

**BDC OVERVIEW AND SCRUTINY FUNCTION ANNUAL REPORT 2006-7**

**Agenda Item 6**

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**Background Papers:-** None  
**Financial Implications:-** None  
**Equalities Implications:-** None  
**Legal Implications:-** None  
**Options:** To receive the report on the Overview and Scrutiny Function's work over the last 12 months, and decide how to carry forward any outstanding matters.  
**Risks:** None

## **EXECUTIVE SUMMARY**

The Council is asked to receive and consider the Annual Report. This contains an overview of the work of each of the Council's Overview and Scrutiny Groups; Scrutiny Panel, Audit Panel, and the Better Value, Community, Environment and Public Safety Policy Development Groups during 2006-07.

Cabinet has recently agreed to proposals to change the Council's scrutiny arrangements, and if Council accepts these proposals Members are asked to consider those issues that remain outstanding and agree to a way forward as recommended on pp 4-5 of this report.

## **DECISION**

- (1) To receive the Annual Report of the Council's Overview and Scrutiny Function 2006-07.
- (2) To agree a procedure for dealing with outstanding matters arising from the work of the Policy Development Groups, i.e.,
  - **EPDG** - That the Consultant's report on the Council's outstanding lighting be evaluated by the relevant Cabinet Member and any cost implications put forward by the relevant Service Unit Manager through the normal financial bidding process.
  - **EPDG** - That the Cabinet response to the Sustainability Checklist be given to the Scrutiny Panel.
  - **PSPDG** - That the Cabinet response to the recommendations arising from the final report on Youth and Town Centre Nuisance be fed back to the Scrutiny Panel.
  - **BVPDG** - That the Cabinet response to the request for non-Cabinet member involvement in Business Efficiency Reviews be fed back to Scrutiny Panel

# **BRAINTREE DISTRICT COUNCIL**

## **Overview and Scrutiny Function**

### **Annual Report 2006-7**

**Cllr John Gyford  
Cllr Bernie Gaught  
Cllr Nigel McCrea**

**Cllr Elwyn Bishop**

**Cllr James Abbott**

**Cllr Tony Shelton**

**Chairman of Scrutiny Panel**

**Chairman of Audit Panel**

**Chairman of Better Value Policy Development  
Group**

**Chairman of Community Policy Development  
Group**

**Chairman of Environment Policy Development  
Group**

**Chairman of Public Safety Policy Development  
Group**

Braintree District Council Scrutiny and Overview Function  
Annual Report 2006-2007

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# Braintree District Council Scrutiny and Overview Function Annual Report 2006-2007

## 1. Introduction

Scrutiny Panel, Policy Development Groups and Audit Committee are currently required to report annually to Full Council on their work and make recommendations for future work programmes and amended working methods if appropriate. During the past year, Scrutiny Panel has completed its study on Digital Hearing Aids (a pilot delegated Health Scrutiny Study undertaken on behalf of ECC) and has continued its review of enforcement powers across the Council's activities with the completion of Module 2 of that study relating to Environmental Protection/Street Scene. Members of the Policy Development Groups have continued to carry out research both independently and in small groups, with work programmes less ambitious than in previous years. Audit Panel has worked with an expanded membership in this second year of its formal inclusion as part of the authority's overview and scrutiny arrangements.

This year the Council's Overview and Scrutiny arrangements have been reviewed by the Cabinet who agreed at its meeting on 26<sup>th</sup> March 2007 to recommend to Council that the Policy Development Groups should be superseded by a series of Task and Finish Groups appointed by the Scrutiny Panel, who would also oversee the work of the Groups.

## 2. Scope of Scrutiny Panel, Audit Panel and Policy Development Groups

### Scope of Scrutiny Panel

Within its terms of reference, Scrutiny Panel will discharge the overview and scrutiny functions conferred by Section 21 of the Local Government Act 2000 and will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions other than development control and other quasi-judicial matters;
- ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the district or its inhabitants;
- iv) exercise the right to call-in, for reconsideration, executive decisions made but not yet implemented by the Cabinet, portfolio holders and/or any area committees; and
- v) take an overview of policy development in line with the priorities of the Council.

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**Scope of Audit Panel**

The Audit Committee is responsible for the programme of fundamental reviews and Improvement Plans as required under Best Value, and for scrutinising performance across the Council. It makes recommendations on these issues to the Cabinet.

As part of the Council's Scrutiny function, no member of the Cabinet can serve on the Audit Panel.

The Panel also receives reports from the Audit Manager, and evaluates the District Audit Management Letter and Best Value Inspectorate reports.

The Panel also approves the Council's Annual Statement of Accounts.

**Scope of Policy Development Groups**

The Council will appoint policy development groups to support the development of policies. The work plans for policy development groups shall be approved by the Council.

**Specific functions**

(a) **Scrutiny.** Scrutiny Panel shall:

- (i) review and scrutinise the decisions made by the Cabinet and/or area committees and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, and/or particular service areas;
- (iii) question members of the Cabinet and/or area committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet and/or area committees and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Panel and local people about their activities and performance;
- (vi) question and gather evidence from any person (with their consent);
- (vii) request policy development groups to undertake reviews of policy and report back to the Scrutiny Panel; and
- (viii) consider and advise upon the Cabinet's initial proposals for the budget and policy framework in accordance with the Budget &

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Policy Framework Procedure Rules set out in Part 4 of this Constitution.

(b) **Audit.** Audit Panel shall:

- (i) Be responsible for the programme of fundamental reviews and improvement plans as required under Best Value
- (ii) Make recommendations to the cabinet on any matter arising from the fundamental reviews or Improvement Plans.
- (iii) receive the Annual Internal Audit Plan and summary of Internal Audit opinion as appropriate
- (iv) receive and evaluate the External Audit Management Letter and Best Value Inspectorate reports and to make recommendations to the Cabinet on the terms of the response. Any subsequent action plans to be monitored by the Audit Panel.
- (v) agree the Council's Annual Statement of Accounts.
- (vi) oversee the Council's preparation for its Comprehensive Performance Assessment.
- (vii) review the establishment and maintenance of an effective system of internal control and risk management

(c) **Policy development.** Policy Development Groups may:

- (i) assist the Council and the Cabinet in the search for continuous improvement and in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- (v) consider requests by the Scrutiny Panel to conduct policy reviews.

### **Proceedings of Overview and Scrutiny Committees**

Policy Development Groups, Scrutiny Panel and Audit Panel will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution.

### **Scrutiny Arrangements for the Year 2007/2008**

On 26<sup>th</sup> March 2007 the Cabinet agreed to support new proposals for the Council's Scrutiny Arrangements. These proposals include the replacement of the existing Policy Development Groups with a series of Task and Finish Groups under the management of Scrutiny Panel. Policy Development Groups have not, therefore been invited to suggest items for next years work programme, though there are some issues outstanding, namely.

The External Lighting Survey, an item in the action plan of the Council's Sustainable Energy Strategy, was commissioned by the **Environment PDG** and carried out by a consultant. The Consultant's report is not yet available and it is proposed that the report would be evaluated by the Cabinet Member and any cost implications, if supported, be put forward by the Service Unit Manger through the normal financial bidding process.

The Sustainability Checklist produced by the **Environment PDG** has only just been considered by Council and will be considered by Cabinet on 4th June 2007. Under the PDG Protocol the EPDG could expect a response within three months of its consideration by Cabinet. It is suggested that the response be given to the Scrutiny Panel in due course.

The final report of the **Public Safety PDG** in respect of Town Centre Safety will be considered by Council on 16<sup>th</sup> April 2007. It includes a recommendation for a work topic for consideration for the Work Programme for whatever scrutiny body is appropriate in 2007/2008 (see page 15). It is suggested that the response on the other recommendations be given to Scrutiny Panel in due course.

The **Better Value PDG** recommended at its last meeting that it would hope that there could be some involvement for non-cabinet members in the Business Efficiency process.

### 3.1 Scrutiny Panel

#### 3.1.1. Chairman's Annual Statement

As in previous years we have reviewed the Medium Term Financial Strategy and have also examined proposals for the 2007/08 budget. The past year saw an innovation in our work programme with a pilot project carried out under powers delegated from the Essex County Councils Health Overview and Scrutiny Committee: our report was well received. We have continued to seek feedback from the witnesses who have provided evidence to us at Scrutiny Hearings and have received very positive responses from them. We do of course continue to be very grateful to all those who have assisted us in our enquiries over the past 12 months.

Cllr John Gyford  
Chairman of Scrutiny Panel

### 3.1.2 Summary of Work Programme 2006/2007

WORK PROGRAMME ITEM	PROGRESS/COMMENTS
<p>The conduct and use of enforcement activities across the Council's services.</p>	<p>The Panel decided that investigations into the Council's enforcement activities would be divided into three Modules as follows:-</p> <ol style="list-style-type: none"> <li>1. Planning Enforcement;</li> <li>2. Environmental Protection/Street Scene;</li> <li>3. Licensing</li> </ol> <p><b>Module 1</b>- Planning Enforcement - has been completed. A series of recommendations were considered and accepted by the Cabinet on 3/4/06.</p> <p><b>Module 2</b> – Environmental Protection/Street Scene Enforcement commenced at the start of 2006/07 and was completed in September. A series of recommendations was considered and adopted by the Cabinet on 5<sup>th</sup> February 2007.</p> <p><b>Module 3</b> – Licensing Enforcement is one of the suggested work programme items for 2007/08 for the current Scrutiny Panel's successors.</p>
<p>Process of allocation of new Digital Hearing Aids (Pilot 'delegated' scheme to be undertaken on behalf of Essex Health and Overview Scrutiny Committee (HOSC)).</p>	<p>This investigation commenced in January 2006 and a Scrutiny Hearing was attended by witnesses from the NHS bodies on 12<sup>th</sup> April 2006. A subsequent report was considered by Essex County Council's Health Overview and Scrutiny Committee on 12 September 2006 and a number of action points were agreed. The Committee asked the Panel to revisit the review in 12 months to see if waiting times had changed. This is also one of the suggested work programme items for 2007/08.</p>
<p>Final study: Review of the implementation of the Panel's recommendations since 2003.</p>	<p>This final study was completed in March. The Panel made a recommendation that was adopted by Cabinet on 26<sup>th</sup> March 2007 that in future each relevant Cabinet Member should report back to Scrutiny on action taken on the implementation of recommendations from the Panel within 9 months of them having been accepted by Cabinet.</p>

### **3.1.3 Suggested items that could be included in Scrutiny Panel's Work Programme 2007/08**

- Enforcement Investigation - Module 3 - Licensing;
- Digital Hearing Aids - On behalf of Essex County Council's Health Overview and Scrutiny Committee - follow up study to see whether patient waiting time has changed;
- Complaints Procedures - possibly;
- Domestic Neighbour Disputes - follow up study concerning cases that begin as neighbour disputes, but subsequently have to be tackled by means of the legal process given the problems of anti-social behaviour of one of the parties involved;
- Police and Justice Act 2006/Local Government and Public Involvement in Health Bill - to keep under review the new powers available to Overview and Scrutiny under the new legislation as the Government introduces relevant guidance and regulations.
- Allotments

## **3.2 Audit Panel**

### **3.2.1. Chairman's Annual Statement**

During 2006-07 the Audit Panel continued with their regular examination of Internal and External Audit Reports, Statement of Accounts, Risk Management and Performance and Improvement.

In addition the Panel has:

- Monitored the situation of inaccurate Sundry Debtor Age of Debt analysis reports due to corrupt software data. Once the supplier had rectified the situation, the Panel continued to monitor the outstanding debt both by levels and profile of age together with the improvement and efficiency of recovery action.
- In conjunction with the Standards Committee, carried out an Ethical Governance Audit both for members and officers. The resulting action plan continues to be monitored.
- As a result of a recommendation from the external auditors Annual Audit and Inspection Letter for 2004/05, agreed and continues to monitor a suite of key financial health indicators.

Cllr Bernie Gaught  
Chairman of Audit Panel

### 3.3 Better Value Policy Development Group

#### 3.3.1. Chairman's Annual Statement

The BVPDG has 12 members and its scope is to examine any areas of the Council's operations from the perspective of past performance and future policy development where it is felt that improvements in efficiency (lower costs and/or better service delivery) could be achieved.

During 2006/2007 the Group (following guidance from the Co-ordinating Meeting of the Policy Development Group, Scrutiny Panel and Audit Panel Chairmen) decided to work with officers on a series of 'light-touch' business efficiency reviews and a review of Partnerships. The regrettable departure of Ian Orton hampered mid-year progress, but the following is a summary of outcomes or conclusions:

#### Light-Touch Reviews

- Waste Collection and Street Cleansing  
BDC costs at over £25 per head are significantly higher than all comparative councils. This is partly because we are the best recycling council in Essex and because we have no disposal facility in the immediate area. However satisfaction levels are high at 80% and missed-bin levels are amongst the lowest for the country. It also appears true that we get good value-for-money from our parish partnerships on street cleansing. Further examination was requested of officers and consultants have now been engaged.
- Cemeteries  
BDC figures appear high but are inflated by capital cost inclusion. It would appear our charges are low compared with the Church of England, which issue should be reviewed by the Cabinet member responsible.
- Community Halls  
The amount of effort by the Cabinet in this area in 2005-2007 and the increase in use by residents of the facilities, meant that little innovative work was required. However the Group wishes to establish whether community facilities not owned by BDC are receiving fair and comparable subsidies, and has asked for further studies to take place on this subject in 2007-2008.
- Cultural Activities  
Comparative costs are low and the take-up of the Museums service is upper quartile vs. BVPI. No further studies required at present.
- Discovery Centre  
In view of discussions on management with ECC, no review was undertaken.
- Town Hall Centre  
In view of housing transfer, it was decided to postpone this until a review of all public buildings could be undertaken in 2007-2008.

- BDC Cash Desk  
It was decided to postpone further study of this area until the Witham experience could be fully evaluated.
- Parking Services  
Whilst BDC appears to be receiving less than half the income per head compared with nearest neighbours, this is due to more car parks being owned by retailers. It was also considered that further increases should 'fit' with the Braintree Town-Centre Strategy, as members were aware of the impact increases could have on the use of town centre facilities e.g. Sudbury where there are no parking charges and the town remains vibrant.
- Leisure  
Following on from the significant amount of work undertaken in 2005, the Group asked that BDC work more closely with DC Leisure to promote facilities within the leisure centres and to engage DC Leisure to carry out more outreach sports development facilities within the district.  
They also considered that the contract with DC Leisure should be reviewed on a regular basis to ensure VFM was delivered. The working relationship needed to become more of a partnership than a contractual one. However the absence of any surpluses over and above the contact price was deemed surprising, especially as these would be shared with the council.  
The Group was very keen to ensure a Leisure Card should be introduced in 2007.

#### Partnerships Review

- The work of the Group was limited to reviewing the study undertaken by Sara Moutard which culminated in the Framework for Partnership Working submitted to Cabinet in February 2007.

The Group considered that the final report had the merits of brevity, albeit some clarification on the decision-making tree was still required.

Primarily it is likely to ensure partnerships deliver VFM and will ensure the tests and parameters recommended by the Audit Commission are applied.

#### Conclusion

Whilst further studies could be considered for 2007-2008, the BVPDG is cognizant of the Efficiency Reviews now in place to compensate for expected future central government grant shortfalls and the effect of housing transfer. It therefore, at its final meeting, endorsed the view of the Local Government Reform – Cabinet Sub-Group that future studies should be of a 'task & finish' nature, as directed by Scrutiny Chairs, and that there was likely to be no need for a permanent standing committee along the lines of the existing BVPDG. However several members of the Group expressed an interest in being co-opted onto such studies in the future.

I would commend the work and efforts of all members of the Group and the supporting officers, in particular Ian Orton, Linda Morgan and Sara Moutard, during 2006-2007.

Cllr Nigel McCrea  
Chairman of Better Value Policy Development Group

### 3.3.2. Summary of Work Programme 2006/7

WORK PROGRAMME ITEM	PROGRESS/COMMENTS
<p>To examine the business efficiency of all our services and to look for improvement.</p>	<p>Both of these items had been carried over from the previous years work programme.</p> <p>Small Groups of Members had been reviewing the efficiency of Waste/Street Scene, Waste and Street Cleansing, Leisure, Development Control, Cemeteries, Parking and Community Halls. The Groups met on a number of occasions and Members have gathered evidence themselves by talking to staff and Service Unit Managers. The Group recommended that further investigation should be carried out into the waste and leisure services, and consultants have been appointed to conduct in depth business efficiency reviews into this as well as central services.</p> <p>The work produced no recommendations to Cabinet or Council. However, working with Service Unit Managers resulted in efficiencies being achieved and targets for improvement implemented, e.g.,</p> <ul style="list-style-type: none"> <li>- Procurement – the percentage of purchases from core items was set a minimum of 60% in 2005-6 and 80% in 2006-7.</li> <li>- Cashiers – recommendations concerning the monitoring of the “cashless” environment</li> <li>- Leisure and Performance – An IT Sub-Group of Members went through the IT Services contract with SERCO, resulting in savings of £80,000 to the authority in a full year.</li> </ul>
<p>What and how do partnerships give added value to meet the needs of the District. Can we improve on our partnership working?</p>	<p>Although the Group had sight of the Partnership Toolkit before it went to Cabinet, and Cllr McCrea had had a small involvement the Toolkit was had been prepared by Sara Moutard and the Chairman thanked Sara for doing an excellent job. Members felt this would be an ideal tool with which to monitor the effectiveness of partnerships such as Leisure.</p>

### 3.4 Community Policy Development Group

#### 3.4.1. Chairman's Annual Statement

There is still more work to be done to fully integrate the children's agenda into the day to day activities of our organisation.

A meeting with the District Youth Forum was encouraging and they are due to meet with members at a later date when they have had the opportunity to meet and discuss their aims.

The group has not fully dealt with the problems concerned with housing of older people as the transfer of council houses to the new housing association will result in discussions with that housing association which has not yet been fully established

Children and Young Peoples Services. Targets set have still to be fully developed.

May I thank the officers and members of the group for their work during the course of the year

Councillor Elwyn Bishop  
Chairman of Community Policy Development Group

#### 3.4.2 Summary of Work Programme 2006/7

WORK PROGRAMME ITEM	PROGRESS/COMMENTS
Under the Children's Act, we have responsibilities in partnership with other agencies. We need to examine how we ensure the protection of children. There are proposals for a Children's Centre and we are participating in a Children's Trust for the District. How do we ensure that our services address our responsibilities?	<p>This item was carried forward from the previous year.</p> <p>The Group received a number of presentations on various aspects of this very important responsibility, and members of the Youth Council attended one of the meetings.</p>

### 3.5 Environment Policy Development Group

#### 3.5.1. Chairman's Annual Statement

The group met formally twice and informally twice in the regular cycle of meetings. In addition there were an number of meetings on specific issues and a visit in July to a biodiesel plant near Fordham which processes waste cooking oil into vehicle fuel.

Attendance at meetings has been good and I would like to thank members and officers for their support to the group over the year.

The main work programme included:

The development of sustainability reviews of council policies and input into the Local Development Framework (LDF) process.

The continuing overview of the Sustainable Energy Strategy (SES) and its implementation plan;

The group also maintained a watching brief on significant environmental issues and considered the functions of the Environmental Forum and the Partnership Boards.

Following issues raised at a Blackwater Cluster meeting, the Group requested that more information on the proposed Essex Waste Strategy should be made available to local members and the parishes and subsequently a seminar was held at the Discovery Centre.

Within the LDF process, the group considered and made comments on the Essex County Council Urban Place Supplement as part of the consultation by the council. The group also similarly considered and commented on the BDC Interim Guidance on Planning for Sustainable Design and Construction and the accompanying checklist for developers. These 3 documents were welcomed following the agreed view of the group that more needed to be done to guide new development towards sustainable design.

A sub group of members drafted a Sustainability Vision Statement, designed to act as a checklist against which sustainability appraisals for council policies can be made as they come up for review. This work was largely done by email circulation. The Statement was considered by Council in February and will later be considered by the cabinet. A timetable for the review of policies was received and agreed.

Following the decision of the Leader of the Council to allocate an additional £10,000 towards the completion of the PDG work programmes, it was decided that the Environment PDG share would go towards further work on the implementation of the SES. This will be used to help complete an energy audit of Causeway House and consultant led reviews of the external lighting of a number of buildings including Causeway House and the Discovery Centre to improve efficiency, reduce light pollution and so make cost savings in the longer term.

Councillor James Abbott  
Chairman of Environment Policy Development Group

### 3.5.2 Summary of Work Programme 2006/7

WORK PROGRAMME ITEM	PROGRESS/COMMENTS
Delivery of the Sustainable Energy Strategy.	<p>The Group put together a Sustainability Statement against which to check the Council's policies as they come up for review. The checklist was supported by Council in February 2007 and will be considered by Cabinet in March 2007.</p> <p>The Group successfully bid for monies to fund the appointment of a consultant to assess the outside lighting of Causeway House, Braintree Leisure Centre, and the Discovery Centre. The Consultant has carried out site visits, and his report is awaited.</p>

### 3.6 Public Safety Policy Development Group

#### 3.6.1. Chairman's Annual Statement

Continuing an attitude established in it's first year of operation, the willingness of members of this Group to invest time and energy in exploring the issues and embracing new ways of working has been in the spirit of overview and scrutiny.

There have been some frustrations involved in accessing information and exploring options. The Group have continued to hold a watching brief on health issues through the Chairman's interest and attendance at the ECC Scrutiny meeting on Out of Hours services.

The Group has reviewed the recommendations it had made over the last two years. I would like to thank members of the group for their enthusiasm and support.

Councillor A F Shelton  
Chairman of Public Safety Policy Development Group

#### Summary of Work Programme 2005/6

WORK PROGRAMME ITEM	PROGRESS/COMMENTS
Youth Nuisance and Town Centre Safety	Members of the Group have worked in a number of different ways to produce evidence to illuminate the issues involved. Their final report, agreed at the last meeting of the Group, identified some barriers to the effectiveness of the role of the Ward Member, and makes recommendations for a review of that role,



<p>'Health and Leisure in the provision of health promotion'. (Started June 2006)</p>	<ul style="list-style-type: none"><li>- An agreement regarding temporary accommodation is negotiated with Greenfields Housing Association, so that the authority's responsibility for housing homeless people is met, subject to the satisfactory completion of a trial period.</li><li>- That Greenfields Housing Association is encouraged to sign up to the Respect Standard for Housing Management, and that their Policies and Procedures reflect the Standard's core components regarding anti-social behaviour.</li></ul> <p>The Group starting looking at this item in April 2005. Recommendations discussed at full Council and considered by Cabinet on 22.3.06. On 19th June 2006 Cabinet decided that the recommendations of the Public Safety PDG, the minutes of the debate of full Council and the reference from the Scrutiny Panel be noted, and that a commitment be given to returning to Cabinet within 3 months so far as this is reasonably practicable following consultation with the Council's partners.</p> <p>On 27<sup>th</sup> November Cabinet agreed to acknowledge and support the formal response received from the Braintree District Community Safety Partnership in relation to the recommendations made by the Public Safety Policy Development Group and to agree that some of these recommendations will be progressed in line with forthcoming Guidance / Legislation.</p> <p>Members have received presentations on work going on in the District to promote healthy activities. No recommendations have resulted.</p>
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