Makes revisions to the reference number for the on-line reporting system to make it simpler and more intuitive.	Essex Highways (EH) to consider this as an improvement to their existing system.
2. Builds on the highways interactive website to provide customers with an improved on-line tracking facility to check progress on maintenance issues (to be widely advertised when in place). Furthermore, Essex Highways should extend the period of time during which responses to queries remain on its website after the determination of the outcome, such as for a six-month period to avoid the same defect being reported again and to help clarify for those reporting issues when exactly the outcome of the issue was determined. The system should also state on what specific date reported defects were inspected to enable website users to monitor the time taken for this and the subsequent repair to occur.	EH to be asked to review the current tracking system to provide a more specific and qualitative response on the issues that have been reported e.g. timescale for completion. Less emphasis should be placed on generic comments about the network which Cabinet feels devalues the reporting and tracking system. Cabinet is in favour of any improvements that will avoid duplication of reporting. Cabinet supports the recommendation that EH provides real-time information on when inspections are undertaken and when remedial action will be carried out.

Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
3. Publishes up to date service standards on its website and communicates these to Braintree District Council and Parish and Town Councils.	Improving access to service standards would help customers to understand how quickly they can expect a response. EH may like to consider creating a 'look-up' table listing the most frequently reported maintenance issues and their response times.
4. Refers where appropriate on the website to clear criteria where, for instance, potholes and other obstructions, such as raised slabs, are in need of repair.	EH should consider producing an abridged version of the maintenance strategy to simplify information available to customers around the standards and specifications relevant to the most commonly reported issues.
O&S Finding: The Essex County Council intervention criteria for maintenance issues are too rigid and this, combined with the inefficient customer services system, can lead to long delays in basic maintenance issues being addressed.	
Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
5. Develops more flexible intervention criteria, especially in responding to issues reported by Parish Councils who have a useful role to play as the 'eyes and ears' of their local communities.	EH should have regard to the fact that town/parish councils will have a greater understanding of priorities within their local communities and should be able influence how quickly a highway defect is rectified. This will enhance customer satisfaction both with the local council and EH.
6. Considers extending the principle of the existing Highways Ranger service to town/parish councils that are willing to carry out minor works at a local level. This should be considered together with the development of the devolution initiative that was promoted during the evidence gathering sessions.	Cabinet acknowledges the devolution programme for minor highway works to town/parish councils. This is still in its infancy, but it is hoped that it will bring greater control and autonomy at a local level within the remit of the devolved tasks. Cabinet does however have some concerns about how well this scheme will be supported by EH and the funding that will be made available to local councils to undertake these tasks. That will be a matter for individual negotiations.
7. Reviews and extends the role of the existing Highway Ranger service to cover as many of the locally reported issues as possible to facilitate the speedy completion of minor works.	Given that the Highways Rangers service has been operating since 2011, it is suggested that a review is undertaken to look at what added value/benefit could be realised from extending their programme of works, albeit this may require some additional investment.

Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
8. Conducts an assessment of the effectiveness of speeding deterrents within Parishes e.g. Vehicle Activated Signs, and whether value for money is being achieved in their implementation. The assessment findings could then be made available to Parish Councils for consideration before any large-scale future potential investments in new speed deterrents took place. The assessment conducted by Essex County Council could also encompass the level of road accidents in areas where speed deterrent were situated.	<p>Cabinet does not support the recommendation for assessments to be conducted, as what works in one area will not necessarily work in another.</p> <p>It does, however, recognise the role that speed control measures play in road safety and it is a matter for the town and parish councils to determine, in conjunction with EH, the most appropriate deterrent for their area, e.g. Vehicle Activated Signs, chicanes, speed bumps etc.</p>

O&S Finding: Under the previous ECC highway structure that covered the Braintree District, a designated team of officers with local knowledge was accessible by elected members. The removal of this vital link has had a perceived detrimental effect on the service. Therefore there needs to be a named County Officer, preferably working for at least part of the month, based in the Braintree District, who could be a point of contact for town and parish councils and Braintree District Council officers and Members on local highways issues, including for local site meetings.

Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
9. Nominates a named permanent officer (who could be based at Causeway House) to work with District Members, officers and town/parish councils on all local highways issues, including attending site meetings. We acknowledge the value of the current Local Highways Panel Highways Liaison Officer in providing liaison, and would wish that this became a more permanent position but would seek further liaison outside of purely Local Highways Panel issues.	<p>Cabinet supports any improvements in joint working and communications between EH and Braintree District Council.</p> <p>The current arrangements with the Braintree LHP Liaison Officer, work well. However, it is often the case that officers are more involved with complex/technical issues and for this reason it would be helpful for them to have direct access to a named officer at EH with whom the issue could be discussed. Discussions on operational issues cannot take place using the public reporting process.</p>
10. Publishes the expected protocols for escalating local highways issues.	Cabinet recognises that there is ambiguity around the process for escalating highways issues and, in particular, the role that County Members can play in this. EH to be asked to clarify and publicise their protocol for escalating matters.

O&S Finding: The new arrangement for Local Highway Panels based on the Braintree model is welcome. However, the lack of financial transparency and evidence of value for money remain concerns for the Committee.	
Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
11. Provides independent scrutiny and evidence of Value for Money achieved from the contract with Ringway Jacobs.	Cabinet will ask that ECC's Cabinet Member for Infrastructure considers how financial performance information can be better shared (more open/transparent) to demonstrate that value for money is being achieved across the highways service. In particular, the quality of the information needs to be more robust and should contain the whole-life costs of each project. Progress should be routinely reported at LHP meetings as a standard agenda item.
12. Provides reassurance that a structured audit process is in place to monitor and challenge the services provided by the contractor and make the audit findings publically available.	
13. Provides scrutiny on outsourced contracts, such as that with Ringway Jacobs. The performance of contractors should be monitored on a regular basis to determine their effectiveness and whether value for money is being achieved, thus increasing their accountability.	
14. Considers whether there is scope for introducing some form of competition into the contract for the whole of the county, and whether this would entail separate contracts for different areas of Essex.	
O&S Finding: There needs to be greater clarity in public information as to “who does what” in highways roles to remove confusion currently experienced by service users.	
Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
15. Braintree District Council, Essex County Council and Highways England ensure that clear and concise information is made available on their websites and in relevant publications, as to which organisation is responsible for the various elements of the highway service, with contact details to access the correct service provider.	Cabinet recognises the complexity of the highways function and this is confusing for members of the public. It therefore agrees with the recommendation and will ask each organisation to ensure that relevant sign-posting is included on their websites.

Recommendation	Recommended Response from Cabinet
That Essex Highways:-	
<p>16. Closer communication should be made between Essex Highways and the Planning Department at Braintree District Council in respect of commercial planning applications and large schemes being considered by the Local Highways Panel.</p>	<p>Cabinet acknowledges the benefit of close liaison between officers at EH and BDC and is pleased to see that officers from the respective authorities continue to meet on a weekly basis to discuss various planning issues.</p> <p>Cabinet will ask officers to review the current arrangements to consider how they can broaden the scope of their discussions to ensure that all planning related issues are captured at their meetings.</p>
<p>17. Essex County Council Highways and the District Council to consider at an early stage community gains from Section 106 agreements that could be negotiated with developers and share these appropriately with local Members to get some localised input.</p>	<p>Cabinet supports this recommendation and actively encourages officers from both organisations to continue to work together on discussing opportunities for S106 Agreements.</p> <p>In respect of Member/wider community input, provision is already available on the planning portal for views/opinions to be captured including ideas on facilities that would directly benefit local communities.</p>

Cabinet Response to Recommendations arising from the Overview and Scrutiny Task and Finish Group's Review Of Recycling, Re-Use And Reduce		Agenda No: 6b
Portfolio: Environment and Place Corporate Priority: A sustainable environment and a great place to live, work and play. Report presented by: Councillor Mrs Wendy Schmitt, Cabinet Member for Environment & Place Report prepared by: Paul Partridge, Head of Operations		
Background Papers: Task & Finish Group Meetings - 11 June, 9 August, 17 September, 15 October, 19 November and 17 December 2018 Full Council – 25 March 2019		Public Report Key Decision: No
<p>Executive Summary:</p> <p>This report outlines the findings of the Task & Finish Group's review of Recycling, Re-use and Reduce which was considered by the Overview and Scrutiny Committee on 6 March 2019 and by Council on 25 March 2019.</p> <p>The report and its recommendations are considered very pertinent and timely given the Government's consultation on its new 25-year Resources and Waste Strategy for England, to which the Council has recently responded.</p> <p>This strategy sets out how the country can preserve its stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy, as well as minimising the damage to our natural environment by reducing and managing waste safely and tackling waste crime.</p> <p>In addition, the issues identified in the BBC1 programme 'War on Plastic', particularly in relation to single-use plastics, has raised the profile nationally of our impact on the global environment and the need to change our behaviour to ensure we all take more responsibility for the amount and type of waste we generate.</p> <p>The Task and Finish Group's recommendations will enable the Council to build on what has already been achieved and new actions and initiatives that can be developed around the waste hierarchy. The ultimate aim will be to help reduce waste at source, encourage re-use where practicable and promote recycling of unavoidable waste, whilst ensuring that the Council meets its legislative, financial and operational responsibilities. Where there is clear overlap with the Government's proposals, it would be prudent to await the outcome of their consultation.</p> <p>Cabinet is asked to consider the responses and, if in agreement, request officers to take forward the recommendations.</p>		

Recommended Decision:	
Cabinet approves the responses proposed by the Cabinet Member for Environment and Place and delegates any actions to the Corporate Director/Head of Operations to take forward.	
Purpose of Decision:	
To consider and respond to the recommendations made by the Task & Finish Group.	
Corporate implications	
Financial:	None identified.
Legal:	Nothing specific to the recommendations.
Equalities/Diversity	None identified.
Customer Impact:	Many of the recommendations, if actioned, will support the Council's objectives
Environment and Climate Change:	None identified.
Consultation/Community Engagement:	None identified.
Risks:	None identified.
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1. Cabinet Response

- 1.1 The Cabinet wishes to thank the Task and Finish Group for its comprehensive report on Recycling, Re-use and Reduce and notes the recommendations made.
- 1.2 Cabinet also wishes to thank Viridor and other stakeholders for their input into this review.
- 1.3 Responses to the recommendations are set out in the table below in the order in which they appear in the original report.

Recommendation	Recommended Response from Cabinet
That Braintree District Council:-	
1. Supports and promotes the work of the Corporate Working Group for Waste Minimisation and Recycling and continues to work with Essex County Council as the Waste Disposal Authority and other Essex Councils on waste minimisation and recycling initiatives.	Cabinet supports this recommendation and recognises the importance of the Essex Waste Partnership and the need for a more holistic approach to be adopted across the County. This includes working in collaboration on campaigns and other promotional work under the Love Essex brand.
2. Promotes and encourages best practice and schemes amongst schools within the District in respect of waste minimisation and recycling, with a particular focus around secondary schools (e.g. letters to school governors, workshops, assemblies, etc.).	The Council must not ignore the importance of educating children at a young age on the impact they can have on the environment during their lifetimes. Cabinet fully supports this recommendation and will aim to build on existing initiatives like commercial waste recycling, education and awareness.
3. Helps to promote national and local events and various schemes that support Recycling, Re-Use and Reduce initiatives and raises awareness of apps such as Freegle for Braintree which will help meet the Council's objectives.	These are part of the Council's core activities and we regularly participate in events such as National Recycling Week, Real Nappy Campaign and the promotion of home composting. The Council will also continue to promote sites such as Freegle to help residents reduce, reuse and recycle their waste.
4. Asks the Marketing and Communications Team to consider how they can enhance communication of the key messages around waste minimisation and recycling using social media, with greater emphasis placed on the waste hierarchy.	A lot of good work is already being done but as technology improves, the Council needs to ensure that it keeps pace and maximises the use of digital technology in its widest possible sense.

Recommendation	Recommended Response from Cabinet
That Braintree District Council:-	
<p>5. Supports active participation in schemes promoted by the Local Authority Recycling Advisory Committee (LARAC) (e.g. “Campaign at Shop” schemes) to help combat issues surrounding marketing and packaging of products, and uniform colours and sizes for waste bins across different local authorities.</p>	<p>In its response to the Government’s consultation on its Resource & Waste Strategy for England, the Council stated that it would continue to support and participate in initiatives run by LARAC and other advisory groups including WRAP.</p> <p>The outcome of this Strategy (which includes proposals on Producer Packaging and consistency of collection systems) will influence the work of these groups and help shape any change in the future delivery of the Council’s waste collection service.</p>
<p>6. Adopts more robust enforcement in relation to side waste (excess grey bin waste) and approves a protocol to address this.</p> <p>Schemes such as “Pay to Throw” would be potential deterrents to householders who produce excessive waste.</p>	<p>The Government’s Strategy will largely dictate how local authorities move forward. Cabinet’s preferred approach is one of education and intervention, followed by enforcement if necessary. Peer pressure and national campaigns led by influential people will be catalysts to changing behaviour, encouraging people to be more socially aware of the impact of their waste on the environment.</p>
<p>7. Takes a holistic approach as part of the planning process when considering design features of estates, particularly for mixed hereditaments and flats, and includes within the planning policy framework a requirement for developers to design and incorporate facilities for the segregation and storage of recyclables, food waste, etc., that are aesthetically pleasing, with easy access to facilitate loading, storage and pick-ups of both residual and recyclable waste.</p>	<p>Cabinet fully supports this proposal and is aware that officers are working on a Supplementary Planning Document (SPD) for waste. One of the guiding principles underpinning this document is to ensure that waste management in new developments does not adversely affect the quality of life for residents and other users of the space. Adopting the principles of the SPD at an early stage of the design process will prevent issues that the waste service often encounter e.g. inadequate storage solutions, unsuitable collection points or insufficient access for vehicles, all of which adversely impact on residents, the cost of the service and the ability to achieve the Council’s objectives of minimising waste and maximising recycling.</p>

Recommendation	Recommended Response from Cabinet
That Braintree District Council:-	
8. Maintains an overview of advancements in new technologies in the waste industry, particularly those that seek to minimise waste whilst maximising recycling and adapts its service accordingly.	Cabinet supports this recommendation and is keen to see how advances in technology – both vehicular and digital – will improve service delivery, maximise efficiency and help deliver the objectives of the waste hierarchy.
9. Considers introducing a charge for the collection of garden waste. This would help to offset some of the cost of the recycling service and may encourage more householders to home-compost their waste.	The Government is currently consulting on garden waste collections being free in all local authority areas and may legislate for this once the outcome of the consultation is known. No further work will be progressed on this particular action for the time being.
10. Approves the installation of a continuous video ‘loop’ in the reception areas of the Council’s offices and other locations within the District that affirm household recycling and waste minimisation best practices. This can include raising awareness of the Council’s bulky household waste collection service and the Household Waste and Recycling Centres in Braintree and Witham.	Cabinet supports any initiatives that actively promote and raise awareness of waste minimisation and recycling including the use of digital technology to do this.
11. Supports the new Waste and Resources Strategy and, where appropriate, aligns its future service delivery, work programmes and initiatives around the principles outlined in this document. This includes working with Essex County Council as the Waste Disposal Authority on initiatives that seek to drive greater efficiency of energy from waste.	Cabinet broadly supports this recommendation, but is keen to ensure that decision making in relation to service delivery remains at a local level and the Council/taxpayer is not expected to fund additional costs arising from any legislative changes. Collaborative working is already taking place across Essex through the Essex Waste Officers Delivery Group.

Household Waste Duty of Care – New Powers to Control Fly-Tipping		Agenda No: 6c
Portfolio	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play.	
Report presented by:	Councillor Mrs Wendy Schmitt, Cabinet Member for Environment and Place	
Report prepared by:	Paul Partridge, Head of Operations	
Background Papers: S.34 of The Environmental Protection Act 1990 Part II S.3 Waste Duty of Care Code of Practice		Public Report
		Key Decision: No
Executive Summary		
<p>Section 34 (2A) of the Environmental Protection Act 1990 places a duty of care on the occupiers of domestic properties in England to take all reasonable measures to ensure that any transfer of waste from their household is to a person/s authorised or licensed to carry waste. (Householders are able to search for registered waste carriers quickly and easily on the Environment Agency’s website.)</p> <p>In the past, failure to comply may have rendered a householder liable to prosecution if their waste was subsequently found to have been fly-tipped. However, in 2018 the Government consulted on proposals to introduce new financial penalties for breaches of the household waste duty of care – similar to those applied to businesses who breach their waste duty of care - as a quicker and more cost effective alternative to prosecution. The thinking was that if fewer people used unlicensed carriers, there would be less likelihood of waste being fly-tipped. The results of the consultation were unequivocal, with 88 of respondents in favour of the proposals.</p> <p>The Government is clear that councils must issue Fixed Penalty Notices (FPNs) in a proportionate manner and deal with each incident on a case-by-case basis, taking account of people who may be vulnerable or who have special circumstances. It is not intended that householders be penalised for minor breaches that have no detrimental impact on the environment. Conversely, FPNs must not be used where prosecution through the courts is the more appropriate course of action e.g. transferring waste to someone knowing full well that it will be fly-tipped.</p> <p>The limits for FPNs in England are set out below.</p>		

Default Penalty	Minimum full penalty	Maximum full penalty	Minimum discounted penalty
£200	£150	£400	£120

The current FPN for the offence of fly-tipping (a more serious offence) is £400. It is therefore proposed that Members set the Fixed Penalty Notice for breaches of the household waste duty of care at £300, with a reduction to £180 if paid within 10 days. This reflects the seriousness of the offence and is in line with the penalty issued to businesses who fail in their waste duty of care.

Recommended Decision:

Cabinet is RECOMMENDED to:

- (1) Adopt the new powers available to local authorities to help deal with fly-tipping; and
- (2) Set the level of penalty to be applied for breaches of the household waste duty of care in the Braintree District at £300 discounted to £180 if paid within 10 days of issue.

Purpose of Decision:

To enable the Council to implement new powers to control fly-tipping within the District.

Corporate implications in relation to the following should be explained in detail.	
Financial:	Whilst the ability to issue Fixed Penalty Notices will inevitably generate some income, that is not its primary purpose and it is likely that this will simply help cover the cost of removing the fly-tipped waste. There may also be a saving realised from issuing a Fixed Penalty Notice rather than having to go the more costly route of pursuing court action, but this is not quantifiable.
Legal:	The relevant legislation and legal implications are set out in the body of this report.
Safeguarding:	Government guidance makes provision for vulnerable people to be given special consideration when determining whether or not to apply a penalty, with incidents being considered on a case-by-case basis.
Equalities/Diversity:	EIA Assessment completed. No negative equality impacts have been identified.
Customer Impact:	A cleaner environment for residents and visitors to the District. Satisfaction in knowing that offenders have been penalised for their anti-social behaviour.
Environment and Climate Change:	The new powers will help combat fly-tipping, by reducing the flow of waste to unauthorised/unlicensed carriers.
Consultation/Community Engagement:	The changes will be advertised through normal media and digital communication channels.
Risks:	None identified.
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1. Purpose

To inform Cabinet of new powers to issue a Fixed Penalty Notice (FPN) to a householder who has committed a (waste) duty of care offence and to determine an appropriate level of penalty for that offence in the Braintree District within the parameters set out in the legislation.

2. Introduction

Section 34(2A) of the Environmental Protection Act 1990 places a duty of care on householders in England to take all reasonable measures to ensure that they only transfer waste from their household to a person/s authorised or licensed to carry waste. This is intended to minimise the risk of their waste being fly-tipped by unscrupulous individuals. In the past, anyone found guilty of breaching their duty of care risked prosecution and a fine and criminal record upon conviction.

However, in 2018, the Government consulted on proposals to introduce FPNs for breaches of the household waste duty of care, allowing an individual to discharge their liability for this offence without receiving a criminal record. This option has been available for some time to businesses who breach their waste duty of care and it has proved an effective deterrent. It also offers local authorities a timely and less onerous and costly option for controlling illegal deposits of waste.

The results of the consultation were unequivocal, with 88% of respondents in favour of using FPNs as an alternative to pursuing a prosecution. Consultation followed on draft guidance issued by the Government and the new powers came into force on 7 January 2019.

3. New Legislative Powers

Enforcement authorities can issue an FPN to any householder who appears to have failed to comply with their waste duty of care. For example:-

- Where fly-tipped waste can be traced back to an individual who has failed to take reasonable steps to ensure that they transferred the waste to an authorised person.
- Where an unauthorised carrier is found to be carrying household waste that was directly transferred to them by the occupier of a domestic property;
- Where an individual is found to have transferred their household waste to an unauthorised person at a site that does not have a permit or exemption.

An authorised person may still fly-tip waste, so tracing fly-tipped waste to a household does not necessarily demonstrate a breach of the duty of care. An individual should be given an opportunity to demonstrate that they took all reasonable steps to determine that the person/company who took their waste was authorised to do so.

Reasonable steps include:-

- Asking the waste carrier to provide their full address and telephone number.
- Asking to see their waste carrier licence issued by the Environment Agency.

- Contacting the Environment Agency direct and asking for a free instant Waste Carrier Validation Check or alternatively checking on-line on the Environment Agency website.

If fly-tipped waste is traced to an individual and they are unable to identify who took their waste or the carrier they identify is unauthorised, it is reasonable to believe that their duty of care was not met.

There is no appeal process and if a recipient opts not to pay, the local authority would proceed with a prosecution in the normal way and the individual would have to make their case to the court.

4. Level of Penalty

The maximum penalty that can be set for breaching the household waste duty of care is £400 and the minimum is £150. If no fee is set, the default of £200 is to be used. An early payment option is available if paid within 10 days of issue and this must not be less than £120.

The FPN for the more serious offence of fly-tipping in the Braintree District is set at £400. For businesses who fail in their waste duty of care, the penalty is £300 reduced to £180 if paid early. The latter offence is comparable to the householder offence and it therefore seems appropriate to set the fee at the same level.

For comparison purposes, of the other Essex Councils who have adopted the new legislation, the following penalties have been set:

• Thurrock	£400	} (recommended level for BDC)
• Brentwood	£300	
• Chelmsford	£300	
• Epping	£300	
• Castle Point	£200	
• Maldon	£200	

5. Considerations

The Government is clear that Councils must not issue FPNs in place of prosecution where the latter is the more appropriate course of action – for example, where it is clear that the intention was for the waste to be fly-tipped.

The use of FPNs must also be proportionate to the outcome and so it would not be appropriate to issue a penalty where there is no detrimental impact to the environment – for example, where a householder asked a friend (an unlicensed carrier) to dispose of their waste and it was taken to a local Household Waste & Recycling Centre.

Whilst the majority of householders are capable of running rudimentary checks to satisfy themselves that anyone taking their waste is authorised to do so, local authorities must have regard to vulnerable individuals who may unwittingly find themselves breaching their duty of care. In such circumstances, special

consideration should be given as to whether or not it would be in the public interest to impose a penalty.

6. Financial Implications

The new powers are not about generating income, as we anticipate that the number of FPNs issued will be minimal. (Last year investigated and recommended prosecution on 5 occasions where householders had breached their duty of care, which would now be covered by the FPN process.) The main benefit will be savings in time in not having to pursue prosecutions for incidents where previously this would have been the normal course of action. This will enable staff to focus their time and effort on other areas of work.

7. Environmental Implications

Fly-tipping is not only unsightly, but may also be hazardous to wildlife and has a detrimental impact on areas where it is prevalent. The new powers should provide a more effective deterrent to this type of anti-social behaviour and ensure that where an offence has been committed, the perpetrators are held to account in a timely and proportionate manner.

8. Recommendation

Cabinet is recommended to:

- (i) Note the new powers available to local authorities to deal with breaches of the household waste duty of care; and
- (ii) Set the level of penalty for breaches in the Braintree District at £300 reduced to £180 if paid within 10 days of issue.

Provision of Sanitary Accommodation in Food Premises		Agenda No: 6d
Portfolio	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Councillor W Schmitt, Cabinet Member for Environment and Place	
Report prepared by:	Lisa Le Besque, Environmental Health Manager (Food, Health & safety and Licensing)	
Background Papers:	Public Report	
None	Key Decision: No	
Executive Summary: Braintree District Council has been using guidance specifying the number of sanitary facilities to be provided in small cafes and restaurants for a number of years. This guidance was prepared by the Essex Food Liaison Group, a group comprising of one food officer from each Essex Local Authority. Whilst this guidance has served a purpose it has no legal standing and as such Braintree District Council has been unable to insist that a food premise which opens without adequate customer toilet provision provides additional facilities. To allow Braintree District Council to be able to enforce minimum toilet provision it is recommended that it agrees a policy on sanitary provision and authorises officers under The Local Government (Miscellaneous Provisions) Act 1976. This legislation permits officers to require the provision of adequate sanitary provision in relevant places.		
Recommended Decision: The policy for the provision of sanitary accommodation in food premises attached at Appendix A to this report is approved.		
Purpose of Decision: This report seeks approval of a policy for the provision of sanitary accommodation in food premises, such as cafes, restaurants and takeaway/retail food premises, offering food and/or drink to members of the public where seating is provided for consumption at		

the premises. Adoption of this policy will enable the Council to apply reasonable standards in a transparent and consistent manner.

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

Financial:	No matters arising out of this report
Legal:	<p>The Workplace (Health, Safety and Welfare) Regulations 1992 requires that staff sanitary accommodation is provided at readily accessible places in a workplace.</p> <p>The Local Government (Miscellaneous Provisions) Act 1976 empowers local authorities to require sanitary facilities to be made available for the use of the public in 'relevant places'. This includes places used for the sale of food and/or drink to members of the public for consumption at the place.</p> <p>In 2015 a National bakery chain appealed against a Notice served by a local authority to provide sanitary accommodation. This was upheld by Magistrates Court. The appeal was on the grounds that although tables and chairs were provided (no more than 10 covers), with customers invited to eat within the premises, the majority of the operation still centred on takeaway sales, and as such the premises could not be classed as a 'relevant place'.</p> <p>This case progressed through the courts to the High Court which determined that the advice given to the Bakery by their Primary Authority as to what constitutes a 'relevant place' was and is wrong.</p> <p>The above outcomes are reflected in the policy where certain exemptions can be considered by the team manager in a very small establishment with less than 10 seats, however unless there are exceptional circumstances sanitary facilities shall be provided for customers.</p>
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	<p>https://www.braintree.gov.uk/downloads/download/1378/equality_impact_assessments_for_provision_of_sanitary_accommodation_in_food_premises</p> <p>An Equality Impact Assessment was undertaken to assess the potential of an adverse positive or negative impact of the introduction of a policy on sanitary provision in food premises on protected groups. It concluded that there would be a positive overall effect as a result of this policy change as the policy required that wheel chair accessible facilities must be provided in new or altered premises and in other premises undergoing refurbishment / alterations where this is reasonable and</p>

	practicable. Those who are unable to use shared facilities will be inconvenienced in very small premises where the requirement is for one unisex facility but this situation is no worse than that which currently exists.
Customer Impact:	This policy on sanitary provision in food premises will have a favourable impact on customers who will enjoy the benefits of certainty of toilet facilities in premises where customer seating is provided for the consumption of food and/or drink on the premises.
Environment and Climate Change:	No matters arising out of this report
Consultation/Community Engagement:	No consultation is proposed, however it is anticipated that there will be a press release and information available on the Council webpage.
Risks:	There are no significant risks arising from this report.
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BACKGROUND

Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a local authority may, by serving a notice on the owner or occupier of a relevant place in the area of the authority, require him to provide sanitary appliances of such kinds and numbers as are so specified. Relevant place is defined as 'a place which is normally used or is proposed to be normally used for the sale of food or drink to members of the public for consumption at the place'

Section 21 of The Act gives officers the authority to defend an appeal against action taken under Section 20 of The Act.

No formal adoption of this legislation is required provided officers are properly authorised under a scheme of delegation. This scheme of delegation has been prepared and will be signed off by the Corporate Director if this policy is agreed.

Prior to this Policy there was an informal guide in circulation throughout the Essex Local Authorities outlining the numbers of sanitary facilities expected in different size establishments. This guide has served well but was only intended as a guide and could not be used should premises fail to provide a suitable number of sanitary facilities.

British Standard BS 6465-1:2006 refers to the minimum provision of sanitary appliance for restaurants and other places where seating is provided for eating and/or drinking. This standard provides guidance and recommendations as opposed to an enforceable standard. This standard does not apply well to small food premises, in particular those providing fewer than 50 seats for customers. This size premise is typical of the many small cafes, coffee bars and sandwich shops which serve Braintree District. As such the proposed new standard of provision put forward in this report varies from the British Standard.

The proposed new policy will be applied to new premises, including pavement cafes and retail/takeaways, newly converted premises and those undergoing substantial refurbishment (for example subject to alteration, refitting, upgrading, extension or change of use).

The new policy will not apply retrospectively, other than in relation to existing premises that do not have their own facilities.

In summary, the new policy will require provision of sanitary facilities in accordance with the Table in the document attached in Appendix A at all relevant places, being restaurants, cafes, tea rooms and similar premises which would otherwise be within the scope of Table 10 of the British Standard. This includes retail / takeaway premises that offer consumption of food or drink at the premises unless exempt.

There are a variety of standards adopted nationally. Braintree District Council are proposing adoption of standards which are broadly consistent with those which have been in both formalised and informal use across Local Authorities in Essex for a number of years.

Options

Option one – Approve a policy for the provision of sanitary accommodation in food premises

See Appendix A.

Option two – Continue with informal guidance

If we do not adopt a policy officers will continue to refer to guidance in use across Essex. However, where a business chooses not to provide facilities in the numbers suggested in the guidance there will be no provision for the Local Authority to pursue the matter.

This has been considered and discounted as it leaves Officers with no effective way of ensuring adequate provision of sanitary accommodation.

Corporate Plan

Braintree District Council prides itself on being a great place to live, work and play. This policy compliments this by giving a formal basis for consistency in welfare facilities in food premises. Fair and justifiable standards will enhance the experience for customers using the food businesses in the District.

Officers from the Environmental Health Food Safety team provide advice, support and coaching to businesses, particularly at start-up or where food hygiene standards need improvement. This helps to achieve compliance and protection of public health, but also supports businesses to achieve the best outcomes in terms of food hygiene and safety.

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POLICY ON TOILET PROVISION IN FOOD PREMISES

This is a guide for food businesses to use when setting up a new business, making alterations or dealing with customer complaints.

In premises where food and/or drink is sold to the public for consumption on site, there must be an adequate number of toilets and hand wash facilities for customer use.

Officers of the Food and Health & Safety Team carry out routine inspections of food premises and will also investigate complaints from businesses or members of the public in relation to new and existing premises. If facilities are found to be inadequate, Officers may serve legal Notices on the business to require additional facilities.

WHAT THE LAW & OFFICIAL GUIDANCE REQUIRES

Local Government (Miscellaneous Provisions) Act 1976

The Act enables Braintree District Council to require owners of relevant businesses to provide adequate sanitary conveniences, including washing facilities for customers. A relevant place is defined as: *"A place used for the sale of food or drink to members of the public for consumption at the place"*. The Act does not specify how many sanitary appliances are adequate; each case must be individually assessed.

Where Officers are of the opinion that sanitary conveniences are not sufficient, they may serve a legal Notice to require additional facilities to be provided.

Workplace (Health, Safety & Welfare) Regulations 1992

Irrespective of whether customer toilets are required, an employer must provide suitable and sufficient sanitary conveniences for employees whilst at work. One toilet and one wash basin must be provided for up to 5 staff in the workplace at any one time. In food premises it is vitally important that these facilities are maintained to a high standard. Therefore it is recommended that staff toilets are not shared with the public in food businesses. In small establishments a high degree of control can be exercised and it would generally be acceptable for shared use to occur. Where facilities are shared, the number of toilets may need to be increased to ensure the staff can use them without undue delay.

NB Any staff sanitary accommodation should be adjacent to the working area, but **MUST NOT** communicate directly with a room used for the preparation, storage or consumption of food. For this purpose an intervening, effectively ventilated lobby must be formed to internal sanitary accommodation. The layout of the premises should be such that food stuffs do not have to be carried through corridors which form toilet lobbies.

British Standard 6465-1: 2006

This standard sets out the *"minimum provision of sanitary appliances for restaurants and other places where seating is provided for eating and drinking"*. It is used by Building Control Officers where premises are being altered or are new build, and require Building Regulation Approval.

Appliances	For Male Customers	For Female Customers
WC	2 for every 150 males plus 1 for every additional 250 males or part thereof. 2 for every 50 males if urinals are not provided.	2 for every 30 females plus 1 for every additional 30 females up to 120, plus 1 for every 60 females or part thereof.
Urinal	1 per 60 males or part thereof upto 120 males. Plus for every additional 100 males or part thereof.	
Wash Basin	1 per WC plus 1 per 5 urinals or part thereof.	1 per WC

Where unisex toilets are provided, WCs should be in self-contained units with full height doors and walls.

It should be assumed that customers will be 50% male and 50% female unless reliable data is available.

A Slightly higher ratio of facilities to customers is required in Bars and Clubs. The table with the ratios in can be found in BS 6465.Part 1:2006. 6.12 Table 11.

Applying the British Standard may be disproportionate to the needs of the customers for the particular establishment. With the growth in the "Cafe Culture" (serving light lunches), the number of smaller relevant premises has increased. These premises include coffee shops, hot food and sandwich shops etc. These are often smaller units where there is limited space to incorporate toilets. For this reason, we have developed guidance specifically for these smaller businesses.

Recommended Standard for the Provision of Toilets in Small Catering Businesses

NB. This is only applied where premises are not required to go through the Building Control application process or where Building Control standards are not enforceable.

The flow chart which follows explains the application of the Standard.

Where appropriate, in *very small* premises (20 or less seats), the staff toilet facilities may be shared with customers providing that staff welfare and food hygiene requirements are not compromised. Establishments with up to 20 seats should provide as a minimum one wheelchair accessible unisex toilet which may be used by customers and staff.

In premises with 21 or more seats the staff sanitary facilities shall be in addition to and separate from the customer facilities.

Customer Seats	Customer Toilets	Staff Toilets
1-20 customers & staff in total	1 Unisex (wheel chair accessible) (See note below)	Shared with customers

21-50 customers	1 male & 1 female toilet However as a minimum one of these must be a unisex wheel chair accessible toilet.	1 for 1-5 employees 2 for 6-25 employees (on site at any one time)
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Conditions Applicable to the Standard:

- The number of seats shall include any outside the premises i.e. those specified in street trading consent.
- Where premises are within a shopping centre, it is acceptable for customers to use facilities provided by the shopping centre **only** if they are accessible at all trading hours and are accessible without the need for an outdoor walk.
- Takeaway premises with no seating **do not** need to provide customer toilets.
- Where there is only one unisex toilet, it shall be an enlarged wheelchair-accessible unisex type
- At least one wheelchair-accessible unisex toilet shall be provided.
- Size, layout and fittings in the toilets for disabled people should be in accordance with the recommendations of BS 8300.
- All toilets may be unisex providing they have full height walls and doors.
- Premises with 50 or less seats should provide wash basins in equal numbers to toilets.
- All toilets in food businesses should be separated by a lobby from food eating or preparation areas.
- In exceptional circumstances only (and where there are 10 or less seats), the premises can operate without a customer toilet. A staff toilet must still be available. This exemption should be at the discretion of the Environmental Health Manager (Food, Health & Safety and Licensing) and should only be agreed where:-
 - There is insufficient space available to install a WC in an area which customers can access.
 - Installing a toilet would compromise food safety or health and safety laws
 - Business is mostly on a takeaway basis and seats provided are incidental to the business. Seating arrangements need to be such that they do not encourage customers to stay on the premises for long periods.

Existing Premises.

It is probable that there are premises within the district which were in existence prior to the Local Government (Miscellaneous Provisions) Act 1976. Should a food premises which has been such since prior to 1976 have 21 or more covers and providing there is one wash basin and WC for each sex or two separate unisex WC's and washbasins then this should be deemed adequate.

It is envisaged that there may be some exceptions to this in some premises where it is impossible to install additional facilities. It is to be noted that the purpose of this policy is to improve standards of sanitary facilities within the district not to penalise food businesses and therefore these exceptions will have to be considered on an individual basis.

Refurbishment of existing premises.

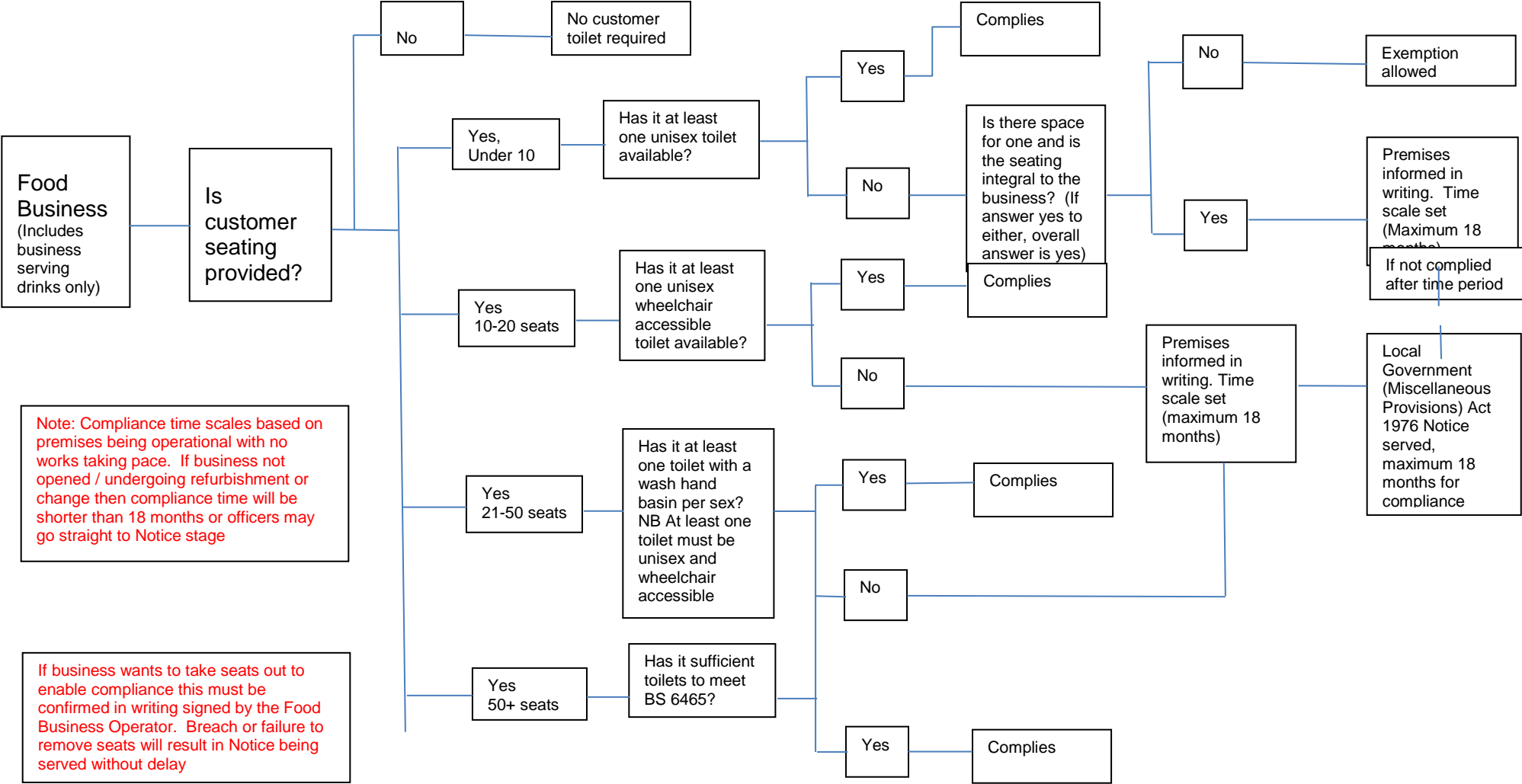
If the food establishment undergoes extension or the toilet facilities are relocated then the premises should be brought up to the standard as specified in the BS 6465: Part 1: 2006.

It is envisaged that there may be some exceptions to this in some premises where it is impossible to install additional facilities. These exceptions will have to be considered on an individual basis.

Public Conveniences.

Public conveniences **are not** considered to be an acceptable alternative to the provision of customer toilets as they do not form part of the establishment and would inconvenience customers especially in inclement weather.

Customer Toilet calculation



Cabinet’s Response to the Scrutiny Review into Social Isolation and Loneliness		Agenda No: 7a
Portfolio	Communities, Culture and Tourism	
Corporate Outcome:	Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Councillor Frankie Ricci, Cabinet Member for Communities, Culture and Tourism	
Report prepared by:	Tracey Parry, Community Services Manager	
Background Papers:	Public Report	
Scrutiny report into Social Isolation and Loneliness, 6th March 2019	Key Decision: No	
Executive Summary:		
<p>Further to the Task and Finish Group report into Social Isolation and Loneliness in the Braintree District submitted to Overview & Scrutiny in March, the recommendations were presented to full council on 25th March, 2019. In line with the corporate process, Council requested Cabinet respond to the Committee’s recommendations.</p> <p>The Cabinet Member for Communities, Culture and Tourism has considered these and has provided a response to each of the recommendations put forward by the Task & Finish Group.</p>		
Recommended Decision:		
<p>Cabinet approves this response put forward by the Cabinet Member for Communities, Culture and Tourism and delegates any actions to the Corporate Director and/or relevant Head of Service to take forward.</p>		
Purpose of Decision:		
<p>To consider and respond to the recommendations made by the Task and Finish Group.</p>		

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	Any finance to be met from existing budgets
Legal:	None arising out of this report
Safeguarding:	None arising out of this report
Equalities/Diversity:	None arising out of this report
Customer Impact:	By working with a range of community partners we will enhance the information and services available to our residents across the District.
Environment and Climate Change:	None arising out of this report
Consultation/Community Engagement:	As set out in the report
Risks:	No matters arising out of this report
Officer Contact:	Tracey Parry
Designation:	Community Services Manager
Ext. No:	2334
E-mail:	trapa@braintree.gov.uk

Cabinet Response

- 1.1 The Cabinet Member for Communities, Culture and Tourism is grateful to the Overview & Scrutiny Committee and key partners for their input into the review of Social Isolation and Loneliness in the Braintree District.
- 1.2 The Council has already delivered in partnership with others a number of initiatives and projects to address the issue of Social Isolation and Loneliness including Halstead Connected, Meet Up Mondays and 60+ on board.
- 1.3 The Community Services Team have been an active participant of the Essex Social Isolation and Loneliness forum. Essex County Council have recently commissioned a strategic lead partner for Essex in Provide and the RCCE (Rural Community Council Essex) as the delivery partner for Social Isolation and Loneliness in Mid Essex. Officers are hosting a meeting with RCCE, Community360, Essex Befriends and Greenfields Community Housing to ensure a co-ordinated approach in addressing the issues of social isolation and loneliness.
- 1.4 All the recommendations set out below are welcomed and will assist the Council in continuing to work with a range of statutory, private and voluntary organisations to identify those most at need within our communities and provide support and signposting to existing activities or work to develop new ones.

Recommendation	Recommended Response from Cabinet Member
That Braintree District Council:-	
1. Should, with partners raise awareness of Social Isolation and Loneliness across the District	The Council will be supporting a countywide social movement campaign which is currently being developed by the Essex Social Isolation and Loneliness Forum which will raise awareness and make it acceptable to talk about the subject. Report back by November 2019
2. District, Town and Parish Councillors should carry out a scoping exercise to identify what services and community assets are available across the Braintree District to address Social Isolation and Loneliness.	We will contact District Councillors, Halstead and Witham Town Council's and the clerks of the parish councils to inform them of the work of the Task & Finish Group and discuss how this work can be taken forward. This will provide a good opportunity for district, town and parish councillors to engage further with their communities and identify those that may be in need.
3. Raise awareness of the issues surrounding social isolation and loneliness to all Councillors and provide them with the opportunity to offer contributions and ideas to local level interventions.	Report back November 2019
4. Support the work streams within the systems based approach of the Essex Social Isolation and	The Community Services Team have been an active participant of the Essex Social Isolation and Loneliness forum

Loneliness Forum facilitated by Essex County Council (identification, access and capacity).	and will be working with RCCE, the commissioned delivery partner for mid Essex and partners to support and deliver work to combat social isolation and loneliness. Report Back November 2019
5. The Council, with partners should identify the best method of social prescribing and promotion of activities and services available to those who may be socially isolated or lonely.	Livewell, Link Well is the mid Essex Social prescribing collaborative that has been commissioned by Essex County Council, Public Health and NHS Mid Essex Clinical Commissioning Group. The Council will ensure that this model is promoted both internally through training and awareness and to external partners and most importantly the residents of the Braintree District. Report back January 2020
6. Provide training for frontline staff and volunteers to identify individuals that are socially isolated or lonely and signpost/socially prescribe to relevant organisations.	
7. Support the implementation of a local level forum to help combat social isolation and loneliness.	The Council will initially explore the possibility of hosting with partners a social isolation and loneliness conference for the District which will explore the need and benefits of a local level forum. Report back January 2020
8. Continue to support and work with the faith community to develop and promote their work to the wider community.	Our relationships with the faith community are strengthening through the Believing in Communities work, the breadth of activities and services provided to the community is of utmost importance and provides the Council with links into those who are most at need. Report back by December 2019
9. The Council, with partners should explore the use of digital technology in tackling the issue of social isolation and loneliness.	Initial discussions have started to take place internally and will need to expand to understand the use of digital technology by our partners. Report back by January 2020
10. The Council should use mosaic profiling to identify potential hotspot areas of high risk or vulnerable groups with a view to developing future targeted work.	The Council's Housing & Community Research and Development Officer will be tasked with taking this forward. Report back by November 2019
11. Measure the impact of the social isolation and loneliness interventions and services available to residents through the commissioning of university graduates.	The Council have held initial conversations with a Senior Lecturer in Public Health Anglia Ruskin University as to how this work can be taken forward. Report back by February 2020

Fourth Quarter and Annual Performance Management Report 2018/19		Agenda No:8a
Portfolio	Finance and Performance	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor David Bebb, Cabinet Member for Finance and Performance Management:	
Report prepared by:	Tracey Headford – Business Solutions Manager	
Background Papers:		Public Report
Fourth Quarter and Annual Performance Management Report 2018/19		Key Decision: No
<p>Executive Summary:</p> <p>The purpose of the attached report is to summarise the performance of the Council at the end of the fourth quarter (January 2019 to March 2019) and for the end of the financial year.</p> <p>As at the end of March 2019, a total of 44 project have been completed and a further 19 are on track and progressing well. Two projects have an amber status and one project was cancelled during the year.</p> <p>Twelve performance indicators have met or exceeded their target and five performance indicators have missed their target. Of the five performance indicators that have missed their target, two have an amber status and were only marginally missed and three have a red status and have missed their target by more than 5%. Full reasons for missing targets and action being taken is detailed in the report.</p> <p>The report provides details of the Councils achievements over the year with some of our more ambitious projects continuing into next year. We will continue to strive to deliver better services to our customers and succeed in achieving our corporate objectives.</p> <p>Financial Performance</p> <p>This part of the report provides the outturn financial position for the year. It examines the spending incurred on day-to-day service provision compared to the budget for the year. Also included is a summary of treasury management activities; details of movements on the General Fund balances, including earmarked reserves; and a summary of spending on capital projects.</p> <p><u>Summary</u></p> <ul style="list-style-type: none"> • An overall positive variance for the year of £1.545 million (-10.5%) against the budget. • Across all services staffing budgets were underspent by £551,000; and after allowing for the corporate efficiency target of £200,000, this resulted in a net 		

variance of £351,000.

- Other expenditure was underspent by £219,000.
- Income was overachieved by £975,000.

For a detailed explanation of the financial performance, please refer to page 22 onwards of the full report.

Recommended Decision:

Cabinet is asked to note and endorse the Council's performance as at the end of the year, as detailed in the attached report.

Purpose of Decision:

To inform the Cabinet of the performance of the Council.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	An assessment of the Council's financial position against the agreed budget for the year is provided and is based on income and expenditure during the year.
Legal:	There are no legal issues raised by this report.
Safeguarding	There are no safeguarding issues raised by this report.
Equalities/Diversity	Equalities and diversity issues are considered fully in the Council's key projects, where appropriate.
Customer Impact:	Performance of front line services, including Customer Services, Housing Benefits and Planning, for the quarter is provided. A summary of complaints received each quarter is analysed by outcome (justified, partially justified or not justified) is provided.
Environment and Climate Change:	The report provides details of progress in the delivery of the Council's key projects. This will include supporting residents and businesses in lowering the cost of their energy bills and energy consumption , upgrading lighting in our car parks, anti-litter campaigns, expansion of our recycling service and campaigns encouraging recycling.
Consultation/Community Engagement:	Consultation is considered fully in the Council's key projects, as appropriate.
Risks:	Risks regarding the assumptions used in determining the predicted financial outturn for the year are identified.
Officer Contact:	Tracey Headford
Designation:	Business Solutions Manager
Ext. No.	2442
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Fourth Quarter Performance Management Report

1st January 2019 to 31st March 2019

And Annual Performance Report

2018/19

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Section 1: Introduction and Summary

Purpose of the Report






The purpose of the report is to demonstrate the performance of the Council at the end of the fourth quarter and the end of the year in relation to the publication of the 'Annual Plan 2018/19'. This sets out the key activities and measures used to check our performance for the year and along with the Corporate Strategy 2016-20 sets out the priorities we are working towards.

This year we signed up to 'The Future of Essex' which is a vision shared by more than 100 partners, all dedicated to improving the county over the next 18 years. The projects that are supporting this vision are marked with **(E)**. Further detail is given in relation to a set of business performance indicators covering finances, customer focus, our people and health and safety.






This report does not contain details of the numerous activities ongoing in each service area that also contribute to delivering what is important and will make a difference to all in the District. Full details of all projects and local and national indicators used to measure the outcomes are available upon request.

Summary of the Corporate Projects current position for the end of the year

The following table provides updates for the end of the year in relation to the key activities in the 'Annual Plan 2018/19'




Corporate Priorities	Status of projects and actions				
					
Environment and Place	8	2	0	0	0
Strategic Growth and Infrastructure	1	6	2	0	0
Economic Development	7	4	0	0	0
Health and Communities	9	4	0	0	1
Finance and Performance	10	3	0	0	0
Overall Strategy and Direction	9	0	0	0	0
TOTAL	44	19	2	0	1

KEY:




-  Project completed
-  Project on target
-  Project scope/target date requires attention
-  Project requires amendment
-  Project aborted/closed

Summary of the Performance Indicators position for the end of the year

The following table shows the performance for the end of the year in relation to the quarterly and annually reported Performance Indicators that have targets set as defined in the 'Annual Plan 2018/19'.

Corporate Priorities	Status of indicators			
				Data Only
Environment and Place	3	0	2	0
Strategic Growth and Infrastructure	2	0	0	0
Health and Communities	2	0	1	0
Finance and Performance	5	2	0	0
TOTAL	12	2	3	0

KEY:

-  Performance Indicator has achieved target
-  Performance Indicator is up to 5% below target
-  Performance Indicator is 5% or more off target

Summary Position

The Council has performed well throughout the year with 44 projects completed and a further 19 on track and progressing well. Two projects have an amber status and one project was cancelled during the year. Twelve performance indicators have met or exceeded their target and five performance indicators have missed their target.

It has been a challenging year due to financial pressures, increased expectations and demands on services. Despite this, we have agreed a £100 million investment plan to make sure we have the right foundations in place to support the growth of the district by providing better health care facilities, better homes, improving the way we get around the district and providing more jobs. We have also revamped a number of our parks and open spaces including outdoor gyms and protected our open spaces against illegal encampments.

Our commitment to working with partners to empower residents to get active and live well through a number of campaigns and activities has seen the greatest reduction in the number of inactive residents in the whole of Essex over the last three years and our Livewell campaign has now been adopted by all local authorities across Essex including Essex County Council. Success has also been seen in the schools signed up to the Livewell child project to get kids active and living well with a reduction in the number of overweight children.




We have continued to engage and work with communities on developments to improve the areas in which they live, providing grant funding to support projects to improve health and increase opportunities and we have recognised the number of volunteers and groups who make a positive difference to the lives of others in the district.

The above only touches on some of our achievements throughout the year and with some of our more ambitious projects continuing into next year, we will strive to deliver better services to our customers and succeed in achieving our corporate objectives.



Environment and Place

Project description and comments	Target Date	Status
Continue to support the Essex Waste Management Partnership to reduce waste, increase recycling and participate in countywide campaigns		
A number of waste minimisation and recycling roadshows have taken place over the year together with educational presentations to various organisations. The Government's new Resources and Waste Strategy was launched in early December and the Essex Waste Officers Delivery Group have met to review the consultations and discuss the impact and implications on the future collection and disposal arrangements for each Council.	March 2019	✓
(E) Work with other Essex Councils and the University of Essex to better understand people's attitudes towards waste and recycling		
Braintree District Council worked with Essex County Council and the University of Essex to pilot initiatives to increase recycling and reduce waste. Two versions of the waste calendar were delivered to Households featuring different recycling messages with the aim to encourage residents to recycle more. The University of Essex delivered feedback from focus groups providing insight into recycling habits relevant in understanding how we can deploy interventions and recycling campaigns in the future.	March 2019	✓
Offer our commercial customers a more tailored refuse and recycling service that will help them reduce, reuse and recycle their waste		
A new quotation process and procedure has been introduced for our commercial customers providing a more efficient service. Weekly visits have taken place with businesses around the district to ensure the service they are receiving meets their needs.	March 2019	✓
Continue to protect our larger open spaces from illegal encampments by installing perimeter fencing and lockable bollards to prevent disruption and inconvenience to local residents		
All larger open spaces in the district are now protected from illegal encampments following the installation of perimeter fencing and lockable bollards.	June 2018	✓
Develop an improved low tariff energy switching scheme for both residents and businesses in the District, improving the customer experience and offering additional benefits and improved rates for residents on pre-paid meters		
A new low tariff energy switching scheme has been introduced that will be taking an active role in engaging with residents. The first auction took place in August and a scheme for discounted solar installations was introduced in the Autumn.	September 2018	✓
Increase the electric car charging infrastructure by installing chargers at the three leisure centres across the District		
A change control has been processed to extend the end date of this project until August 2019 due to the chargers not being installed by the original end date of the project. The business case to install the chargers has been agreed and installation will be carried out in May/June at the three leisure centres across the district.	August 2019	▶
Upgrade the lighting in our car parks with new energy efficient LED lights to reduce costs and benefit the environment		
The lighting in our car parks has now been upgraded with new energy efficient LED lights.	March 2019	✓

Trial the use of compaction bins in Braintree Town Centre to see if they offer better value for money for the taxpayer		
The project has been extended until the end of July due to corruption of the data from the compaction bins. The bins have been reprogrammed and the data collection will restart from April 2019 and continue for a three month period. A change control has been processed to amend the end date of the project.	July 2019	
Continue to maintain a focus on investigating and enforcing littering, dog fouling and fly tipping to help keep the District looking clean and tidy		
Since April 2018, a total of 86 fixed penalty notices have been served by the Street Scene Protection Team and 13 people prosecuted for various littering and fly tipping offences.	March 2019	
Run a car litter campaign to reduce litter and raise awareness of the increase in fines		
Results of the car litter campaign in partnership with McDonalds and KFC, aimed at reducing car litter and to raise awareness of the increase in fines, has shown a 54% improvement in the amount of branded and unbranded fast food packaging littering the roadsides in the Braintree district.	March 2019	



Strategic Growth and Infrastructure








Project description and comments	Target Date	Status
(E) Complete the examination and adoption of the Local Plan		
The examination is currently suspended whilst additional work is carried out on providing the required evidence around the plans for Garden Communities. The authorities involved in the Local Plan have written back to the Inspector setting out the proposed way forward including a revised timetable with the revised examination of the joint section one of the Local Plan now taking place in the Autumn of 2019 and the Section 2 examination undertaken in early/mid 2020. It is critical that the evidence base being produced is comprehensive and thorough and that sufficient time is built into the programme to allow for local engagement and for consideration of any findings.	June 2020	
(E) Continue to work on the development of Garden Communities to provide housing, employment and supporting infrastructure to address our long term housing and community needs		
The Council is currently considering the future role of the Garden Communities in the Local Plan and work has been paused on the West of Braintree Garden Community. The submission of a Strategic Growth Development Plan Document is dependent on the production of the Local Plan and the delay to the Local Plan means a consequential change to the dates of this project. A change control has been processed to amend the end date accordingly.	September 2021	
The council is currently considering the future role of the Garden Communities in the Local Plan and work has been paused on the West of Colchester Garden Community whilst the required additional work on the Local Plan is concluded. The submission of a Strategic Growth Development Plan Document is dependent on the production of the Local Plan and the delay to the Local Plan means a consequential change to the dates of this project. A change control has been processed and the end date amended to December 2021.	December 2021	

(E) Set up a Housing Development Company to deliver new mixed-tenure homes across the District.		
A project director will be appointed in April to work fully on the development of the business case for the Housing Development Company for approval at Cabinet in July 2019.	March 2022	▶
(E) Secure planning consent to deliver new homes in Braintree Town Centre as part of the Manor Street Regeneration Project		
Planning permission has been granted on the Manor Street regeneration project securing the delivery of 35 residential units.	March 2019	✓
(E) Continue to work with partner agencies to drive forward improvements to the Braintree and Witham rail link		
Network Rail were asked to produce a specification and cost for a Governance for Railway Investment Projects (GRIP) 2 study. Work has currently halted as progressing beyond the current GRIP stage is unaffordable as £1.3m is needed for GRIP2. A decision is required on whether to proceed given that Network Rail have indicated that they will not contribute to the study or delivery costs and improvements on the branch line will not be effective until improvements on the main line are delivered.	March 2019	⚠
(E) Continue to work with Essex County Council to deliver an improvement scheme at Springwood Drive roundabout and Panfield Lane to reduce congestion		
This project will continue into next year to enable Essex County Council to progress the design for the larger scale improvement schemes for capacity improvements including increased entry capacity on all arms as well as increased circulatory, using S106 contributions to fund this.	March 2019	▶
This project will continue into next year as the employment site is dependent on provision of the Spine Road to Panfield Lane. The planning application is progressing through the planning process including S106 heads of terms which are currently being determined.	March 2019	▶
(E) Progress the delivery of new slip roads linking the A120 to Millennium way to alleviate the congestion at Galleys corner		
We are continuing our partnership working with Essex County Council and Highways England as the project moves into the design phase. Essex County Council will lead the project and a project team has been established.	March 2021	▶



Economic Development

Project description and comments	Target Date	Status
(E) Complete the acquisition of strategic employment land at Great Notley providing additional sites to support business growth		
Contracts were exchanged in October 2018 and completion achieved in December 2018	March 2019	✓
Complete the construction of four new high quality grow-on units at the Braintree Enterprise Centre		
Construction of four new high quality grow-on units and a car-park has completed and handover took place on 17th September 2018.	July 2018	✓








Develop our business engagement service, supporting businesses to grow and develop		
A Business Engagement and Support Strategy together with an action plan was agreed at Cabinet in November 2018. There are five key priorities around Business Engagement, Business Support, Infrastructure and Connectivity, Strategic Partnerships and Business Intelligence. Where the Council have previously sign posted businesses to support, we are now suggesting our own programme of support, bridging the gap on areas of weaker support and focusing on high growth sectors for maximum economic impact and value for money. In the last couple of years, the district has seen over 1,000 businesses locating in the district and over £2 million of grant funding has been allocated to district businesses	March 2019	
(E) Work in partnership with Essex County Council and the Haven Gateway to secure grant funding to support the delivery of a Construction Innovation Centre		
Braintree District Council has agreed to further invest in the delivery of a Construction Innovation Hub following the withdrawal of Essex County Council to commit funds to the project. Work is currently ongoing with the architects to develop the designs of the building.	March 2019	
(E) Work with the Braintree Education and Skills board to broker stronger engagement between education providers and businesses to provide a workforce that meets employers' needs		
The Board has supported several projects over the year to encourage participation in further education and priority sectors. Through a number of events, over 2,000 students in the district have had the opportunity to meet local and national employers to ensure they are able to make informed decisions about their career paths, this includes a focus on apprenticeships. Work will continue to recruit new members to the Board and encourage schools to engage proactively and take up opportunities available to them.	March 2019	
(E) Commence work on the regeneration of Braintree Town Centre enhancing the appeal of the town to residents and visitors		
Planning permission has been granted for the regeneration of Braintree Town Centre to provide a Livewell Hub, 70 bed hotel, restaurant/café, commercial unit, 35 residential units, bus interchange, car park and enhanced public realm. Discussions are due to take place with the Clinical Commissioning Group (CCG) to ascertain a tenant for the Livewell Hub.	March 2020	
(E) Continue to work in partnership with key community partners to deliver the regeneration schemes in Witham and Halstead		
This is an ongoing project and will continue into next year. The spatial plans for improvements to Halstead Town Centre have been discussed with the Highways Authority who have provided some advice on parts of the schemes. Work on decluttering, improving the street furniture and wayfinding will progress in April with a site visit scheduled with relevant officers from Essex County Council. Braintree District Council have also supported Halstead Town Council in the production of an events leaflet for residents.	March 2019	
Improvements to a shopping precinct in Witham are now complete providing better lighting, an attractive courtyard and additional parking. More local independent traders will be joining the weekly markets in Witham to help rejuvenate the markets and increase footfall. Officers from Essex County Council will also be visiting the area in early May to continue the work on decluttering and improve wayfinding and further regeneration work will be continuing into next year.	March 2019	
(E) Support businesses and increase tourism by launching the 'Visit Braintree' website to highlight key events and attractions across the District		
Meetings have been held with the proposed developer of the 'visit Braintree' website and with Visit Essex to discuss the possibility of a partnership discount. Visit Essex have not yet confirmed whether they will migrate to the new platform so we are progressing without them. The website is expected to	March 2020	





be commissioned in May 2019 and should be up and running by the end of the summer. A change control has been processed to amend the end date of the project.		
(E) Create an event that celebrates the 90 year anniversary of the opening of the Braintree Town Hall which will enhance the heritage and commercial offer of the Town Hall		
Braintree District residents who share their 90th birthday with Braintree Town Hall were invited to help celebrate the local landmark as part of a special celebration that took place in May 2018. A talk was provided by Julien Courtauld and residents were able to watch a screening of the opening of the town hall with a piece of birthday cake and a cup of tea.	May 2018	✓
(E) Promote high speed and reliable broadband across the District through the support of phase 4 of the Superfast Essex rollout		
At a Cabinet meeting in May 2018, it was agreed that Braintree District Council will invest £356,000 into the Superfast Essex Phase 4 rollout, run by Essex County Council, to enable an additional 1,668 premises to receive superfast broadband by end of 2020. The £356,000 funding from Braintree District Council will be match-funded by The Department for Digital, Culture, Media and Sport grant. The funding will support the district to reach 99% superfast broadband coverage by end of 2020, which is above the county's average coverage.	June 2018	✓



Health and Communities

Project description and comments	Target Date	Status
Ensure the football pitches on the Deanery Gardens sports ground and the rugby pitch on King George V playing field are in year round good condition through the installation of a piped drainage system		
The contracts have been awarded and works are due to start in May 2019. A change control has been processed to amend the end date of the project to August 2019.	August 2019	▶
Continue to invest in our recreational open spaces by enhancing the play equipment at Meadowside and Twelve Acres, Braintree		
The upgrade to the play equipment at Meadowside and Twelve Acres in Braintree has been completed and the outdoors gym equipment has been upgraded at Spa Road in Witham.	December 2018	✓
(E) Continue to deliver the Livewell child project, working with families and young children providing support and advice on nutrition and healthy activities		
Community 360 have facilitated a new initiative linking Braintree Livewell child primary schools with nearby care homes to pursue activities that will benefit both generations. The first campaigns for year 3 of the project will focus around mealtimes and nutritious snacks and how schools can assist in promoting healthier mealtimes. Recent results of the Livewell child project are showing that over the past year, there has been a reduction in the number of overweight children in schools signed up to the Livewell child project.	March 2020	▶









Introduce a new programme to encourage junior school children to be more healthy, looking at fitness and eating in a fun and informative way		
Active Essex have delivered the Fitbods programme in to Livewell schools across the District. This is an Essex County Council initiative where children participate in team games to promote fitness, team skills and healthy competition with children receiving a reward and certificate for the number of sessions they take part in. Teachers received training at the start of the new academic year to deliver the Fitbods programme.	March 2019	
Provide children and parents with activities which gets them to explore the green areas in our three main towns whilst increasing their activity levels during the school holidays		
All the Xplorer events planned for the school holidays have been successfully completed with a total of 421 participants across Braintree, Halstead and Witham.	November 2018	
Improve the outdoor playing experience at Halstead Leisure Centre by installing a new 3G surface		
An additional £50,000 has been approved towards the cost of a new 3G surface at Halstead Leisure Centre. Planning permission was submitted in January 2019 and subsequently granted to install the new 3G surface. A change control has been processed to amend the end date of the project to allow for the construction of the pitch which will take place over the next year.	March 2020	
(E) Understand the range of services available to improve mental health and support early interventions for those residents with mental health issues, identifying any areas for improvement		
The third mental health workshop took place in March with around 40 people from local services, organisations and commissioners in attendance. The agenda included presentations on the new care navigation and Braintree's mental health data and discussions on referral pathway and criteria, awareness raising, children and young people, data mapping and the Livewell website. A questionnaire has also been sent to all attendees of the workshop to capture what the need is for creating mental health hubs and to ask what would be suitable for the area. Visits have also taking place in Tendring to learn from their success at setting up a mental health hub. The first Braintree Community Tree network meeting also took place in March to create awareness of organisations and the work happening within the Braintree District to increase the knowledge of those partners. These meetings to be arranged for every 4 months. This project will be continuing into next year and the end date of the project has been amended accordingly.	March 2020	
(E) Implement a winter warmth campaign providing advice on improving energy efficiency, helping vulnerable residents stay warm during the winter months		
A booklet providing information to help residents combat fuel poverty and to stay healthy during the winter months has been published.	November 2018	
(E) Improve the handyperson scheme by expanding the service to help disabled and frail residents lead more independent lives		
The handyperson scheme was launched in July 2018 to support vulnerable residents. The service provides a contractor to undertake safety improvements to prevent trips or falls, install energy efficiency measures, security devices and to provide dementia support. Since its launch, over 115 requests have been received for the service.	July 2018	
(E) Raise awareness of child exploitation amongst the business community and licensed trades through the use of the 'Spot-it, Stop-it' campaign		
A conference was held in the last quarter to raise awareness of child exploitation and the services available to professionals. 75 people attended from schools, housing associations, police, children and families services, amongst others. Training has also been delivered to 26 sports clubs, 13 publicans & 4 taxi drivers and the 'Spot It, Stop It' has been adopted by 4 other local authority areas. We will continue to raise awareness through the	March 2019	

'Spot-it, Stop-it' campaign into next year. A program is being developed to deliver further training and awareness to the night time economy including licensed premises via Pub watch and taxi drivers.		
(E) Work with Mid Essex Clinical Commissioning Group to see how Braintree District Council can be part of the Home First Programme which ensures residents recuperate in the best environment after receiving hospital treatment		
Following meetings with the Mid Essex Clinical Commissioning Group it has been decided to increase the scope of the project and look at a County wide 'home from hospital' fast track scheme aimed at ensuring the transition from hospital to home runs smoothly, providing additional support where required. This project has therefore been cancelled and will be replaced with a new project next year.	March 2019	
(E) Identify and provide opportunities that would benefit those with dementia and their carers through the Braintree District Dementia Alliance and engagement with those living with dementia and their carers		
There have been a range of activities delivered throughout the year for those living with dementia and their carers. There are now three walks, one in each town led by Essex Fire & Rescue Service on a monthly basis. The Empire Theatre in Halstead has established a Dementia Cinema, showing monthly screenings since June 2018 and has had approximately 500 people attend to date. Dementia tea dances are held on a monthly basis and dementia friendly swimming sessions take place at Witham Leisure Centre. Slow shopping has also been trialled in Braintree town centre providing a more welcome and safe environment for anyone who may find shopping stressful or challenging. It is anticipated that the slow shopping initiative will be rolled out across the district.	March 2019	
(E) Support community groups to deliver local projects and activities through the Councillors' Community Grant scheme		
A total of 96 grants have been awarded during the year across the district for various projects totalling £67,369.	March 2019	
(E) Work with partners across the community to raise awareness and reduce the impact of social isolation and loneliness		
Essex County Council commissioned the young foundation to work with the community to carry out research into social isolation and loneliness through a number of workshops and events held in Halstead. A 'Taking Action' event took place to discuss ideas to address social isolation and loneliness and the feedback from this and other events will be fed into a report. The young foundation provided feedback to the community at an event in September to allow the community to identify follow up activities. Further projects will be set up once the next steps have been agreed.	June 2018	



Finance and Performance




Project description and comments	Target Date	Status
Review our waste service, identifying ways to manage the impact of District growth on the future cost of the service		
There are a number of projects and actions being carried out already reported on under 'Environment and Place' in this report. Additional areas of work completed include bringing the vehicle maintenance contract back in house to improve performance and efficiency and joining Suffolk County Council's contract for dry mixed recycling to improve the sustainability and resilience and better value for money for the reprocessing of its recyclates.	March 2019	✓
Review options to secure a sustainable future for our Community Transport service		
The Commercial Manager has been working with the Community Transport team to look at alternative models of delivery for the service including meeting with private and social enterprise organisations. The options have been reviewed and a paper will be presented at a future cabinet meeting.	March 2019	✓
Ensure that our Housing service is resilient to respond to the new demands placed on it through the Homelessness Reduction Act		
The Commercial Manager has been working with the Housing service to identify improvements and address resilience following the introduction of the Homelessness Reduction Act in April 2018, the duty to refer which comes into effect in October 2018 and the increasing number of applicants joining the housing register. A new triage function has been implemented which will act as a first line of support for new applicants allowing the Housing Officers to focus on their case work. New staff will be recruited within the Housing service to accommodate this function and increase resilience of the team. The supply of temporary accommodation has also been increased by three units.	March 2019	✓
Develop our commercial programme to generate income that can be reinvested in front line services		
Over the last year, the Council has developed a commercial programme with four elements around increasing income, getting maximum value against third party spend, generating service efficiencies and contract and supplier management. Income has been generated and savings made through creating a shared payroll service between Braintree, Colchester and Epping Forest, joining the Suffolk Waste Partnership to ensure a cost effective, future proofed Materials Recycling Facility, reviewed our third party spend delivering tactical procurement savings and created proposals which will be considered next year, appointed a Commercial Sales Executive to drive income targets and developed an Essex Commercial Network to look at future opportunities to work together to deliver commercial benefits to the organisation.	March 2019	✓
Identify and progress investment opportunities that support us to deliver our corporate strategy whilst providing a return on investment to strengthen our financial independence		
The Council have taken back possession of the Braintree Enterprise Centre and continues to issue new leases and let vacant units, collecting rent and service charge payments. This provides a significant unbudgeted income for the Council. Investments opportunities identified and reported on elsewhere in the report are being progressed and the Council has recently completed on the purchase of a strategic employment site at Great Notley	March 2019	✓

Ensure the 2017/18 accounts are produced, audited and published by the 31st July 2018		
The external auditors audit results report for the 2017/18 accounts was presented at Governance Committee and published on the 26 th July 2018.	July 2018	
Improve customer focused services by delivering a programme of continuous improvement to achieve the Customer Service Excellence Standard		
The Customer Service Excellence Standard assessment took place in November 2018 and the Council were successful in retaining the accreditation for the fourth year in a row, demonstrating compliance plus in 13 areas of the assessment.	December 2018	
Prepare the organisation for the changes in data protection legislation due to commence 25th May 2018		
A number of areas of work are now completed to ensure the Council is in a good position following the implementation of the General Data Protection regulations and the Data Protect Act 2018. Privacy notices have been added to our website and forms that collate personal data amended accordingly. All staff received data protection training to ensure they are fully aware of the requirements placed on them regarding processing personal data.	May 2018	
Develop our online booking and payment systems enabling residents to book and pay for more services through our website		
The new pest control booking system has gone live in the customer service centre and will be available on line once the issues with the payment system have been resolved. This project will continue into next year as further online booking systems are in development.	March 2020	
The payment system to integrate with the new booking system is ready for live implementation. However, technical issues with migration have been identified and solutions tried so far have not been successful. The issues have now been escalated and the end date of the project has been amended in line with the project to develop our online booking system.	March 2020	
Improve our mobile working technology to allow our staff to be more flexible and customer focused		
A working group has been formed who have identified five different work-styles. These are classic office based, tele-worker, mobile worker, flexible worker and hot-desker. The equipment that would typically be used by each of these type of work-styles has also been defined together with the equipment needed to support each workstyle. The project will continue into next year to address barriers in allowing staff to be more flexible.	March 2019	
Continue to respond to emerging cyber security threats, protecting our network and information by regularly reviewing our approach and training		
A new firewall has being built as part of the network improvement and emails are now up to GCSX standard. All ICT security and usage procedures have been reviewed and updated. The Local Government Association recently carried out a stocktake of all Councils and Braintree were assessed as amber-green which is a satisfactory mark and Braintree compares well against other Essex Authorities. They have also provided £5k for Cyber Essential certification uplift and discussions are underway with consultants on providing the expertise needed.	March 2019	
Introduce in-cab technology into our street scene vehicles to improve the efficiency of the service		
In-cab technology has now been installed in all our street scene vehicles allowing staff to use the hand held devices to deal with any street scene matters and upload real time information improving the efficiency of the service.	March 2019	



Overall Strategy and Direction
















Project description and comments	Target Date	Status
Work effectively with our partners to deliver the Essex Vision to give communities, groups and businesses in Essex a way to collaborate in planning their future, recognising the collective power of Essex as a whole		
Throughout this report, the actions that reference how we are supporting the Essex Vision are marked with (E) . They provide an update to show how we are dedicated to improving the county by working with partners to deliver the Essex Vision. The support of the Essex Vision will continue into next year.	March 2019	✓
Ensure that Braintree District Council is financially sustainable and fit for the future by delivering a balanced budget and becoming financially independent by 2020, whilst ensuring we remain a resilient organisation providing effective frontline services through smarter working		
Services have identified savings in what they do whilst ensuring the residents of Braintree continue to receive the service they need. A new project will be launched next year to undertake a systematic review of services to ensure they are well positioned to meet any anticipated financial challenges happening in 2020.	March 2019	✓
(E) Deliver projects under the District Investment Strategy to achieve better outcomes for the District and a return for the taxpayers purse by: <ul style="list-style-type: none"> • Working in partnership to improve health provision across the District • Facilitating the need for housing by providing homes and supporting infrastructure • Improving our most congested roads and journeys across the District • Planning for growth by providing 9000 jobs by 2026 by delivering increased opportunities for new businesses and employment • Delivering investment opportunities that support growth and provide a return for the District Council 		
The regeneration of Manor Street will include a Livewell Hub providing residents with access to more integrated health and wellbeing services. The Council is also working with two local GP practices, Mid Essex Clinical Commissioning Group and NHS England to develop proposals to deliver a rural healthcare hub on Council-owned land in Sible Hedingham. Provision of new health care facilities in Witham continue to progress. The Council has acquired Silver End doctor's surgery which will also provide an income for the Council and secure the provision of healthcare to local residents.	March 2019	✓
The Manor street regeneration project includes the provision of 35 new homes. Work continues on the Local Plan which will allow us to shape where new homes go and ensure that they are built in sustainable places.	March 2019	✓
Over the last year, the preferred option for the A120 has been announced which will help improve the infrastructure and provide a stronger road network. A new slip road will also be created on the A120 to help relieve congestion at Galleys Corner.	March 2019	✓
A number of projects and actions have been completed to ensure delivery of the Braintree Plan for Growth to provide jobs in the district such as the construction of four grow on units at Braintree Enterprise Centre, purchasing strategic employment land at Great Notley, acquiring new office premises to support new and existing firms looking to develop their business and securing funding for the delivery of a Construction Innovation Centre. Braintree District Council has also worked in partnership with Witham Chamber of Commerce on a Business Showcase with over 30 local businesses attending and worked with	March 2019	✓

the job centre by hosting a job fair providing job seekers the chance to talk to local companies about vacancies and training opportunities.		
Over the year, the Council has acquired a doctor's surgery in Silver end which will provide an income for the Council, has taken back ownership of the Braintree Enterprise Centre and the management of Corner House.	March 2019	
Work with partner authorities (Tendring District Council, Colchester Borough Council and Essex County Council) and other public and private sector organisations to plan for and enable sustainable growth in homes and jobs in the north Essex area		
Work with Tendring and Colchester continues on the Joint section one of the Local Plan. Officers from Braintree have also been working with Essex County Council on Housing Infrastructure Bids (HIF) to support the development of Garden Communities and we are currently awaiting the outcomes. Positive work continues with Uttlesford in the lead up to their Local Plan examination with a meeting scheduled for May 2019 between senior executives. Essex wide work is also underway on a number of evidence documents and guidance including the Essex wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This project will be continuing into next year.	March 2019	
Support Essex County Council in the management and operation of the Country Park to enhance the visitor experience, making full use of the leisure, recreational and natural facilities the park has to offer		
Joint Partnership Venture Board Meetings have been attended to provide support in the management and operational arrangements of the County Park. A New service level agreement has been developed with Braintree Town Football Club to develop Football in conjunction with the artificial grass pitch and multi-use games area.	March 2019	

Section 3: Managing the Business

Our Performance Indicators in Detail

Performance Indicator	2018/19									Comments
	Q1 Outturn	Q2 Outturn	Q3 Outturn	Q4 Outturn	Target for the Quarter	Status at the end of the Quarter	Yearly Outturn	Yearly Target	Status at the end of the year	
Environment and Place										
Percentage of land that falls below cleanliness standards for litter	n/a	6%	6%	7%	6%		6%	6%		Recorded three times a year – July, November and March
Percentage of household waste sent for reuse, recycling and composting	55.18%	49.98%	47.65%	43.47%	46.77%		49.50%	60%		Our resident's efforts contributed to 49.50% (estimated) of all the household waste generated in the District being recycled with an increase in the tonnage of dry mixed recycling and bio waste (garden and food) of 830 tonnes, compared to the same period in 2017-2018. For the first time in 6 years the total amount of waste we collected fell by1.9% (575 tonnes). The annual recycling target of 60% is an aspirational target adopted by the Essex Waste Partnership to be achieved by 2020. With the launch of the Governments new Resources and Waste Strategy and associated consultations, targets for recycling and tonnage of waste will be reviewed. The Council will continue to focus on waste minimisation and recycling initiatives including promotional events to help residents manage their waste more effectively.
Tonnage of residual household waste not recycled	120kgs	114Kgs	114kgs	115kgs	108kgs		464kgs	432kgs		
Number and percentage of non-hazardous fly tips on public land cleared within 24 hours of being reported	100% (188)	100% (231)	100% (201)	100% (181)	100%		100% (801)	100%		
Number of fuel poverty and domestic energy reduction installations carried out	Annually reported indicator					n/a	808	750		
Strategic Growth and Infrastructure										
Number of affordable homes delivered	63	51	31	20	20		165	100		
Number of homes granted planning permission	667	125	430	293	212		1515	845		

Performance Indicator	2018/19									Comments
	Q1 Outturn	Q2 Outturn	Q3 Outturn	Q4 Outturn	Target for the Quarter	Status at the end of the Quarter	Yearly Outturn	Yearly Target	Status at the end of the year	
Health and Communities										
Average waiting time for applicants on the Disabled Facilities Grant	105 days	59 days	95 days	89 days	75 days		87 days	75 days		The outturn has improved since the third quarter but this has still not met target due to the number of complex cases requiring additional time to ensure the right installations are carried out to meet the customer's needs. Examples of where additional time is required are due to planning permission which requires at least 8 weeks to process, where contributions to the works being carried out are required and where delays are incurred from customers making decisions regarding the way forward. In all cases that go over the target, customers are involved and kept informed throughout the process. The target is being revised for 2019/20 to 90 days which is still below the national average of 116 days.
Achieve a 2% increase on the contract baseline in participation levels across all our sports centres	227,433	267,366	272,348	292,384	244,131		1,059,531	942,1287		
Achieve at least a 1% increase in adults being active for 150 minutes per week	Annually reported indicator					n/a	66%	58%		
Finance and Performance										
Average call answer time in the Customer Service Centre	13 seconds	20 seconds	7 seconds	14 seconds	15 seconds		14 seconds	15 seconds		
Time taken to process housing benefit/council tax benefit new claims	19.92 days	20 days	18.02 days	16.66 days	22 days		18.65 days	22 days		
Time taken to process housing benefit claim changes	7.7 days	7.39 days	4.43 days	4.09 days	6 days		5.9 days	6 days		
Percentage of Stage 1 complaints responded to within target	94.71%	93.88%	89.71%	85.16%	90%		91.87%	90%		The target has not been achieved in the fourth quarter of the year due to an increased number of complex complaints that required additional time to formulate a response. The target has been achieved over the year. More detailed information on complaints can be found in the complaints section of this report.
Collection rate for Council Tax	31.06%	58.80%	86.80%	98.22%	98.30%		98.22%	98.30%		The amount of council tax 2018/19 collected was £86.906m. Whilst the percentage collected was

Performance Indicator	2018/19									Comments
	Q1 Outturn	Q2 Outturn	Q3 Outturn	Q4 Outturn	Target for the Quarter	Status at the end of the Quarter	Yearly Outturn	Yearly Target	Status at the end of the year	
										<i>marginally below target the majority of the amount outstanding will be collected during 2019/20 and future years. The actual amount of council tax 2018/19 written off as uncollectable in the year was £36,026.</i>
Collection rate for Business Rates	31.40%	57.76%	85.09%	99.05%	98.60%	✅	99.05%	98.60%	✅	
Percentage of invoices paid within 30 days of receipt	99.19%	99.26%	99.15%	98.53%	99.25%	⚠️	99.02%	99.25%	⚠️	<i>8,535 supplier invoices were paid in the year of which 84 were paid outside of the 30 day target. The relevant sections have been reminded, during the year, of the importance of passing invoices for payment in a timely manner.</i>

Complaints

The quarterly complaints analysis for the fourth quarter of 2018/19 and the end of the year is detailed below. This is compared with 2017/18 figures shown in brackets. The figures represent all three stages of the complaints process.

Complaint Category	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	TOTAL
Justified	110 (64)	92 (67)	61 (38)	60 (60)	323 (229)
Not Justified	76 (69)	88 (79)	59 (67)	54 (81)	277 (296)
Partially Justified	25 (27)	26 (31)	21 (22)	28 (17)	100 (97)
Not known	0 (0)	1 (1)	0 (3)	0 (0)	1 (4)
Total	211 (160)	207 (178)	141 (130)	142 (158)	701 (626)

Comments

In the fourth quarter of the year, the number of complaints received is on par with the third quarter and remains lower than the number of complaints received in the first two quarters of the year. However, overall for the year, there has been an increase in the number of complaints received.

The majority of the complaints relate to missed waste collections due to either collection times changing and residents not presenting their waste at their boundary on time or due to waste operative staff not being familiar with certain collection points. During the year changes were made to collection routes which has seen a positive impact on the number of complaints.

In contrast, during the last half of the year, the Planning service has seen an increase in the number of complaints received in relation to the handling of planning applications due to resource issues and an unprecedented demand on the service. This is currently being monitored and a number of actions are being looked at to ease the demand on the service so they have the time to deal with the applications.

In the fourth quarter of 2018/19, of the 134 complaints received:

- 129 are stage one complaints
- 11 are stage two complaints
- 3 are stage three complaints

A summary of Local Government Ombudsman (LGO) cases:

In the fourth quarter of 2018/19, the LGO has received four new complaints which are currently being assessed and initial enquiries or investigations are taking place.

The LGO has also issued two final decisions in the fourth quarter. Both complaints were in relation to Planning of which the Ombudsman found no fault by the Council in one instance and some fault with how the Council dealt with the other complaint but this had not caused any significant injustice in respect of the other complaint.

Our Organisation

The following is a selection of our people performance measures:

People: Indicators of Performance	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Change on previous period	Yearly Target
Total headcount	469	473	478	481	+ 3	-
Total number of posts	485	485	485	494	+ 9	-
Number of temporary staff	33	32	30	28	- 2	-
Total staff FTE	425.08	427.45	431.97	435.04	+ 3.07	-
Level of employee turnover	2.13%	2.96%	1.67%	1.87%	+ 0.2%	-
Number of leavers	10	14	8	9	+ 1	-
Number of starters	13	18	13	12	- 1	-
Working days lost to sickness per employee	2.07 days	1.71 days	2.21 days	2.65 days	+ 0.44 days	8.0 days
Percentage of staff with nil sickness	78.68%	64.9%	53.97%	43.24%	Cumulative annual figure	-
Number of learning hours	7747	8131	10,427	9,652	- 775	-
Number of delegates	602	381	305	244	- 61	-
Number of apprentices **	15	24	22	20	- 2	-

Year on Year Headcount Analysis	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
	478	472	470	464	466	481

** BDC's apprenticeship programme runs from September each year. The figures reflect level 2, 3 and 4 apprenticeships together with degree apprenticeships.

Health & Safety

The following is a selection of our health and safety performance measures. The data is for information purposes only.

Health and safety is a crucial responsibility of everyone within the organisation. This information is used to improve the management of health and safety of staff, our customers, residents and other non-employees we come into contact with. Monitoring is undertaken by the corporate health and safety committee and action plans will be put in place where necessary.

Health & Safety: Indicators of Performance	Q1	Q2	Q3	Q4	
	(2017/18 figure in brackets)				
Total number of reported accidents/ incidents, calculated from:	10 (10)	6 (10)	9 (26)	13 (13)	
<i>Accidents/ incidents to employees</i>	6 (8)	6 (8)	9 (20)	11 (12)	<i>Main cause of injury to staff this quarter was injuries to hands (5 out of 11 accidents)</i>
<i>Accidents/ incidents to contractors</i>	0 (1)	0 (2)	0 (5)	1 (0)	<i>Head injury caused by a low hanging branch whilst undertaking grass cutting duties.</i>
<i>Accidents/ incidents to non-employees</i>	1 (1)	0 (0)	0 (1)	1 (1)	<i>A member of the public tripped over the step at the rear of the Town Hall</i>
Time lost in days due to employee accidents/ incidents	85 (0)	19 (20)	48 (8)	24.5 (28)	<i>The total is accounted for by just two back injuries.</i>
Number of reported verbal/ physical incidents to employees	2 (0)	1 (2)	1 (1)	1 (0)	<i>An aggressive member of public in reception caused a lot of distress.</i>
Number of near miss incidents	1 (0)	1 (0)	0 (0)	1 (0)	<i>RTA close to a dust cart could have been a lot worse as operatives narrowly escaped injury</i>
Number of Accidents/ incidents registered resulting in insurance/ compensation claim	1 (0)	3 (0)	1 (0)	1 (0)	
Number of claims settled	0 (0)	0 (0)	0 (0)	0 (0)	

Financial Performance

This part of the report provides the outturn financial position for the year. It examines the spending incurred on day-to-day service provision compared to the budget for the year. Also included is a summary of treasury management activities; details of movements on the General Fund balances, including earmarked reserves; and a summary of spending on capital projects.

Background

Full Council approved a budget of £14.784 million for the 2018/19 financial year. This included planned spending across all services totalling £12.144 million; corporate items amounting to £2.840 million; and an overall efficiency target to be achieved in-year of £200,000.

Financing of the budget was to be from a combination of: general government grants (£294,000); business rates (£5.237 million); and Council Tax (£9.253 million).

During the year individual budgets may be updated in accordance with the Council's Budget and Policy Framework Procedure, and against which quarterly performance is monitored.

On 23rd July 2018, Full Council approved a supplementary budget of £219,460 to fund the transitional staffing arrangements for the Strategic Investment Team, with the amount to be met by a withdrawal from General Fund balances. Furthermore, Full Council agreed on 8th October 2018, a budget virement of £181,500 between the Planning Application Fees budget and the Development Management Staffing budget. These budget changes have been taken into account for the purposes of this report.

Summary Outturn Financial Position

- An overall positive variance for the year of £1.545 million (-10.5%) against the budget.
- Across all services staffing budgets were underspent by £551,000; and after allowing for the corporate efficiency target of £200,000, this resulted in a net variance of £351,000.
- Other expenditure was underspent by £219,000.
- Income was overachieved by £975,000.
- The outturn variance has improved by an overall £842,000 from the position reported at Q3, which forecasted an overall positive variance of £703,000. This overall change comprises: an increase in the staffing underspend by £76,000; a positive change in the net position for other expenditure of £503,000; and £263,000 of extra income.
- For some service areas the variances reflected in income and expenditure included in this report and reported at Q3 were expected to be ongoing and therefore have already been reflected in the Council's budget for 2019/20.
- During the year the Council has monitored its overall financial position with the following position reported at each quarter end:

	Quarter 1	Quarter 2*	Quarter 3	Outturn^
	Reported Full-Year Projected Variance Adverse/ (Positive)			Actual Variance
Net Variance	87	(127)	(703)	(1,545)
Staffing	236	(94)	(275)	(351)
Other Expenditure	136	382	284	(219)
Income	(285)	(415)	(712)	(975)

* After a budget virement of £181,500 was agreed by Full Council between planning application fee income, which in the previous quarter was projected to be overachieved for the year, and the Development Control staffing budget to reflect the need for more resources to undertake an increased workload.

^ Before budget carry forward requests

Revenue Spending

Service	Updated Budget £'000	Actual Spend £'000	Adverse (Positive) variance against budget				RAG Status
			Staffing £'000	Other Expenditure £'000	Gross Income £'000	Total £'000	
Asset Management	(2,129)	(2,245)	3	114	(233)	(116)	G
Business Solutions	1,991	1,917	(24)	(41)	(9)	(74)	G
Community Services	346	324	(2)	(29)	9	(22)	G
Corporate Management	1,233	1,148	(82)	(3)	-	(85)	G
Economic Development	239	252	-	14	(1)	13	A
Environment & Leisure	840	743	(49)	10	(58)	(97)	G
Finance	1,101	389	(223)	(308)	(181)	(712)	G
Governance	918	987	64	(82)	87	69	R
Housing Services	864	825	8	(32)	(15)	(39)	G
Human Resources	386	371	-	(15)	-	(15)	G
Marketing and Communications	538	490	(18)	(38)	8	(48)	G
Operations	5,128	4,995	(97)	104	(140)	(133)	G
Strategic Investment	231	229	-	(2)	-	(2)	G
Sustainable Development	677	309	(131)	134	(371)	(368)	G
Service Total	12,363	10,734	(551)	(174)	(904)	(1,629)	G
Corporate Financing	2,621	2,505	-	(45)	(71)	(116)	G
Efficiency target	(200)	0	200	-	-	200	
Total	14,784	13,239	(351)	(219)	(975)	(1,545)	G

RAG Status: G = favourable or nil variance, A = up to 5% adverse variance or <£50k, R = > 5%
Budget = controllable expenditure budget net of direct service income

Staffing

Staffing budgets included both directly employed staff, and bought-in/ agency staff, the latter being used where additional resources were required to meet increased service demands and/ or the need for specialist skills; to provide cover in cases of absence (e.g. holidays, sickness, maternity etc.); or where in-house staff were assigned to work on other projects and priorities.

Further details of the staffing budget variances is provided in the following table:

Service – Staffing Budgets	Updated Budget £'000	Actual Spend £'000	Adverse/ (Positive) variance £'000	RAG Status
Asset Management	265	268	3	A
Business Solutions	1,198	1,174	(24)	G
Community Services	368	366	(2)	G
Corporate Management	1,198	1,116	(82)	G
Economic Development	224	224	-	G
Environment & Leisure	1,553	1,504	(49)	G
Finance	2,363	2,140	(223)	G
Governance	566	630	64	R
Housing Services	856	864	8	A
Human Resources	281	281	-	G
Marketing & Communications	374	356	(18)	G
Operations	5,285	5,188	(97)	G
Strategic Investment	447	447	-	G
Sustainable Development	1,722	1,591	(131)	G
Service Total	16,700	16,149	(551)	G
Corporate Financing	-	-	-	
Efficiency	(200)	-	200	
Total	16,500	16,149	(351)	G

RAG Status: G = favourable or nil variance, A = up to 5% adverse variance or <£50k, R = > 5%

Commentary on staffing variations:

Across all service areas staffing budgets were underspent by £551,000, an increase from that reported at Q3 of £76,000.

The largest underspend was **Finance** (-£223,000). This position was mainly the result of a number of posts in the Benefits Service which have been held vacant allowing the Council to adjust resources in response to the gradual roll out of Universal Credit. Underspends were also made due to other vacant posts, reductions in contracted hours, and appointments made at lower grade/ scale points. The budget for 2019/20 included the deletion of four of these vacant posts.

Sustainable Development is also underspent by £131,000. An increase in the staffing structure for the Development Management team was previously agreed in order to meet the higher demands on this service. However, recruitment of suitable candidates has proven difficult leading to the service continuing to hold a number of vacancies (including maternity absences), some of which have by necessity been covered by external agency staff (see comments under Other Expenditure).

Changes in senior management appointments, along with a restructuring of the management arrangements for the Business Solutions service resulted in an overall underspend on **Corporate Management** of £82,000, after allowing for the appointment of a Commercial Manager.

Other service areas with underspends include: **Environment & Leisure** (-£49,000) and **Operations** (-£97,000), mainly due to vacancies, lower overtime costs, and also external grant funding for some staff engaged on recycling activities.

Governance overspent for the year (+£64,000), although this was slightly lower than was initially projected at previous quarters. Additional costs have been incurred necessarily to provide increased legal capacity in support of the Council's strategic growth agenda and related projects. The budget approved for 2019/20 provides additional resources to implement a new permanent structure.

The approved budget provided for a **Corporate Efficiency Target** which in previous years has been achieved from in-year staffing variances. The amount included in the budget for 2018/19 was £200,000, which after taking this into account, left an overall staffing underspend for the year of £351,000.

Other Service Expenditure

In total non-staffing expenditure budgets were underspent by £219,000, an improvement of £503,000 from the position reported at Q3 (forecast overspend of £284,000). The main service areas contributing to this position were:

- **Finance - Net Housing Benefit Cost** (-£193,000): A net saving on the cost of housing benefit to the Council. This is due to an overall reduction in the value of benefits paid to claimants (£33m compared to an original estimate of £39m) - this will in part be due to a transfer of claimants of working age from receiving housing benefits over to Universal Credits which is paid directly by the Department for Work and Pensions. Also, the level of recovery through government subsidy on the amounts paid by the Council was higher at 99.45%, compared with that originally assumed in the budget of 99%.
- **Finance Other** (-£114,000): a net underspend on a range of financial services, including system related costs, banking and credit card transaction fees, internal audit training/

specialist support, and local tax court fees and charges. Due to ongoing service requirements and system developments a number of these underspends have been requested to be carried over into 2019/20.

- **Asset Management** (+£114,000): Includes increased costs following the transfer back to the Council of the management and operation of the Braintree Enterprise Centre, including a one-off cost to address Energy Performance Compliance requirements. Unbudgeted holding costs were incurred in relation to premises held vacant pending works starting on the Manor Street regeneration scheme. This overspend was more than offset by higher rental income.
- **Operations** (+£104,000): increased costs in Waste Management on gate fees payable to the Council's material recovery facility (MRF) operator, the price of which was linked to market indices and subject to quarterly review. The budget was set based on an assumed fee of £24.36 per tonne (based on Q3 17/18), whereas the average price paid across the year was in excess of £44 per tonne. This resulted in a £195,000 overspend for the year, with further additional costs being incurred due to rising fuel prices. However, these additional costs were partially offset by other savings on the cost of recycling and residual waste sacks (a mix of usage and lower cost); lower operating costs of the clinical waste service; lower operating costs of the Cordons Farm waste transfer site, and lower vehicle and plant maintenance costs. The Council's budget for 2019/20 included allowances for the estimated ongoing additional costs from gate fees and increased fuel prices.
- **Sustainable Development** (+£134,000): The main element of this overspend relates to the use of consultants which has been necessary due to the complex and specialist nature of some of the planning applications being received. This approach to using bought-in resources is considered to be more cost effective for addressing the current service demands. Further consultancy support has been used to provide pre-application advice and support delivery against Planning Performance Agreements, both of which are areas of activity where additional fees have been charged to meet the extra costs incurred. Actual spending on planning appeals was lower than originally forecast at Q3 with £294,000 being spent rather than £340,000. The difference was mainly due to one major appeal being deferred until 2019/20. The costs of appeals was largely met by fully utilising an existing reserve leaving a £6,000 overspend in the year. The budget for 2019/20 included a further provision of £500,000 to cover future appeal costs. Progress towards implementation of a new staffing structure has also involved additional expenditure on recruitment and staff training.
- **Governance** (-£82,000): The main underspend (-£57,000) is against the budget for the digital enhancement of records required in preparation for migration of data to the Land Registry. As activity on searches was lower some of this work has been absorbed by the service; however, it is still anticipated that additional costs will be incurred in the future and hence a carry forward was requested. Other positive variances in this service area related to Member and Civic budgets.

External Income

A significant proportion of the Council's budget was reliant on external income. Grants and subsidies from government, alongside income from business rates were major elements totalling over £45 million.

The amount of business rates ultimately retained by the Council depends on the actual amounts collectable (taking into account changes in the Valuation List, exemptions and reliefs granted, and provisions for non-collection and rating appeals). Variances are accounted for via the Collection Fund and taken into account when determining future budgets and council tax setting. Fluctuations from those elements which have a direct impact on the General Fund revenue account, e.g. the levy payable on growth or grants received from Government to fund certain discretionary reliefs, are managed via the Business Rate Retention reserve.

As a participant in the Essex Business Rates Pool the Council was entitled to a share of the extra business rates retained “locally” which was rebated against the 2018/19 levy. The final determination and receipt of the actual amount of the Council’s share will be made after year-end returns have been collated from each of the participating authorities; however, a provisional amount of £638,000 has been notified to the Council. The benefits received from being a member of the Pool have to date been held in the Business Rate Retention reserve.

Other external income for which the Council had budgeted £16.114 million came from a variety of sources that are subject to external demands and other influences, meaning these were more susceptible to variations against budget. In total income was overachieved by a net £975,000, as shown in the table below:

Service	Updated Budget £000	Joint Financing & Other Reimburs.	Sales, Fees & Charges	Rents	Other Income	Total	RAG status
		5,676	5,715	2,906	1,817	16,114	
		<i>Adverse (Positive) Variance £000 against Budget :</i>					
Asset Management	3,005	(2)	(4)	(228)	1	(233)	G
Business Solutions	30	(9)	-	-	-	(9)	G
Community Services	247	(1)	15	-	(5)	9	A
Corporate Management Plan	-	-	-	-	-	-	G
Economic Development	-	(1)	-	-	-	(1)	G
Environment & Leisure	1,368	(25)	(3)	-	(30)	(58)	G
Finance	2,512	19	-	-	(200)	(181)	G
Governance	293	-	87	-	-	87	R
Housing	74	-	(11)	(4)	-	(15)	G
Human Resources	8	-	-	-	-	-	G
Marketing & Communications	141	20	19	-	(31)	8	A
Operations	5,375	(50)	(59)	11	(42)	(140)	G
Strategic Investment	157	-	-	-	-	-	G
Sustainable Development	1,485	(39)	(328)	-	(4)	(371)	G
Service Total	14,695	(88)	(284)	(221)	(311)	(904)	G
Corporate Financing	1,419	(9)	-	-	(62)	(71)	G
Total	16,114	(97)	(284)	(221)	(373)	(975)	G

RAG Status: G = positive or nil variance, A = up to 5% adverse variance or <£50k, R = adverse variance greater than 5% and >£50k at Individual Business Plan level

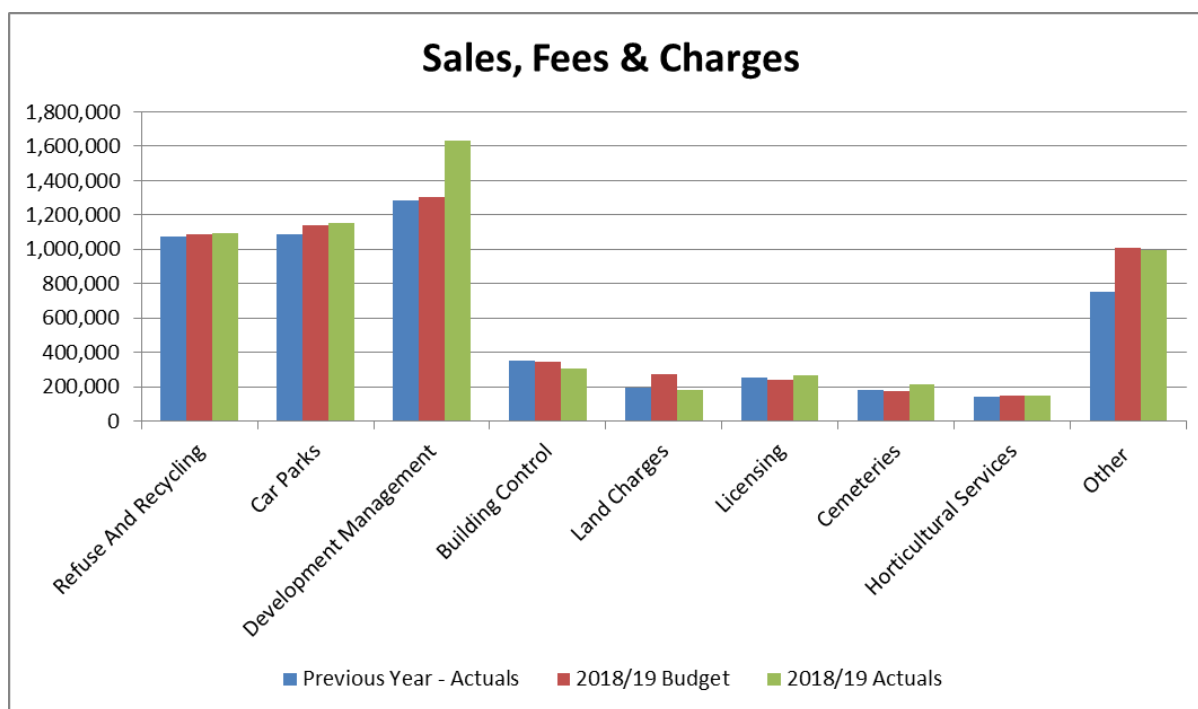
Joint Financing & Other Reimbursements

The total budget for income from joint financing and other reimbursements was £5.676 million and the actual amount received was £5.773 million, an overachievement of £97,000. The main sources of which were: Essex County Council contributions towards service costs (£2.402 million); a provisional amount from the Essex Business Rate Pool (£638,000); Council Tax sharing and investment agreement with the major precepting bodies (£635,000); housing benefit overpayment recoveries and local tax costs recovered (£762,000); and income to the Procurement Hub (£232,000).

Income was overachieved in areas such as: planning pre-application advice; recycling credits on activity at Cordons Farm; and one-off costs recovered in Health Protection following a recent prosecution.

Sales, Fees & Charges

Income from sales, fees & charges was £5.999 million which represents an over achievement of £284,000 against budget. The following chart shows the main income streams:



Commentary on Fees and Charges:

- **Development Management:** Planning application income for the year was £1.607 million, which exceeded the updated full year budget of £1.293 million by £314,000 (£350,000 higher than the previous year actual). In addition, the service also received additional income over budget on the Street Naming and Numbering service of £14,000.
- **Building Control:** As predicted in earlier quarters, income for the year was down against budget by £33,000, and around 12% lower than the actual received in the previous year. Offsetting this the service has been able to reduce some of its staffing and other operating costs. Looking forward the position continues to be monitored in this highly competitive market.
- **Local Land Charges:** Income from search fees at the end of year was £183,000 which in cash terms was almost 7% lower than the previous year. The number of full searches was down by 15% (1616 compared to 1897), whereas free of charge viewings, mainly by personal search companies, increased by 18% (1913 compared to 1625). This resulted in a shortfall of £89,000 against the budget. The Council's budget for 2019/20 includes an adjustment to reflect an estimate of lower fees going forward. Currently the service is continuing to prepare for the potential transfer of the activity to the Land Registry although as yet no deadline has been set for this happening.
- **Licensing:** An increase in charges from October along with the triennial review of some licences increased income in the current year leading to an over achievement of £26,000. Some of the licences granted will now be for extended periods despite being charged the same and therefore future income levels will be subject to fluctuation.
- **Cemeteries:** Across all cemeteries income achieved was higher than budget with total income of £216,000, which was £43,000 more than budget. This level of income is the highest recorded over the last four years.

Rental Income

The budget for rental income from land & property was £2.906million – comprising the investment and commercial property portfolio, markets, housing properties, and other let properties. The outturn was a net over achievement of £221,000.

Commentary on Rental Income:

- **Asset Management:** Following the closure of Ignite Business in May 2018, the Council took back responsibility for the management and letting of the former Ignite House at the Springwood Industrial Estate, as well as the Corner House in Braintree town. With the addition of the grow-on units developed by the Council at Springwood, and the acquisition of premises in Silver End, there was an increase in rental income of £116,000, which after allowing for some additional one-off costs, resulted in a net £25,000 of additional income. On the existing commercial portfolio, occupation levels remained high, and a number of rent reviews settled which taken together increased the amount of income in the year by £68,000. Again, there were related costs incurred and therefore the net additional income was £31,000. In addition, following the completion of tenancy agreements last year, Causeway House remained fully let leading to £36,000 of extra income than was originally budgeted.
- **Operations – Markets:** Promotion of reduced rates and the introduction of street markets has yet to reverse the underlying downward trend in income seen over recent years with a shortfall against budget of £13,000.

Other Service and Corporate Income

Total budgeted Other Income was £1.817 million of which £572,000 related to internal recharges including staffing costs expected to be charged against capital projects (£364,000). In total other external income was higher than budget by a net £373,000.

Commentary Other Service and Corporate Income:

- **Investment and Other Interest Income:** Investment income for the year was £1.158 million, part of which was transferred to the treasury management reserve, leaving a net overachievement of £157,000, with further additional interest from loans and other agreements of £43,000. Investment income was higher due to a combination of increases in money market interest rates, and higher levels of cash balances.
- **Solar Panel Feed-in-Tariffs:** the budget provided for an expected £93,000 of income from investment in solar panels at various Council facilities, however the outturn was slightly higher at £106,000.
- **Recharges to capital projects:** A number of service areas recharge a proportion of officer time to capital projects which means the costs are not charged against the General Fund revenue account. The extent to which these recharges can be made is dependent upon actual progress of individual projects and the nature of the activities being undertaken. The budget provided for a total of £364,000 to be recharged. Based on actual time allocations the overall level of recharges for the year was £402,000, with higher recharges from the Strategic Investment Team more than offsetting a reduction in charges from other service areas.

Treasury Management

The Council's treasury management activity to the end of the year is summarised in the table below:

Amount Invested at start of the year	Activity for the year		Amount Invested at end of the year
	New Investments	Investments Sold or Matured	
£42.3m	£105.0m	£100.3m	£47.0m
Average amount invested for the year			£58.3m
Highest amount invested during the year			£68.3m

Part of the Council's investment portfolio comprised investments in a range of pooled funds exposed to property, bond, and equity markets and which the Council intended to hold for the medium-long term. At the end of the year the total amount invested in such funds was £18 million spread across seven different funds. Remaining investments were in short-term instruments including call accounts and term deposits with UK and Non-UK financial institutions, loans to other local authorities, and Money Market Funds (MMF).

Interest and dividends earned to the end of the year was £1.158million, which is equivalent to an annualised rate of return of 1.98% (last year's return was 1.62%):

Investments	Average Amount Invested	Interest & Dividends Earned	Annualised Return %
Long-Term Pooled Funds	£16.5m	£0.866m	5.24%
Short-Term	£41.8m	£0.292m	0.70%
Total	£58.3m	£1.158m	1.98%

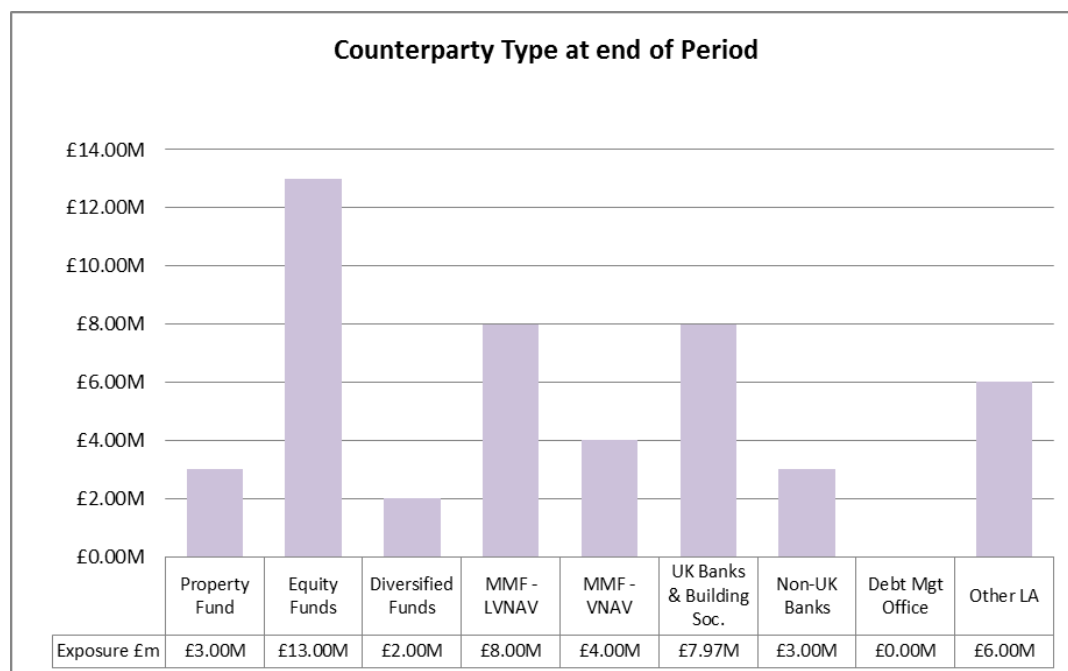
Investment returns have been increased by the dividend income earned from long-term investments. The amount of dividend income for the year from long-term pooled funds included a one-off retrospective adjustment, which if excluded, resulted in an adjusted return of 4.95%. In addition, being exposed to equities and property, the value of these funds fluctuate based on prevailing market conditions. At the end of the year the market valuation for all pooled funds was £19.308million, representing an unrealised gain of £1.308million on the original amounts invested.

Reflecting the upward movement in interest rates, a revised forecast of cash balances, and the increased amount invested in pooled funds, the Council's budget for 2019/20 includes an expected additional £181,000 of investment income.

Market Commentary

Whilst December was a turbulent month, most notably for equities, since the beginning of the calendar year markets have rallied, and the FTSE 100 and FTSE All Share indices were both around 10% higher than at the end of 2018. Gilt yields continued to display significant volatility on the back of ongoing economic and political uncertainty in the UK and Europe. The increase in Bank Rate earlier in the financial year pushed up money market rates.

At the end of the year the Council's investment portfolio comprised the following:



LVNAV = Low Volatility Net Asset Value i.e. the Fund value is expected to remain constant

VNAV = Variable Net Asset Value i.e. the Fund value and therefore amounts invested can fluctuate

General Fund Balances

General Fund balances are held for the following reasons:

- As a contingency against unforeseen events
- To meet short-term or non-recurrent one-off costs that are not provided in the base budget and/ or are incurred to achieve future savings and efficiencies.

Based on the outturn set out above, the movement on the General Fund balance is as follows:

	£'000
Balance at 1 April 2018	2,860
Add:	
Budgeted addition	228
Pension Fund triennial payment	1,411
Transfer from unused earmarked reserves	612
In-year variance	1,545
Less:	
Supplementary budget	(219)
Carry forwards	(650)
Balance at 31 March 2019	5,787

Movements shown on the General Fund balance are in respect of:

- The budget approved by Council for 2018/19 included an anticipated addition to balances of £228,072, reflecting savings anticipated being made in advance of future years' budget shortfalls.

- The budget for 2017/18 included a one-off payment to the Pension Fund covering the period April 2017 to March 2020, which was in part funded from General Fund balances. A repayment back into balances was expected in 2018/19 and 2019/20.
- The budget process for 2019/20 included a review of existing earmarked reserves out of which it was agreed that two reserves with a balance of £600,000 were no longer required and could be credited back to the unallocated General Fund balance. Following a review of budget carry forwards brought forward from 2017/18, one item of £12,590 was identified as no longer being required and so this amount has also been credited back to the unallocated balance.
- The outturn variance for the year would mean an additional £1.545 million being added to balances; however, this is offset by the total of agreed carry forwards of £650,000. Requests for carry forwards were considered by Management Board and subsequently approved on 1st May 2019, by the Cabinet Member for Finance and Performance under delegation which was approved as part of the 2019/20 budget process.
- An allocation from General Fund balances was approved by Full Council in July 2018 to meet a supplementary budget request for the transitional costs of the Strategic Investment Team.

Earmarked Reserves

Earmarked reserves form part of the overall General Fund balances, but reflect decisions which have been made to ring-fence amounts for specific purposes. Generally, these reserves fall into four categories:

- Capital investment – revenue resources set aside to support the Council's capital investment programme, either for specific projects or the programme in general.
- Risk Management – resources set aside to manage some of the inherent risks in the Council's activities e.g. treasury management, business rates income, and collection of housing benefit overpayments
- Service Reserves – reserves set-up for specific services/ initiatives, including annually approved budget carry forwards
- Change Management – to support the Council in terms of organisation development and improvement programmes.

The outturn position reported is after a net addition to reserves of £168,000 million made in accordance with the approved purposes. This includes an addition of £394,000 of New Burdens' government grants which have been paid to the Council to fund a range of national priorities to be delivered by local authorities and/ or as a result of changes by Government in roles and responsibilities.

A further £650,000 was added to reserves for the 2018/19 approved carry forwards.

The overall movement on earmarked reserves can be summarised as follows:

	Additions	Withdrawals	Transfer to unallocated General Fund balance	Net Movement
	£'000	£'000	£'000	£'000
Movement on earmarked reserves	4,438	(3,333)	(612)	493
New carry forwards	650	-	-	650
Total	5,088	(3,333)	(612)	1,143

The total amount held in earmarked reserves at the 31st March 2019 was £22.625 million.

Risks and Assumptions

The outturn is subject to finalisation of the Council's Statement of Accounts which is scheduled to be completed by the end of May, following which the Council's external auditors, BDO LLP commence their audit. The outcome of the audit could lead to changes in the outturn, details of which will be reported to the Governance Committee and Cabinet when receiving the final audited financial statements.

The outturn will be reviewed to ensure that any on-going issues have either been/ will be addressed in the Medium Term Financial Strategy as detailed planning commences for the 2020/21 budget.

Capital Investment

Taking into account projects which were in progress and carried forward from earlier years, new projects approved as part of the Budget agreed in February 2018, and the subsequent decisions taken by Council on some major growth and infrastructure projects, the overall capital programme currently totals £53.4million. Delivery of significant projects will span a number of years, therefore, the amount that was expected to be spent in the current year was £13.777million. The following table shows how much was spent at the end of year.

	Profiled Spend 2018/19 £000	Actual Spend £000	Actual Spend % of Profile %
Commercial and investment property	8,368	6,993	84%
Manor Steet regeneration	579	470	81%
Springwood Drive business units and parking	639	542	85%
Planned maintenance to Council premises	533	418	78%
Replacement vehicles and plant	645	631	98%
Information technology systems (incl broadband)	437	414	95%
Play areas, parks and open spaces	398	201	51%
Spa Road environmental improvements	302	291	96%
Museum ICT & replacement heating system	115	115	100%
Operational equipment	335	229	68%
Sports and leisure facilities improvements	83	-	0%
Cordons Farm waste transfer station	23	-	0%
Grants to registered social landlords	47	16	34%
Grants to private home owners – disabled facilities grants	909	873	96%
Capital salaries - recharged from revenue	364	402	110%
Total	13,777	11,595	84%

The programme for 2018/19 increased by £677,000 in the final quarter. This included the market value attributable to the transfer of Osier House to the Council under a planning Section 106 agreement, and reprofiling of previously agreed project spending.

Total spend for the year was £11.595million leaving £2.182million of the programme budget remaining. Of this amount £2.066 million is being carried over into 2019/20 for ongoing projects.

Capital resources

The main sources of new capital resources anticipated for the year were from the sale of land (£3.674 million), preserved right-to-buy (RTB) receipts (£1 million) and a share of savings from a VAT shelter operating in conjunction with Greenfields Community Housing (£250,000).

During the final quarter a sale of land was completed resulting in a capital receipt of £2.52 million. Earlier in the year the Council also received an overage payment of £136,000 relating to a previous sale of land.

A number of other sites where contracts have been exchanged are still subject to buyers gaining satisfactory planning consents. Consequently, sales are now not expected to complete until at least 2019/20.

Greenfields reported that 27 RTB sales were completed up to the end of year generating £3.838 million for the Council. This compares to 20 sales completed last year which generated £2.122million for the Council.

VAT shelter monies due for the year were £252,000.

Grant funding of £961,000 was received from the Better Care Fund, which is being used to pay for the Council's disabled facilities grant scheme. This is an increase of £261,000 over that originally anticipated for the year with £70,000 of this fund

Disposal of land at Horizon 120, Great Notley		Agenda No: 9a
Portfolio	Corporate Transformation Economic Development	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A prosperous district that attracts business growth and provides high quality employment opportunities	
Report presented by:	Councillor John McKee, Cabinet Member for Corporate Transformation	
Report prepared by:	Aidan Kelly, Interim Head of Strategic Investment	
Background Papers:		Public Report
Appendix 1 – Minutes of Cabinet meeting 11 th February 2019		Key Decision: Yes
Executive Summary:		
<p>In February 2019, Cabinet approved a budget, to deliver services and infrastructure to facilitate the release of an initial 20 developable acres at Horizon 120, the 65 acre (gross) area of employment land, in Great Notley, acquired in December 2018.</p> <p>This approval was informed by a vision to create an exemplar business and innovation park attractive to a number of sectors including professional services, research and development, digital and advanced manufacturing, particularly linked to Stansted Airport. At that time, it was also assumed that the Council would act as lead developer, selling or leasing plots to individual companies.</p> <p>Subsequently, significant progress has been made with:</p> <ul style="list-style-type: none">• Translating that vision into a detailed planning permission in the form of a Local Development Order (LDO) (a separate Briefing Note is being issued, to Members, summarising the LDO approach);• Designing and preparing for the procurement and delivery of infrastructure and services;• Marketing the site with a firm proposal received to acquire and develop 20 net, developable acres at market value;• Detailed negotiations in respect of a second vehicular access to serve both the distribution zone of Horizon 120 and the proposal, from Gridserve Limited, to develop the UK’s first fully electric vehicle charging forecourt, on land immediately to the south of the Horizon 120 site		

That progress is summarised in Section 2 below. The commercial proposal is summarised in Section 3 below. The Gridserve and second entrance proposal is summarised in Section 4 below.

The proposals are consistent with the agreed vision but require decisions which lie beyond the delegated authorities approved by Cabinet in February 2019.

The purpose of this report is to make specific recommendations, and to seek further delegated authority, in order to expedite effective governance and decision making, whilst minimising delay.

Recommended Decision:

That Cabinet approves:

1. The Heads of Terms with Horizon (Braintree) Limited;
2. The Heads of Terms with Gridserve Limited;
3. An increase in the approved capital budget;
4. A good faith commitment, to Great Notley Parish Council, to seek a suitable allotment provision in or near Great Notley but not within the Horizon 120 development;
5. The disposal of the freehold interest in land, subject to positive covenants to ensure that the Council is able to effectively manage and maintain the Horizon 120 Business Park in accordance with the standards set out in the Local Development Order, to be approved;
6. The Corporate Director (Finance), in consultation with the Cabinet Member for Corporate Transformation, to enter into contract, with Horizon (Braintree) Limited, on terms consistent with the Heads of Terms subject to disposals of land at market value and confirmatory legal advice that there are no reasonable grounds for challenge on State Aid or public sector procurement regulations;
7. The Corporate Director (Finance), in consultation with the Cabinet Member for Corporate Transformation, to enter into contact, with Gridserve Limited, on terms consistent with the Heads of Terms;
8. The Corporate Director (Finance), in consultation with the Cabinet Member for Corporate Transformation, to dispose of an area, of soft landscaping, to Gridserve, at market value subject to approval of the Gridserve planning application;
9. The Corporate Director (Finance) to extend the current exclusivity agreement, with Horizon (Braintree) Limited for a reasonable and sufficient period beyond 30th September 2019, subject to confirmation that due diligence is proceeding in good faith and without unnecessary delay;
10. The Corporate Director (Finance), in consultation with the Cabinet Member for Corporate Transformation, to authorise acceptance of tenders, for capital works, which would exceed the approved budget by up to 10%;

11. The Corporate Director (Finance) to authorise public consultation on the draft Local Development Order;
12. The Corporate Director (Finance) to authorise appointment of Essex County Council as contracts manager for the procurement of infrastructure works utilising the Essex County Council framework of contractors.

Purpose of Decision:

To enable the Council to conclude negotiations in relation to the disposal of land, on satisfactory terms, at the Horizon 120 employment site in Great Notley and to expedite procurement of infrastructure works and proper consideration of the draft Local Development Order.

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

Financial:

The approved Base Case has been revised and updated and projects a total scheme cost, including financing costs and an allowance for inflation; and net receipts from the sale of serviced land. Peak debt during the development phase is estimated, with the average level of borrowing estimated before being fully repaid.

Receipts from the sale of serviced land would be treated under statutory regulations as capital receipts which can only be used for capital reinvestment and/ or repayment of debt.

No allowance is made in the Base Case for any costs associated with providing a Hub at Horizon 120, or providing an allotment site to the Parish Council.

The report provides for delegated authority to authorise acceptance of tenders for capital works which would exceed the approved budget by up to 10%. In this scenario the above financial appraisal would potentially be adversely impacted, subject to any other cost reductions that could be achieved and/or land sale values exceeding expectations.

The revised Base Case is modelled on the assumption that any borrowing cost incurred during development is capitalised. The project rate assumed is 2.9% per annum. Borrowing costs can only be capitalised whilst a development is in progress, therefore there is a risk that if there are extended periods in which there is no active development capitalisation is suspended. This risk could apply where, for example, either the Council defers development, or sales stall due to economic conditions. Where capitalisation is suspended any financing of outstanding borrowing costs would be a charge to the General Fund revenue account.

The revised Base Case anticipates an immediate drawdown of 10 acres once the initial infrastructure has been completed. After this, sales are projected to be realised over an extended period of time from that previously assumed and consequently an element of development interest included in the overall project costs will be chargeable to the General Fund revenue account.

The February 2019 report a sensitivity analysis which presented the impact on the project's financial outcomes arising from changes in development costs, serviced land values, interest charged on borrowing and the timing of serviced land sales. The key variant on the project's success

	<p>is the value of each serviced land sale, which is currently assumed. Under the terms being negotiated with Marshgate, it is proposed to include provision to suspend the option to drawdown land where the market value is assessed at or below a specified amount. Sensitivity analysis has been undertaken to assess the impact on the project if all land sales were made at this level. The analysis shows that, before financing costs, the project would generate a nominal cash surplus over the cost of the initial land acquisition and infrastructure delivery, although in NPV terms this would be a deficit. Under this scenario a greater amount of financing cost would be chargeable to the General Fund revenue account and the residual project deficit would need to be financed from either additional charges to revenue or by using the Council's own capital balances.</p> <p>It is the intention of the Council to opt to tax the whole site in order that all VAT is fully recovered. This will mean any subsequent sales of serviced plots or leases entered into will have VAT added to the amounts charged. The tax position of prospective purchasers and tenants will vary and whilst it would be expected that most businesses would be able to recover any input VAT incurred, there could be some that are adversely affected by the Council's election to tax the site.</p> <p>The Council's Corporate Investment Evaluation Tool has been completed by the appropriate officers in relation to this project. The scheme was assessed to generate a score of 7.0%, which exceeds the required threshold for investment. However, this is a reduction from the 7.5%, assessed in February because of the added competition, from Stansted, and sales at market value, which may fluctuate.</p>
Legal:	<p>The Council has the power to develop and sell commercial land. This right is subject to the Council's best value duty and needs to be supported by appropriate decision making on individual transactions.</p> <p>As the development progresses, legal agreements will be entered into to support and structure disposals to ensure that the Council can continue to deliver.</p> <p>The report contains detailed commentary on the implications of the proposals.</p>
Safeguarding:	<p>All members of the professional team and the eventual main construction contractor(s) are required to provide satisfactory safeguarding policies.</p>
Equalities/Diversity:	<p>The new buildings will comply with all relevant disabled access requirements.</p>

	<p>The needs of those with protected characteristics will be considered in the development of the public realm and the development of the hub. There are no indications that to proceed with this project would have an adverse impact on the protected characteristics of any individuals.</p> <p>All members of the professional team and the eventual main construction contractor are required to provide satisfactory equality and diversity policies as a prerequisite for selection.</p>
Customer Impact:	The site has the potential to create circa 2,000 jobs thereby offering local residents employment, training and career path opportunities. It will also assist in alleviating the pressure on outwards commuting.
Environment and Climate Change:	Any newly constructed buildings will, as a minimum, need to comply with current environmental and climate change requirements.
Consultation/Community Engagement:	Community consultation will be required and undertaken during the planning process.
Risks:	The Project Risk Register is summarised in Section 7 of this report
Officer Contact:	Aidan Kelly
Designation:	Interim Head of Strategic Investment
Ext. No:	2592
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1.0 Background

- 1.1 In February 2018, Council considered a report recommending the purchase of a 65 acre (gross) area of allocated employment land in Great Notley as an effective means of delivering a major new employment site in accordance with Corporate Strategy objectives.
- 1.2 Having considered the report, the Council accepted the recommendations and resolved to approve a total plus VAT to fund the acquisition of the site including the access areas. In addition was set aside to fund due diligence, on the acquisition, the development of the business case for the site and initial preparatory works for the development of the site.
- 1.3 Following updated valuation advice, Councillor McKee endorsed a Member's Delegated Decision, on 5th September 2018, to waive the planning and timing conditions. The acquisitions were completed on 21st December 2018 at approximately below the originally approved budget.
- 1.4 In February 2019, the Council accepted a business case predicated upon the long leasehold sale of 44 net developable acres at market value, , and that the Council would be in control of the overall development and disposals.
- 1.5 Subsequent to the February 2019 Council decision, work has progressed on marketing the site, preparation of a draft Local Development Order (LDO) and on work to design and procure infrastructure and services. This progress is summarised in Section 2 below.
- 1.6 The Council has now received an offer, from Marshgate Developments Limited, to purchase up to 20 acres at market value. The terms of this offer are explored in more detail in Section 3 below.
- 1.7 The Council has also now received proposals, from Gridserve Limited, to collaborate on the design and delivery of a shared, second vehicle access, which will also serve as their proposed electric forecourt on contiguous land, immediately to the south of the Horizon 120 site. The Gridserve proposals are explored in more detail in Section 4 below.
- 1.8 On 6th February 2012, the Local Development Framework Sub-Committee adopted a master-plan, proposed by Countryside Limited, which included provision for an allotment site, within the development, to be transferred to the Great Notley Parish Council. This commitment is not legally binding, on the Council, as owners, but it is recommended that the commitment is honoured.
- 1.9 In the adopted masterplan, the allotment site was located on what is now proposed as a wildlife area in the north-east corner, of the site, adjacent to the Country Park. Further consideration has identified that this location would not have been available for up to 10 years, under the Countryside proposals and had no vehicular access. It would also be visually incongruous with the architectural standards specified in the draft LDO. A further point is that the allotments would occupy approximately 1.5 acres with a developable value

- 1.10 Early discussions, with the Great Notley Parish Council, have confirmed agreement to this judgement and that it would be acceptable, if not preferable, to provide the allotments elsewhere. A potential site has been identified, on the periphery of the country park and is the subject of discussions with Essex County Council (ECC).
- 1.11 It is recommended that Cabinet confirm a good faith commitment to seek to provide allotments in a location in or near Great Notley, but not within the Horizon 120 site.
- 1.12 Market conditions are broadly similar to those in February 2019 i.e. somewhat subdued by uncertainty around Brexit but with clear evidence of pent-up local demand from companies needing to relocate and expand. On the supply side, there is now a concern that a major, employment site, near the A120 in Uttlesford, may come to the market in 2020 and present real competition to Horizon 120.

2.0 Progress since February 2019

- 2.1 In late 2018, the Council appointed Joscelyne Chase to market the site, focussing primarily on the A120 corridor from Chelmsford to the M11. It was agreed that the most effective strategy was direct contact with active developers and known potential occupiers. The opportunity was also promoted at the MIPIM (UK) property conference and publicised in the regional media.
- 2.2 As a result, the Council received approaches from one investment fund and three commercial developers. The investment fund proposal was spurious, based upon onerous sale and leaseback terms. Two of the three developers lacked financial capacity and were proposing land values at approximately 50% of values currently being achieved in the local market. The third developer is Marshgate Developments Limited (Marshgate), based in Bishops Stortford, who have offered to purchase up to 20 net developable acres at market value. The Marshgate proposal is considered to be the most advantageous and is explored further in Section 3 below.
- 2.3 Pending consideration by Cabinet, Marshgate and the Council have entered into an exclusivity agreement, which will expire on 30th September 2019 unless Cabinet approves the proposed Heads of Terms and grants delegated authority to enter into contract.
- 2.4 Both parties are acting in good faith by collaborating on the preparation of the LDO, with Marshgate actively promoting the site to local businesses seeking to expand and/or relocate. Firm interest has been secured in approximately 200,000ft² out of the potential 750,000ft² of employment space.
- 2.5 On completion of acquisition, on 21st December 2018, The Council acquired the benefit of a series of surveys including ground condition, ecology and highways impact assessment. It has proved necessary to update the ecology and the highways impact assessment. A measured topographical survey has also been completed. The reports and recommendations are being finalised but initial findings are:

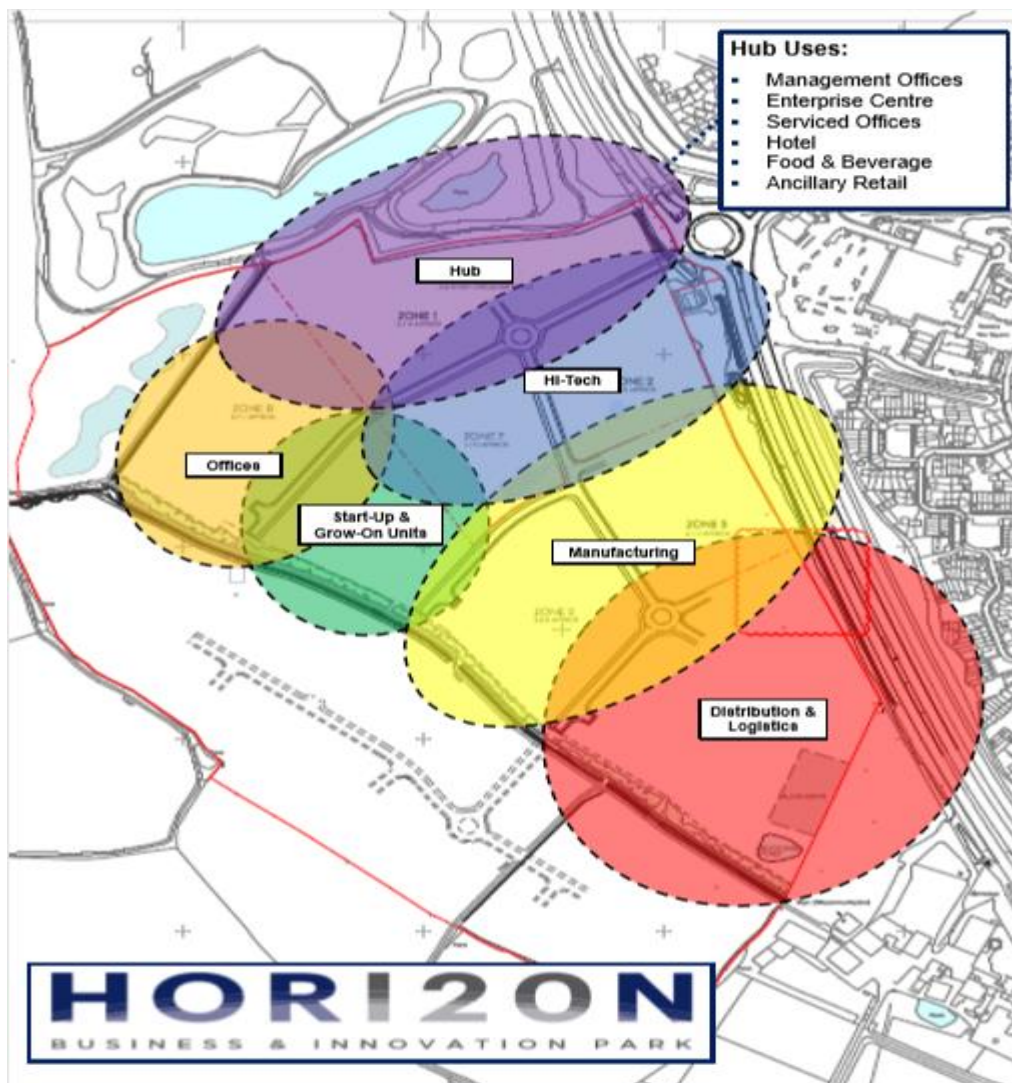
- The 'masterplan land' measures 64.3 acres, compared to the 63 acres quoted in the contract for purchase;
- The ecology report has confirmed that great crested newts are no longer present on the site;
- The highways impact assessment has raised no major issues and supports the case for a second entrance, primarily for heavy goods vehicles accessing the proposed logistics, warehouse and distribution area to the south of the site.

- 2.6 A technical team has been commissioned with a brief to design and to prepare for the procurement of services and infrastructure. Services will include utilities such as gas, water, electricity, broadband and drainage. The infrastructure will include two new highways junctions to access the site, internal estate roads, paths and associated landscaping.
- 2.7 Negotiations are progressing positively with ECC Procurement, to enable Braintree District Council to access the established ECC framework of highways contractors. The intention is to facilitate OJEU compliant procurement, a tender list of expert contractors, market tested construction rates and the potential added advantage of a 20% discount on the capital costs of utilities. Arrangements are likely to require the appointment, of ECC, as contract managers. Local Authorities are permitted to appoint other Local Authorities without a competitive process but it is recommended that Cabinet grants specific delegated authority, for this appointment.
- 2.8 During the technical feasibility work, it was established that the existing sub-station, on the site's north-eastern boundary, has sufficient capacity to meet the projected electrical load requirement for the entire development, as advised by the Council's mechanical and engineering consultant. This capacity has now been reserved.

Offsite Gas	£280,094.36
Offsite Electricity and connection works	£32,742.91
Offsite Water	TBC
Offsite Total	£312,837.27
Onsite LP Gas Main & Connections	£161,863.53
Onsite HV Network	£407,923.78
Onsite LV Mains & Connections	£115,120.49
Onsite Water Mains & Connections	£139,193.71
Onsite Total	£824,101.51
Quotation Total	£1,136,938.78

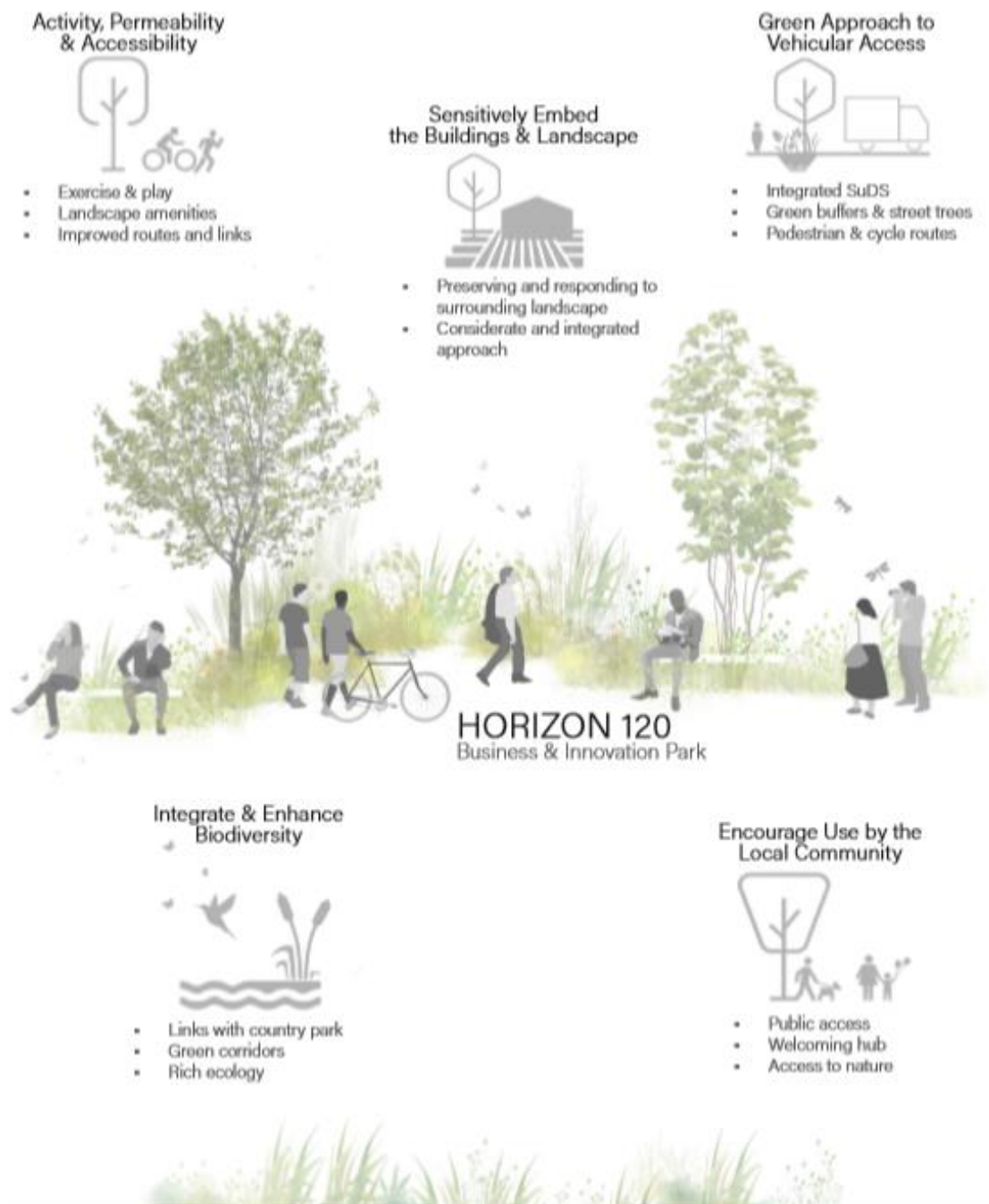
- 2.9 On a like for like basis, this compares with a July 2017 estimate in the sum of, a projected cost reduction of 41.7%.

- 2.9 Strutt & Parker (Planning) have been commissioned to draft the LDO and to work with the appointed architects and landscape consultants to draft a Design Code and a revised masterplan. The LDO will provide the framework for delivery of the vision, crafted by the Member's Reference Group. Central to delivery, of the vision, is a zoning plan to segregate uses, such as serviced offices, advanced manufacturing and ancillary leisure/retail from the heavy goods vehicle traffic generated by distribution and warehousing.



- 2.10 The design code addresses architecture, massing (building heights and footprints), sustainability, hierarchy of roads and pedestrian routes and fundamentally will ensure that development does not result in the traditional, car-dominated, concrete plots that tend to have little atmosphere or nature. The intention is to create a verdant, welcoming environment, exploiting views over open countryside and links to the Great Notley Country Park, on the northern boundary.
- 2.11 At present, the site is a 'wildlife poor, arable landscape', despite its immediate adjacency to the Country Park. This deficiency will be addressed, in the Design Code, with clearly defined expectations for extensive, structured landscaped areas, surface water drainage and planting to ensure improved biodiversity and a healthy 'working lifestyle'.

- 2.12 Although great crested newts are no longer present on site, they are present in nearby habitats and previously were present in a now dried-up pond on the southern boundary. The landscape proposals include the creation of an enhanced habitat in the north-east portion, of the site, adjoining the country park. The new habitat will include two balancing ponds, fed by sustainable surface water drainage across the site, tussocky grassland, more natural hedgerows, tree planting and creation of hibernaculae or refuges for reptiles and invertebrates. Roads and paths will also be bounded by soft landscaped areas designed to act as wildlife corridors.



- 2.13 The Strategic Investment Team is working with the Development Control Team to agree a draft LDO for public consultation and subsequent consideration by

the Planning Committee and by full Council. The target is to seek adoption, of the LDO, in late 2019.

3.0 Marshgate Developments Limited

3.1 Marshgate is an established and reputable commercial developer based in Bishops Stortford. Their website (<http://marshgategroup.com/>) demonstrates a track record of commercial development in the UK and Europe. Marshgate is funded by private equity such as the Blackstone Group, the world's largest alternative investment fund with over \$248Bn assets under management.

3.2 Marshgate have offered to purchase up to 20 net developable acres, at market value. The proposed Heads of Terms are summarised below:

- Marshgate will purchase up to 20 net developable acres, at market value, subject to the Council securing planning permission, ideally in the form of a LDO as outlined in Section 2 above, and delivering the estate roads and utilities;
- Marshgate will comply with the LDO, and its constituent Design Code and masterplan. Critically, to include locating new buildings in the appropriate zones (see above);
- The parties will agree a time-limited (up to five years) non-compete protocol which will not limit the Council's ability to develop premises for its own use, but would prohibit any other commercial disposals. For example, this would allow for the development of an enterprise centre to be funded by a financial contribution being negotiated as part of the Section 106 Agreement for the proposed Panfield Lane residential development;
- To facilitate this, it is likely that the legal structure will be a time-limited option, covering all net developable acres, subject to the exclusions outlined above;
- Marshgate will accept all risks relating to and will procure design and development of buildings to meet the requirements of businesses relocating to the site;
- Marshgate will sell or lease new buildings to proposed occupiers on terms to be agreed between Marshgate and the proposed occupier;
- If Marshgate sells land, or buildings, the sale agreement will bind the purchaser to comply with the LDO. The Council will have no control over the occupiers of the site in terms of the diversity and makeup of businesses other than through the planning process. This 'arms-length' arrangement is important in demonstrating that the arrangement does not create an implied public works contract.

3.3 Marshgate have registered a stand-alone Special Purpose Vehicle (SPV), Horizon (Braintree) Limited, to undertake this development. This is standard commercial practice and is considered to be acceptable.

3.4 If Marshgate leases buildings, the Council will have right of first refusal to purchase the leased buildings, at market value, as income generating investments. This will not be binding upon the Council in any respect other than to make the investment decision, whether yes or no, within a reasonable, commercial timescale.

- 3.5 This Right of First Refusal will require further due diligence particularly around creating a tax efficient structure without an unacceptable risk of challenge. It will also require Cabinet approval of a specific budget, financial parameters, hurdle rates and delegated authority for an expedited decision making process. It is therefore proposed that a non-binding Right of First Refusal is agreed now but that the exercise, of that right is subject to further consideration, by Cabinet, probably in October 2019.
- 3.6 Strictly speaking, Marshgate will be under no obligation to develop the site, or to secure occupiers. Commercially it makes sense for them to do this and the strong market interest implies that they will, however the Council will have no control on the pace or delivery within the option period. This is an important distinction which demonstrates that the arrangement is not an implied public works contract.
- 3.7 Specialist legal advice has been obtained and confirms that:
- The proposed structure does not contravene State Aid regulations as any land sold will be at market value, reflecting the fact that land sold will be in the form of serviced plots with the benefit of planning permission. To ensure clarity, Marshgate, and/or any other purchaser, will not be required to contribute to the cost of infrastructure;
 - The proposed structure does not contravene Public Sector Procurement regulations by creating an implied public works contract or an implied concession contract. This will require clarity that Marshgate are free to dispose of land or buildings, to proposed occupiers, at their discretion and on terms agreed by them without approval by the Council other than by the Council acting as Local Planning Authority. It will also require clarity that the decision to dispose of land is not linked to or dependent upon any decision, by the Council, to acquire a leased building as an investment.
- 3.8 Should Cabinet approve this report's recommendation, further specialist legal advice will be obtained, prior to legal commitment, to ensure that the agreed form of contract does not infringe the above regulations or increase the risk of challenge.
- 3.9 Given that the opportunity to acquire the substantive control of the development has not formally been put to the market, save the soft market testing highlighted at 2.2, there remains a risk that there could be a challenge to the Council's decision by a developer who believes that they could have effectively competed in this opportunity.
- 3.10 Whilst there may a risk of challenge, there is established case law which confirms that a Council is not under an obligation to follow a set process. The grounds for challenge are limited to circumstances where a Council fails to take proper advice, fails to follow that advice for reasons which cannot be explained or follows advice which is plainly erroneous. In this instance, the Council can demonstrate that it has taken expert advice from Howes Percival Solicitors, Sharpe Pritchard Solicitors and Watsons Valuers.
- 3.11 Although there are no grounds for a challenge and there has been no indication that a challenge is likely, it cannot be guaranteed that there will not be a

vexatious challenge. This would be readily resisted but may result in some disruption and/or delay. The Council will bear no liability to Marshgate in the event of a vexatious challenge. This risk is not a sufficient reason to delay or not to accept the recommendations.

- 3.12 Following the above, the parties have continued to act in good faith. In particular, Marshgate is in contact, with known potential occupiers, and is negotiating terms for bespoke buildings. At present, approximately 200,000ft², from a potential of 750,000ft², is subject to firm offers from companies which include a national serviced offices operator, advanced manufacturing businesses, some in the aviation sector, and distribution businesses wishing to relocate from adjoining districts.
- 3.13 It should be noted that this level of interest has been generated without site signboards or a website and is before a marketing strategy has been launched. It is now confidently expected that a first phase, of 10 acres, will commence in 2020 with up to 5 acres in each of the subsequent two years.
- 3.14 The Council has a duty to secure the best value for land disposals and the current land valuation sets the best value. The market value, of commercial land, continues to rise locally primarily due to a lack of supply. It is however recognised that values can also reduce and that this may be a particular risk in the context of market uncertainty around Brexit or market disruption following a 'hard Brexit'.
- 3.15 To avoid a challenge, on grounds of State Aid (i.e. subsidising commercial concerns), the Council will need to achieve market value on each individual disposal and will therefore gain from increases in value in some instances but may accept lower valuations in others. It is also recognised that larger disposals, of say six acres, may command a lower value, per acre, than plots of one or two acres. The likelihood is therefore that a blended rate will be achieved across the site..
- 3.16 To protect the Council's interest, it will be necessary to agree a 'floor price' below which sales prices cannot fall. Legal advice received is that the market norm is to set the floor price at circa 30% below current value.
- 3.17 It is proposed that the contract terms require that each individual draw-down, of land, is separately valued and that the option is automatically suspended in the event of severe disruption resulting in a reduction in value to or below per acre, i.e. a 30% fall in value. At this level, the value per acre will still meet the anticipated cost, per acre, of acquisition and delivery of infrastructure.
- 3.18 If Marshgate delivers upon this level of development it would be open for the Council to consider releasing further tranches of land to them in the future. However this would need consideration at the time taking into account all material factors.
- 3.19 The Council has considered the alternative options selected in the February Cabinet report as acceptable, principally the disposal of serviced plots or buildings, either directly to companies or to separate developers. These alternatives would present a higher risk but potentially higher reward scenario

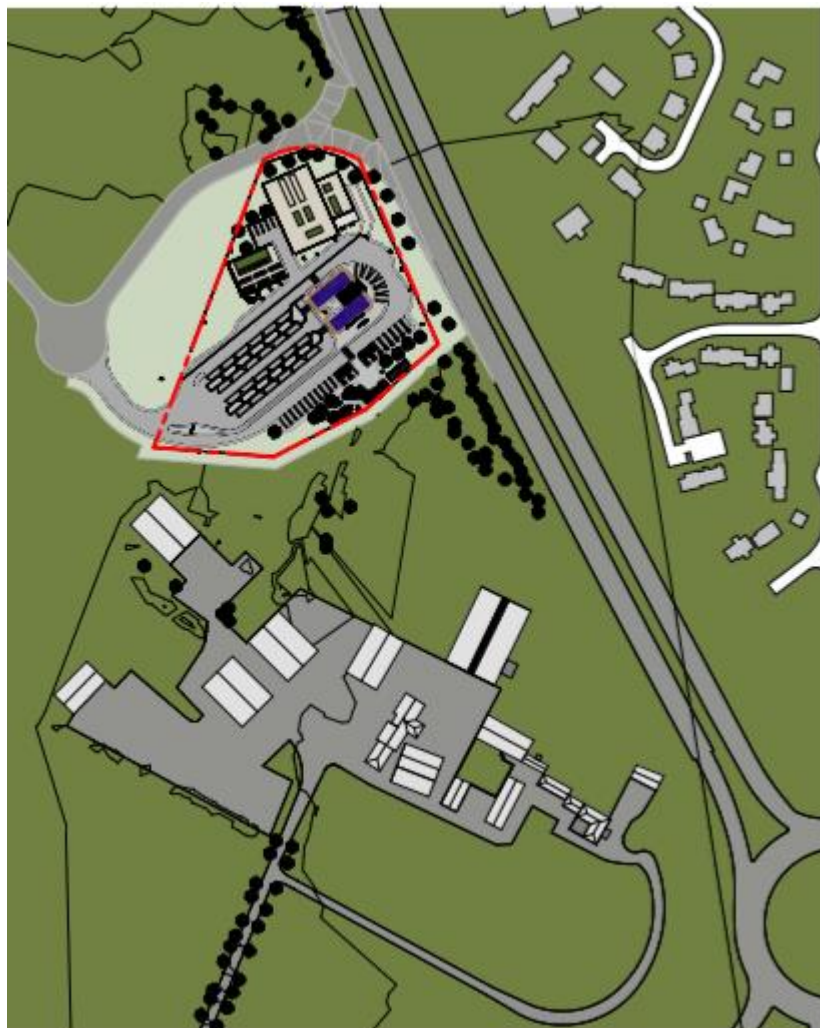
and would require a level of resources, which is not currently available. The risk is considered to be disproportionate, to the potential additional profit, and is therefore viewed as unacceptable.

- 3.20 The proposed arrangement, with Marshgate, is considered to present the most advantageous proposal to facilitate early delivery of the site in accordance with the vision crafted by the Members Reference Group, chaired by Cllr Tom Cunningham. Marshgate brings the expertise and capacity to effectively market the site, conclude market rate terms with potential occupiers and to procure and deliver the design and construction of commercial buildings. The Council does not have, nor is likely to secure the required expertise and capacity in-house. It is also recognised that the Council is not well placed to assess and to mitigate the inherent risks of commercial development.
- 3.21 The Business Case, and budget, approved in February 2019, included provision for infrastructure works and a 10% contingency on that sum exclusive of professional fees and project management costs. Marshgate, or any other developer, will be required to comply with the LDO and it is now clear that the early occupiers will be located in zones to both the north and the south of the site. The proposed second entrance will assist but it is now probable that the initial infrastructure will include two highways junctions, two access roads, two roundabouts and a spine road running the length of the site. In addition, allowance will need to be made for site re-profiling, associated paths, cycleways and landscaping.
- 3.22 It is therefore likely that the February 2019 budget figure will be insufficient. To expedite effective governance and decision making, whilst minimising delay, it is recommended that the approved budget be increased and that delegated authority is granted to approve tenders received within a further 10% of the revised budget.

4.0 Gridserve Limited

- 4.1 Gridserve Limited (Gridserve) is a specialist sustainable energy company based in Buckinghamshire. Their website (www.gridserve.com) illustrates their activities in solar farms, energy storage and electric vehicle charging.
- 4.2 Gridserve have an option on land immediately to the south of and contiguous with the Horizon 120 site. Gridserve also have planning permission to develop part of their site as an energy store, intended to smooth out fluctuations in the national grid, caused by intermittent generation of renewable energy.
- 4.3 Gridserve now propose to develop the remainder of their site as the UK's first fully electric vehicle charging forecourt. This proposal is consistent with the Council's vision and would, if successful, generate welcome publicity and a positive boost to the early phases of Horizon 120.
- 4.4 Gridserve have concluded positive pre-application discussions with both the Council and with ECC in respect of highways access. ECC have indicated that they would support a new access, from the A131 dual carriageway, provided that it is shared with Horizon 120. ECC will not consider two additional entrances.

- 4.5 A second entrance would be advantageous, for Horizon 120, as it would facilitate greater segregation of heavy goods vehicle traffic from the proposed hub, enterprise centre and advanced manufacturing zones. Further advantages include that it would facilitate a through route for a future bus route and may reduce the infrastructure required to deliver buildings required by early logistics/distribution occupiers.
- 4.6 Gridserve have an ambitious programme and wish to construct the forecourt in early 2020. From their point of view, it is imperative to agree and to get Section S278 (Highways regulatory) approval to the design and location of the proposed shared, second site entrance. From the Council's point of view, this is advantageous as it enhances the prospects of the additional entrance, reduces land take as the new entrance will be on Gridserve land, and Gridserve will make a contribution to the costs.
- 4.7 The parties' highways consultants have negotiated the location and design, of the additional entrance and the internal connection, to the forecourt, near to the shared site boundary. The design process is being led by the Council's highways consultant, in close liaison with ECC's highways officer, in order to retain control of the Horizon 120 programme. The agreed layout is illustrated below



- 4.8 The proposed new entrance is located on Gridserve land and therefore releases approximately 0.45 acres, of the Council's net developable land. The new internal access road and roundabout will be designed to primarily serve Horizon 120 and the logistics and distribution zone in the southern part of the site. The proposed layout will require the transfer of an area, consisting of 0.25 acres of soft landscaping, to Gridserve, which will be calculated as part of the proposed allocation for structured landscape and will not reduce the net developable area.
- 4.9 It is proposed that the agreed design be included in both the draft LDO and a separate planning application, due to be submitted, by Gridserve in June 2019.
- 4.10 The final proposals will require agreement on
- Detailed design and specification;
 - Easements to cross land;
 - Building licence for whichever party constructs the access;
 - Apportionment of costs;
 - The transfer of an area of land, to Gridserve, to ensure visibility for the new forecourt and solely for landscaping.
- 4.11 Heads of Terms are being reviewed, by the Council's solicitor and are summarised below:
- The Council will continue to lead on the design of the proposed second entrance and the associated internal roads and roundabout, in consultation with Gridserve;
 - The Council will seek S278 approval diligently and without delay;
 - Gridserve will exercise their option, to acquire the relevant land and will grant a building licence to the Council;
 - The Council will continue to lead on the procurement of the new junction with associated roads and roundabout;
 - The Council will either be granted a permanent easement, over the new junction or preferably will be granted the freehold interest in the land utilised for the junction.
 - Gridserve will be granted a 30 year easement (renewable) over the new roads and roundabouts;
 - Unless and until the new junction and estate roads are adopted, Gridserve will be liable for a fair proportion of the costs of future maintenance;
 - The parties will share the cost of the new junction in proportions to be agreed but which recognise that the junction will primarily be for the benefit of the business park;
 - The Council will meet the cost of the roundabout and the road linking it to the new junction;
 - Gridserve will meet the cost of the road linking the new roundabout to the forecourt.
- 4.12 The Gridserve proposal, and its ambitious programme, is demanding in the short-term but presents significant advantages to the Horizon 120 development. It is therefore recommended that it is welcomed in principle subject to formal consideration of Gridserve's application for detailed planning permission.

- 4.13 It is further recommended that delegated authority is granted in order to expedite approval of the proposed terms

5.0 Options

- 5.1 In addition for the recommended actions, there are essentially three options available:

- The Council could seek to market and develop the site plot-by-plot, directly to potential business occupiers - as stated in Section 3, this is considered to present an unacceptable risk, particularly as the Council does not have the necessary expertise or capacity;
- The Council could elect not to develop and to dispose of the site on the open market. This option was addressed in the February 2019 Cabinet report and rejected as it offered no confidence that the site would be developed and was considered to be inconsistent with the vision developed by Members;
- The Council could market-test the site more widely and invite proposals from a range of developers. As the recommended proposal is based upon market value, this option would not add value and would cause several months delay at a time when a major and competing site is likely to come to the market.

6.0 Risk

- 6.1 The proposed arrangement is not risk free but does align the commercial interests of Marshgate with the Council's objectives. Early marketing, by Marshgate, has secured firm interest from a number of businesses, some proposing to relocate from out of district. The current interest includes the potential for over 200 jobs to be brought into the District.

Nature of risk	Probability	Effect	Mitigation
Development Risks			
Increases in capital costs	M	Undermines viability May impact on the scale and quality of works undertaken.	Professional advice and fixed price, design and build contracts.
Delays	M	Late completions may lead to breach with purchaser or lessee. Impact on delivery of the sense of place allows the establishment of working patterns which mean it becomes just another site. Failure to attract the right types of businesses.	Robust contractor selection and programme management.

Failure to deliver expected quality standards	M	Leads to customer dissatisfaction and undermines brand.	Robust contractor selection and programme management. Detailed Employers Requirements Robust Design Code within the Local Development Order.
Failure to obtain a satisfactory planning permission free from onerous conditions	L	Leads to delay in development and reduced commercial returns. Undermines ability to respond, to enquiries, within a commercial timescale.	Collaborative approach, with Development Team, to produce a Local Development Order.
Marketing risks			
Failure to secure sales and/or leases on satisfactory terms	L	Delays recovery of initial capital investment leading to higher overall costs.	Avoid speculative development. Seek commitments for Phase 1 before investing in infrastructure.
Development depends upon interest from distribution companies	M	Undermines the vision of an exemplar business community, attractive to companies with a skilled workforce.	Pro-active marketing strategy targeting preferred sectors. Willingness to refuse.
Uncertainty, caused by Brexit or other macroeconomic issues, leads companies to defer investment in new premises	H	Delays recovery of initial capital investment.	Concentrate initially on pent-up local demand from companies needing to expand and/or move on lease expiry.
Alternative site(s) come to the market in more attractive location(s)	H	Reduces demand for Horizon 120	Focus on delivering infrastructure and 1 st phase with the minimum of delay
Operational risks			
Failure to deliver a viable & attractive hub, creating a sense of place	M	Undermines value potential on remainder of site.	Target for marketing strategy to secure required operators. Acknowledge and accept lower values will be generated within the hub The Council may wish to invest to secure this.
Failure to maintain standards on	M	Leads to customer dissatisfaction and undermines brand.	Prepare business case for on-site management team. Explore

landscape & communal areas			commercial facilities management.
Failure to ensure a secure environment	M	Leads to customer dissatisfaction and undermines brand.	24/7 CCTV system & Secured By Design.
Asset Management Risks			
Failure to control standards of future re-development	H	Undermines the vision of an exemplar business community, attractive to companies with a skilled workforce.	All sales to be subject to covenants requiring Council consent to redevelopment and/or conversion
Failure to future-proof in medium/long term	H	Leads to a declining and out-dated asset.	Develop an ambitious, proactive asset management strategy.
Failure to optimise return on investment	H	Leads to under-performance of investment.	Enhance asset management systems required.
Displacement of occupiers from existing Council owned properties	M	The Council could have voids within its traditional estate which may lead to loss of revenue and a decline in other areas.	The Council will work proactively to secure tenants for its existing units and to ensure that there is appropriate marketing of these.

7.0 Finance

- 7.1 In February 2019, the Council approved a budget to fund the initial infrastructure costs and to facilitate the sale and development of the first 20 net developable acres.
- 7.2 This 'Base Case' has now been revised to reflect the recommended arrangements with Marshgate, take into account changes in estimated infrastructure costs and changes to phasing of land sales.
- 7.3 Development interest is provided for at a project rate of 2.9% and is assumed to be capitalised during the whole period of development. In the event that development stalls then the ability to capitalise interest stops and any financing costs become a charge to the General Fund revenue account. Once development has been completed interest ceases to be able to be capitalised.
- 7.4 Where the Council is developing assets for sale and is incurring borrowing, under the Council's current Minimum Revenue Provision (MRP) policy (as agreed by Full Council as part of the overall Treasury Management Strategy), no MRP shall be provided, which would otherwise be an annual charge to the General Fund revenue account based on the estimated economic life of the asset(s) involved. Instead, MRP will be met by applying the capital receipts generated from land sales to pay down debt. Should circumstances change, e.g. it is decided to lease plots (either land and/ or with buildings erected), or if sales are likely to be deferred for an extended period, then an MRP charge to revenue will be required.

- 7.5 Whilst the overall capital surplus from the project has increased from that previously reported, this is achieved over a longer period (i.e. +2.33yrs) and therefore in Net Present Value terms the surplus is slightly lower. This is also reflected in the project Internal Rate of Return. Peak borrowing is estimated to be higher (due mainly to the extended period for land sales); and average borrowing before repayment is higher.
- 7.6 The revised Base Case anticipates an immediate drawdown of 10 acres once the initial infrastructure has been completed. After which sales are then projected to be realised over an extended period from that in the February 2019 report. Consequently, interest accrued on project net cash flows for the period April 2023 to September 2025, included above, would become chargeable to the General Fund revenue account. This charge to revenue would be reflected back in a higher capital surplus being achieved once all land sales are completed.
- 7.7 The Funding Strategy will remain as agreed, In February 2019, i.e. it is a matter for the Corporate Director (Finance) who will exercise judgement as to the most advantageous application of prudential borrowing and/or the Council's cash reserves.

8.0 Sensitivity Analysis:

- 8.1 In February 2019 various scenarios were provided to test the sensitivity of the Base Case to various changes e.g. serviced land values and/ or development costs, borrowing costs, and timing of land sales;
- a. Section 3 above sets out the proposed contract terms being negotiated with Marshgate, and which includes a provision for suspending the option to acquire land if the market value drops to £455,000 or below. Sensitivity analysis has been undertaken to calculate a revised project financial position based on this value. The analysis shows that if all land sales were made at this value, then the project would generate a nominal cash surplus over the cost of the initial land acquisition and infrastructure delivery although in NPV terms this would be a small deficit After financing costs, the project would generate a cash deficit
- 8.2 Total financing costs during the project would increase, including which would be chargeable to the General Fund revenue account as they are incurred after infrastructure is delivered. There would also be a requirement to make provision for repayment of the remaining prudential borrowing, including any ongoing interest, either by charging to revenue or otherwise using the Council's own capital balances.

9.0 Impact Assessment

Corporate Strategy Objective	Direct Impact of Proposed Scheme
A sustainable environment and a great place to live, work and play.	The development will include extensive, structured landscape with links to the Great Notley Country Park. A Design Code will be

	developed and will seek to ensure that all buildings exceed basic building regulation requirements and include measures to limit energy consumption. On-site micro-generation will be explored.
A well-connected and growing District with high-quality homes and infrastructure.	A key objective will be to reduce outward commuting, by Braintree residents
A prosperous District that attracts business growth and provides high-quality employment opportunities.	Despite the currently uncertain macro-economic climate, there is clear evidence that the site is attracting local and sub-regional companies seeking to expand
A high performing organisation that delivers excellent value for money.	The site will generate a positive commercial return with a projected IRR of 4.50%. There will be opportunities to convert land sales to leases providing a long-term income stream thereby potentially helping to address the Council's projected revenue deficit.

10. Legal Implications:

- 10.1 The Council has acquired the site under the general powers to acquire land by agreement contained within the Local Government Act 1972. Accordingly it has the power to utilise the land for any related purpose including for use as a business park and ancillary land uses.
- 10.2 The Council has a matching power Section 123 of the Local Government Act 1972 to dispose of land for best consideration, which will be used to enable the sale or leasing of land.
- 10.3 In assessing the best consideration which is reasonably obtainable, the Council must take into account prevailing market conditions, together with reasonable estate management requirements.
- 10.4 Whilst each transaction has to be considered on its merits, a holistic overview of the estate is also relevant to be taken into account. Therefore the Council can choose to adopt a scheme whereby some elements of the overall site may need to have lower initial land values, where these provide wider social, economic, or environmental benefits to the Horizon 120 project or indeed the local area.
- 10.5 Equally in considering the overall best value approach of the whole development, a lower return on one aspect may well support greater returns on other elements.
- 10.6 In assessing individual transactions the Council will have to have regard to valuation advice which will need to indicate that the proposed transaction represents a commercially appropriate arrangement.
- 10.7 The proposed delegations represent flexibility to enable commercially acceptable terms to be implemented in an effective commercially realistic timescale.
- 10.8 The proposals are considered to represent a strong proposition, but do not fit the scope of the delegations granted by Council in February 2019. The

transaction is therefore referred to Cabinet for consideration. The February 2019 report is a key consideration against which the proposal can be assessed and it considered that the proposals are consistent with the Council's agreed objectives

- 10.9 The Council was intending to offer long leases, sometimes known as virtual freeholds, the purpose behind which is to ensure that the Council retains a long term interest in the site, as well as landholder control over development and future facilities management. Legal advice now indicates that this control can be achieved through freehold sales, subject to positive covenants.
- 10.10 Freehold sales are a typical requirement of property investment funds and may serve to underpin values. It is therefore recommended to amend the February 2019 authority to permit freehold sales subject to positive covenants, sufficient to ensure long-term control and specifically to avoid individual companies exploiting Permitted Development Rights, for example to convert vacant offices to residential
- 10.11 The February 2019 approvals were subject to a three-year 'sunset clause' requiring a fundamental review in February 2022. It is proposed that this remains in place although it should be noted that any option granted, within that period, will remain in force for the agreed option period.

11. Summary

- 11.2 As stated, in the February 2019 cabinet report, the Council now has both the opportunity and the responsibility to realise the potential, of Horizon 120, achieving what the private sector, working alone, failed to deliver over the preceding ten years.
- 11.3 Significant progress has been made towards achieving this aim but there is now increased urgency in view of the impending release of strategic employment land in Uttlesford.
- 11.4 The proposals above are consistent with the agreed vision but require decisions which lie beyond the delegated authorities approved in February 2019.
- 11.5 The purpose of this report is to make specific recommendations, and to seek further delegated authority, in order to expedite effective governance and decision making, whilst minimising delay.

Cabinet Member Decisions made under delegated powers		Agenda No: 10
Portfolio See body of report Corporate Outcome: Report presented by: Not applicable – report for noting Report prepared by: Chloe Glock, Governance Business Officer		
Background Papers:		Public Report
Cabinet Decisions made by individual Cabinet Members under delegated powers.		Key Decision: No
Executive Summary: All delegated decisions taken by individual Cabinet Members are required to be published and listed for information on next Cabinet Agenda following the decision. Since the last Cabinet meeting the following delegated decisions have been taken (details as at time of decision): Councillor P Tattersley - Cabinet Member for Health and Communities. Decision taken on 1st March 2019 To agree investment of £89,515 + VAT to replace the pool dosing systems and associated plant from Sodium Hypochlorite to Calcium Hypochlorite and Sulphuric acid Granudos system under contract clause B2 Part C appendix C12 Maintenance obligations. To be funded by the Leisure reserve. Councillor Mrs Bowers–Flint - Cabinet Member for Planning and Housing. Decision taken on 21st March 2019 To adopt an updated Housing Allocations Policy with 2 amendments to take effect from 1 st April 2019: <ol style="list-style-type: none"> 1. To change references to ‘Waveney’ and ‘Suffolk Coastal’ District Councils to ‘East Suffolk’ District Council (an administrative change); and 2. To amend the wording in paragraph 3.8 (c) to read: <i>“Applicants who are under any homelessness duty by a local authority which is not part of the Gateway partnership – these applicants will be permitted to join the housing register but will be suspended while they remain under a homelessness duty to a non-partner authority.”</i> (a policy change). 		

Councillor Mrs Schmitt - Cabinet Member for Environment and Place. Decision taken on 22nd March 2019

To confirm that this decision is consistent with the decision of Cabinet taken on 12th October 2009 to transfer the Council's four rural car parks to the Parish Council (Minute 71)

To transfer Hadfelda Square Car Park, The Street, Hatfield Peverel, to Hatfield Peverel Parish Council (HPPC) for the sum of £1. Braintree District Council will pay a maintenance fee to HPPC in the sum of £10,000 on completion. In consideration of the nominal purchase price, the transfer will include a restrictive covenant to use the property as a public car park and will be subject to a right of pre-emption in Braintree District Council's favor if HPPC wishes to dispose of the property. Braintree District Council will also be entitled to a 50% clawback of any future disposal price.

To commence the order making process to replace the Braintree District Council (Off-Street) Parking Places Order 2014 with a new parking order to take into account the transfer of the Car Park to HPPC and associated administrative alterations to enable enforcement. For the avoidance of doubt this decision does not authorise any other changes to the Off-Street Parking Places Order including car parking times and charges.

To enter into a Service Level Agreement with HPPC to enable the North Essex Parking Partnership (NEPP) to undertake enforcement at the Car Park via the new Braintree District Council (Off-Street) Parking Places Order.

Councillor D Bebb - Cabinet Member for Finance and Performance. Decision taken on 1st May 2019

Agreed to carry forward unspent budgets from 2018/19 2019/20, totalling £810,758, and to transfer a previous year budget carry forward, of £12,590, that is no longer required to the Unallocated Balance.

Councillor Mrs Schmitt - Cabinet Member for Environment and Place. Decision taken on 3rd June 2019

To implement a Temporary Traffic Regulation Order (TTRO) in Driberg Way, Skitts Hill and Browning Road Braintree via the North Essex Parking Partnership (NEPP) for a period of up to 18 months.

Cabinet Decisions made by individual Cabinet Members under delegated decisions can be viewed on the Access to Information page on the Council's website.

www.braintree.gov.uk

Recommended Decision:

For Cabinet to note the delegated decisions.

Purpose of Decision:

The reasons for decision can be found in the individual delegated decision.

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

Financial:	None arising out of this report.
Legal:	None arising out of this report.
Safeguarding:	None arising out of this report.
Equalities/Diversity:	None arising out of this report.
Customer Impact:	None arising out of this report.
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	None arising out of this report.
Risks:	None arising out of this report.
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