



ANNUAL GENERAL MEETING OF THE COUNCIL AGENDA

Thursday, 25th May 2023 at 7:15pm

Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM79HB

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

Councillor J Abbott	Councillor J Edwards	Councillor S Rajeev
Councillor D Abram	Councillor C Finch	Councillor R Ramage
Councillor M Ault	Councillor M Fincken	Councillor F Ricci
Councillor J Ayten	Councillor D Garrod	Councillor P Schwier
Councillor J Baugh	Councillor M Green	Councillor G Spray
Councillor J Beavis	Councillor J Hayes	Councillor M Staines
Councillor J Bond	Councillor P Heath	Councillor B Taylor
Councillor K Bowers	Councillor D Holland	Councillor W Taylor
Councillor L Bowers-Flint	Councillor A Hooks	Councillor M Thorogood
Councillor G Butland	Councillor L Jefferis	Councillor P Thorogood
Councillor J Coleridge	Councillor J Martin	Councillor R van Dulken
Councillor G Courtauld	Councillor S Mason	Councillor T Walsh
Councillor M Cunningham	Councillor A Munday	Councillor L Walters
Councillor T Cunningham	Councillor I Parker	Councillor E Williams
Councillor C Dervish	Councillor J Pell	Councillor T Williams
Councillor T Diamond	Councillor G Prime	Councillor J Wrench
		Councillor B Wright

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.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

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

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

Public Question Time - Registration and Speaking:

The Council's Annual General Meetings is held in accordance with Council Procedure Rule 12.1 as set out in the Council's Constitution.

Please note there is no Public Question Time session at the Annual General Meeting of Full Council. Please direct any queries to governance@braintree.gov.uk

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Documents:

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

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For further information on how the Council processes data, please see the Council's Privacy Policy.

https://braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Your Comments:

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

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4 To elect the Chairman of the Council	
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6 To receive announcements from the New Chairman of the Council	
7 Minutes of the Previous Meeting	
To approve as a correct record the minutes of the meeting of the Council held on 20th March 2023 (copy previously circulated).	
8 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.	
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13 Annual Timetable of Council Meetings

To confirm the following dates of Ordinary meetings of Full Council listed below.

Ordinary meetings of Full Council are held on a Monday starting at 7:15pm:

- 17th July 2023
- 4th September 2023
- 11th December 2023
- 19th February 2024
- 18th March 2024

The Annual General Meeting (AGM) will be held on 22nd April 2024

Report Title: Council Appointments	
Report to: Council – Annual General Meeting	
Date: 25 th May 2023	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2023/04
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Mayo, Head of Governance and Monitoring Officer	

1. Purpose of the Report

- 1.1 The Council has a number of Committees and Sub-Committees whose membership is determined by the Council. This report outlines those appointments and the requirements set out in the Local Government and Housing Act 1989 to allocate seats to Political Groups on a politically proportionate basis for the 2023/24 civic year.

2. Recommendations

- 2.1 To approve the appointments to Council Committees as set out in Appendix A.
- 2.2 To approve the appointments to the Outside Bodies as set out in Appendix B
- 2.3 To appoint the Chairman of the Corporate Scrutiny Committee.

3. Summary of Issues

- 3.1 This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees and Sub-Committees to Political Groups on a politically proportionate basis. The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 apply with some exceptions to any Committees established under the Constitution.
- 3.2 The membership of the Council is 49 seats and for the purpose of the allocation of seats, this is broken down as follows:-
- 26 - Conservative Group
 - 11 - Independent and Green Group
 - 9 - Labour
 - 3 - Halstead Residents Association

3.3 Political balance requirements

- 3.4 The allocation of seats on ordinary Committees must be in the same proportion as the number of Members of the Group bears to the membership of the Council as a whole.
- 3.5 The Council has a duty when allocating or reviewing the allocation of seats on Committees to give effect so far as is reasonably practicable to the following four principles:-
- (a) all the seats are not allocated to the same Political Group;
 - (b) the majority of the seats go to the Political Group in the majority on the full Council;
 - (c) subject to the above two principles, the total number of seats on the ordinary Committees of the Authority are allocated to each Political Group in the same proportion as the Group's representation on the full Council; and
 - (d) subject to the above three principles, the number of seats on each Committee are allocated to each Political Group in the same proportion as the Group's representation on the Council.

4 Council Committee Appointments

- 4.1 During the previous administration of the Council, there were four Scrutiny Committees established for the purposes of holding the Executive (the Cabinet) to account. Having reviewed the committee structure, it is proposed to reduce the number of scrutiny committees from four to one, the Corporate Scrutiny Committee. This will be the Council's Scrutiny Committee performing the statutory functions of the former Performance Management Scrutiny Committee including to receive the annual report of the Community Safety Committee (formally received by the Partnership Development Scrutiny Committee).
- 4.2 In recognition of the work carried out by the Governance and Audit Scrutiny Committee and the guidance from CIPFA, this committee will become the Council's Audit Committee and will be titled the Governance and Audit Committee.
- 4.3 Finally, in order to support the work of the Council in the review and development of its policies the Council proposes to establish a Corporate Policy Development Committee. The Terms of reference shall be as follows:

The Corporate Policy Development Committee will perform the following functions in line with a work programme agreed with Cabinet:

- (a) To conduct reviews of policy, services and aspects of services where there is an identifiable need, by itself or through the establishing of a task and finish group;
- (b) To make suggestions on the development of policies and suggest new policies where appropriate; and

- (c) To work with or appoint representatives to work with other local authorities to carry out joint scrutiny

The work programme will not include matters relating to Planning or Licensing Policies or such matters reserved to Council.

- 4.4 The Council, therefore, shall have the following 6 committees, to which the political balance set out above will apply:
- Planning Committee
 - Licensing Committee
 - Corporate Scrutiny Committee
 - Governance and Audit Committee
 - Corporate Policy Development Committee, and
 - Standards Sub Committee
- 4.5 Following the Local Elections on 5 May 2023, all Group Leaders have been invited to appoint a Member to each of their allocated seats on each of the committees. Accordingly, the membership for each of the Committees is set out in Appendix A.
- 4.6 All Members appointed to the Planning Committee, or the Licensing Committee are appointed on the basis that they will undertake mandatory training before undertaking their duties and dealing with the business of the relevant committee.
- 4.7 Subject to the approval of the Annual Review of the Constitution under Agenda Item 12, each Group shall appoint up to 4 named substitutes to the Planning Committee and the Licensing Committee. These substitutes are required to undergo the mandatory training before they can attend any meeting of the relevant committee.
- 4.8 All appointments are for the 2023/24 Civic Year, and any mid-year vacancies caused by a Member stepping down from a Committee are able to be filled by the relevant Political Group at any time upon written notice to the Chief Executive. Vacancies caused by a resignation of a District Council shall be brought back to Council for consideration and approval of the appointments.
- 4.9 The Chairman of the Corporate Scrutiny Committee shall be nominated from the Membership of the Corporate Scrutiny Committee as set out in Appendix A and shall be proposed by the opposition groups at the Annual General Meeting. In the event of more than one nomination from any opposition group, the appointment shall be decided by way of a simple majority vote.

5. Appointments to Outside Bodies

- 5.1 The Council may nominate representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by Council to a Committee or an Officer. In accordance with Article 4 of the Council's Constitution, the Council is invited to make the appointments to the Outside Bodies as set out in Appendix B. The appointments are for the 2023/24 Civic Year only.

6. Financial Implications

- 6.1 A Special Responsibility Allowance is paid to those Councillors who hold positions with additional responsibilities and is paid in recognition of the extra duties they are expected to perform. These are set out in the Member Allowance Scheme, contained at section 20 of the Constitution.
- 6.2 The overall number of Committees proposed has reduced by one and therefore there is a saving made on Special Responsibility Allowances paid to Chairman and Vice-Chairman, totalling £7,731.
- 6.3 The Planning Committee membership has increased by one member. Members to the Planning Committee receive a Special Responsibility Allowance, which is representative of the Members attendance at meetings. The total Special Allowance Paid under this provision to each member is £1,290, provided they have attended 75% of all meetings held.
- 6.4 As a result there is a net overall saving from the recommendations set out in this report.

7. Legal Implications

- 7.1 Article 4 of the Constitution states that it is a function of Council to make appointments to Committees, unless the appointment is a Cabinet function or has been delegated by Council to a Committee or Officer. The recommendations set out in this report give effect to that provision.

8. Other Implications

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

9. Equality and Diversity Implications

- 9.1 There are no equality or diversity issues arising from this decision. The determination of the political proportionality on Committees is determined in accordance with the statutory provisions. Formally, it is a matter for Political Groups to determine the membership of individual Committees within the proportionate allocation to the Groups.

10. List of Appendices

- 10.1 Appendix A – Council Committees
- 10.2 Appendix B – Outside Bodies

11. Background Papers

- 11.1 Constitution

Appendix A – Council Committees

Committee	Size	Membership Appointments	Substitutes
Planning Committee	13	Cllr L Bowers Flint Cllr J Hayes Cllr D Holland (VC) Cllr I Parker (C) Cllr F Ricci Cllr P Schwier Cllr G Spray Cllr J Beavis Cllr J Abbott Cllr A Hooks Cllr M Fincken Cllr T Diamond Cllr A Munday	Cllr K Bowers Cllr G Prime Cllr S Rajeev Cllr J Wrench Cllr M Ault Cllr P Thorogood Cllr W Taylor Cllr B Wright Cllr M Green Cllr L Jefferis Cllr P Heath Cllr M Thorogood Cllr J Pell
Licensing Committee	14	Cllr J Baugh (C) Cllr I Parker Cllr G Prime (VC) Cllr R Ramage Cllr P Schwier Cllr R van Dulken Cllr L Walters Cllr B Wright Cllr M Staines Cllr W Taylor Cllr M Green Cllr P Heath Cllr J Ayten Cllr J Pell	Cllr J Coleridge Cllr C Dervish Cllr E Williams Cllr J Beavis Cllr T Walsh Cllr J Martin Cllr S Mason Cllr M Thorogood Cllr A Munday

Committee	Size	Membership Appointments	Substitutes
Corporate Scrutiny Committee	13	Cllr G Courtauld Cllr D Holland Cllr I Parker Cllr R Ramage Cllr T Williams (VC) Cllr E Williams Cllr J Wrench Cllr J Beavis Cllr J Abbott Cllr W Taylor Cllr P Heath Cllr J Martin Cllr J Bond	N/A
Governance and Audit Committee	13	Cllr J Baugh Cllr J Edwards (VC) Cllr G Prime Cllr R Ramage Cllr R van Dulken Cllr L Walters Cllr J Wrench (C) Cllr T Walsh Cllr B Wright Cllr A Hooks Cllr M Green Cllr L Jefferis Cllr A Munday	N/A
Corporate Policy Development Committee	13	Cllr G Courtauld (C) Cllr J Edwards Cllr J Hayes Cllr S Rajeev (VC) Cllr B Taylor Cllr T Williams Cllr E Williams Cllr P Thorogood Cllr M Staines Cllr M Ault Cllr M Fincken Cllr L Jefferis Cllr J Bond	N/A
Standards Sub-Committee	8	Cllr L Bowers-Flint Cllr G Courtauld Cllr D Garrod Cllr P Schwier Cllr J Beavis Cllr T Walsh Cllr J Ayten Cllr S Mason	N/A

Other Committees

Appointments Committee	6	<ul style="list-style-type: none">- Cllr G Butland- Cab Member- Cab Member- Cab Member- Leader of the Opposition- Chairman of the Corporate Scrutiny Committee	N/A
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Appendix B – Council Outside Body Appointments

Outside Body	Description	Position held	Appointment
Braintree District Access Group	The Group actively promotes “barrier free design “to create environments which are accessible and useable by everyone. The Groups seeks to see improvements for disabled residents through close liaison with the various relevant departments at Braintree District Council and Essex County Council.	Board Member	Cllr D Garrod
Braintree United Charities	Formed in 1899 by the amalgamation of seventeen smaller charities. It is administered by Trustees who are all local people, including the Vicar of Braintree and representatives of the Council. The Trustees meet twice a year to consider applications for modest grants.	Trustee	Cllr J Edwards Cllr J Wrench Cllr Mrs L Walters Cllr L Jefferis

Campaign to Protect Rural Essex	The Essex branch of CPRE protects the diversity of the Essex Countryside to ensure that it remains a special place to live.	Board Member	Cllr P Schwier
Dedham Vale and Stour Valley Advisory Committee	Established for the AONB project area to provide joint working with a number of other authorities, leading on key issues that affect the areas future, providing advice and guidance.	Committee Member	Cllr Mrs D Garrod Cllr D Holland
Earls Colne Airfield Liaison Committee	The committee provides an opportunity for local communities’ representatives and stakeholders to discuss the	Committee Member	Cllr G Courtauld

	operation of Earls Colne Airfield		
Earls Colne and Halstead Educational Charity	Formed in 1975 and is responsible for the distribution of grant funding for educational purposes.	Board Member	Cllr G Courtauld
Friends of Bocking Windmill	The windmill is a Grade I Post Mill built in 1721 and is owned and maintained by Braintree District Council. A local group Friends of Bocking Windmill are registered as volunteers to the Council to enable them to open the mill to the public on a number of occasions throughout the year.	Member of the Friends Group	Cllr J Baugh
Friends of Halstead Public Gardens	Formed to oversee the upkeep and maintenance of the gardens, to help promote it and assist in organising events.	Member of the Friends Group	A Councillor from the Halstead Residents Association, as identified by the HRA Group Leader

Halstead in Bloom Partnership	Partnership working with Halstead Town Council, Essex County Council and Braintree District Council encourage pride in the environment and a desire to keep the local area clean, tidy and a pleasant place to live, work and visit.	Committee Member	A Councillor from the Halstead Residents Association, as identified by the HRA Group Leader
Maltings Lane Forum	The Maltings Lane Forum provides an opportunity for members of the community to discuss with the Developer and Local Authority key issues regarding the development of the Maltings Lane area of Witham.	Board Member	The Councillors from the Witham South Ward
Notley Green Community Association	Formed to manage the Community Centre on behalf of Braintree District Council	Board Member	Cllr F Ricci
Rivenhall Playing Field Association	The Association was formed as a non-profit making organisation to foster and promote community organisations and activities by way of lettings of Rivenhall Village Hall and/or the Albert Moss Playing Field.	Board Member	The Councillors from Silver End & Cressing Ward

Report Title: Leader's Announcements - Cabinet Update	
Report to: Council – Annual General Meeting	
Date: 25 th April 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2021/53
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Mayo, Head of Governance and Monitoring Officer	

1. Purpose of the Report

- 1.1 To note the Leader of the Council's arrangements for Cabinet, including the responsibilities of Cabinet Members, and appointments to Cabinet Committees and Outside Bodies.

2. Recommendations

- 2.1 To note the appointment of the Cabinet Members and their assigned Portfolios as set out in Appendix A;
- 2.2 To note the appointment of Deputy Cabinet Members as set out in paragraph 3.10.

3. Summary of Issues

Cabinet Appointments

- 3.1 In accordance with the provisions set out in the Local Government Act 2000, the Leader of the Council, operating under Executive arrangements, is required to appoint Cabinet. In doing so the Leader shall determine the size and composition of the Cabinet, provided that the membership is no less than two and no more than ten Members and shall determine how the Executive functions should be discharged.
- 3.2 The Leader, Councillor Graham Butland, has appointed Councillor Tom Cunningham to be the Deputy Leader, this role is in addition to the roles and responsibilities set out under his portfolio.
- 3.3 The Leader has formed a Cabinet consisting of himself and 6 Members. Each Cabinet Member will be responsible for a specific portfolio, which is set out in Appendix A.
- 3.4 Where a delegation exists to a previous portfolio designation that delegation shall apply to the new portfolio to which it most closely aligns to the relevant area of responsibility. In the event that this is unclear, the Leader shall determine who should take the delegated function.

- 3.5 The Cabinet Members will continue to have the delegations set out in Paragraph 24 of the Constitution.
- 3.6 In forming Cabinet, the Leader has identified that there are instances where there is need for the Cabinet Member to have additional support as they manage their Portfolios. The Council's Constitution allows for the appointment of Deputy Cabinet Members.
- 3.7 Deputy Cabinet Members will be permitted to assist and work with the relevant Cabinet Members in the exercising of their roles and responsibilities. There will be one Deputy Cabinet Member assigned to two Cabinet Members, with the Leader having two Deputy Cabinet Members appointed.
- 3.8 As a Deputy Cabinet Member, they will be entitled to attend and participate in any debate at Cabinet but will not be able to vote on any item which falls to be determined at a Cabinet meeting. They will be able to attend any other meetings with the Cabinet Member or in their absence and will be able to participate in the debate but will not be able to vote on any item which falls to be determined at that meeting. Deputy Cabinet Members will not have decision making powers (Executive or otherwise).
- 3.9 Any Councillor appointed as a Deputy Cabinet Member shall remain until they either resign from the role, cease to be a Councillor or the Leader notifies the Chief Executive that their appointment has ceased.
- 3.10 The Deputy Cabinet Members shall be:
- (a) The Deputy Cabinet Members to the Leader
 - Councillor Richard van Dulken; and
 - Councillor Billy Taylor
 - (b) The Deputy Cabinet Member to the Cabinet Member for Resources & Performance and the Cabinet Member for Transformation, the Environment & Customer Services will be Councillor Peter Schwier
 - (c) The Deputy Cabinet Member to the Cabinet Member for Planning and Infrastructure and the Cabinet Member for Economic Growth & Inward Investment will be Councillor James Coleridge.
 - (d) The Deputy Cabinet Member to the Cabinet Member for Housing, Health & Wellbeing and the Cabinet Member for Stronger Communities will be Councillor Charley Dervish.

Appointments to Cabinet Committees and Working Groups

- 3.11 The Leader may at their discretion establish a sub-committee of Cabinet or a working group to discharge the executive functions delegated to them. Any Sub-Committees or Working Groups to be established will be considered at the next available meeting of Cabinet.

Appointments to Cabinet Outside Bodies

- 3.12 The Leader of the Council may make executive appointments to Outside Bodies. Any appointments to Outside Bodies will be considered at the next available meeting of Cabinet.

4. Financial Implications

- 4.1 Special Responsibility Allowances are paid to those Members that hold the position of Deputy Leader, Cabinet Member, and Deputy Cabinet Member. The allowances to be paid are as set out in Member Allowance Scheme, contained at section 20 of the Constitution.
- 4.2 The cost of the proposals set out in this report are contained within the overall budget for Members Allowances.

5. Legal Implications

- 5.1 The recommendation set out in this report gives effect to the statutory provisions under the Local Government Act 2000.

6. Other Implications

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

7. Equality and Diversity Implications

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

8. List of Appendices

- 8.1 Appendix A

9. Background Papers

- 9.1 None

Appendix A - Portfolios of Individual Cabinet Members

(a) The Leader

- External Role at National, Regional & Local Level including joint working
- Lead on Business Planning, Performance & Corporate Strategy
- Devolution
- Corporate Communications & Reputation
- Corporate Consultation & Engagement
- External Strategic Partnerships and Relationships
- Emergency Planning
- Overall Vision & Strategic Direction
- Corporate Strategy
- Promotion of the District
- Communications
- Investment and Development Programme
- Electoral Administration
- Levelling up
- Cost of Living
- North Essex Alliance
- To exercise the executive functions of any Cabinet Member in their absence, in an emergency or in any other circumstance where the Leader thinks it is desirable to act on any matter.

Transformation, Performance and Delivery

(b) Cabinet Member for Transformation, the Environment and Customer Services, and Deputy Leader – Cllr T Cunningham

- Transformation, including shared services
- Commercialisation
- Waste & Recycling
- Climate Change
- Street Cleansing
- Parks & Open Spaces
- Car Parks
- Customer Services Charter
- Contact Centre
- Highways
- Specific Major Projects relevant to the Portfolio

(c) Cabinet Member for Resources and Performance – Cllr K Bowers

- Budget – Revenue & Capital Spend
- MTFS
- Treasury management
- Property & Estate Management
- Corporate Procurement

- ICT & Digital Services
- HR & Payroll Services
- Health & Safety, Insurance & Risk Management
- Corporate Governance
- Member support
- Performance Management
- Revenues, Benefits & Welfare
- Specific Major Projects relevant to the Portfolio

Connecting People Places and Prosperity

(d) Cabinet Member for Planning and Infrastructure – Cllr G Spray

- Planning & Neighbourhood Planning
- Local Plan
- Building Control
- Planning Enforcement
- Strategic Transport & Infrastructure
- Cycling Strategy
- NSIPs
- Land Charges
- Street Naming
- Biodiversity
- Landscape Services
- Specific Major Projects relevant to the Portfolio

(e) Cabinet Member for Economic Growth and Inward Investment – Cllr F Ricci

- Economic Growth & Development
- Urban & Rural Regeneration
- Skills Including Apprenticeships
- Business Engagement & Support
- Town Centres – Planning and Investment
- Locate Braintree including Tourism
- NEEB
- Inward Investment
- Specific Major Projects relevant to the Portfolio

Supporting Communities

(f) Cabinet Member for Housing, Health and Wellbeing – Cllr L Bowers-Flint

- Strategic Housing Function
- Homelessness & Rough Sleeping
- Health & Wellbeing
- Environmental Health
- Leisure Services

- Older Persons & Ageing Well
- Social Mobility
- Welfare Reform
- Safeguarding

(g) Cabinet Member for Stronger Communities – Cllr M Cunningham

- Art, Heritage, Sport & Culture
- Children & Young People
- Community Funding & Grant Schemes
- Community Development
- Policing-Matters
- Licensing Policy
- Community Safety
- Voluntary sector
- Equality & Diversity
- Community Facilities
- Rural Communities
- Armed Forces Lead

Report Title: Annual Review of the Constitution	
Report to: Council – Annual General Meeting	
Date: 25 th May 2023	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Mayo, Head of Governance and Monitoring Officer	

1. Purpose of the Report

- 1.1 The Constitution sets out that the Monitoring Officer will monitor and review the operation of the Constitution annually to ensure that the aim and principles within it are given full effect and remain relevant and effective. This report sets out the Monitoring Officer's review.

2. Recommendations

- 2.1 To approve the amendments to the Council's Constitution as identified in Appendix A.

3. Summary of Issues

- 3.1 The Council's Constitution sets out how the Council works, how decisions are made and the procedures that are followed to ensure these are efficient, transparent and the Council is accountable to local people. Some of these procedures are required by law, while others are a matter of choice for the Council.
- 3.2 In 2020/21 the Monitoring Officer, together with key stakeholders undertook a full and systematic review of the Constitution in order to ensure that the Constitution, in its entirety, was updated where necessary to reflect the current practices, ensure compliance with its statutory obligations and ensure that the Constitution remains a useable document for its Members, Officers and members of the Public. The Constitution was approved by Council at its Annual General Meeting on 19 April 2021. The last annual review of the Constitution was undertaken and approved by Full Council in April 2022.
- 3.3 In accordance with the provisions of the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution annually to ensure that the aim and principles of the Constitution are given full effect. It is important that the Monitoring Officer is aware of the strengths and weaknesses of the Constitution adopted by the Council and is required to make recommendations for ways in which it could be amended to better support the Council's Governance process.

- 3.4 The Monitoring Officer has been reviewing the application of the Constitution during 2022/23 and reflected on where further amendments might be needed to continue to build upon strengthening the Council's Governance arrangements.
- 3.5 The majority of the amendments being put forward as part of this annual review are:
- (a) minor changes to bring consistency to the document,
 - (b) updates to Officer roles and responsibilities.
 - (c) updates following the proposals considered by the Annual General Meeting regarding the Council's Committee Structure.

The proposed changes are set out in Appendix A, which provides an explanation for them.

- 3.6 There are also proposed changes to the Council Procedure Rules. These changes relate to the order of business conducted during an Ordinary Meeting of Council, to the allocation and management of Motions, and changes to questions to the Leader and the Cabinet.

Order of business – Ordinary Meeting of Council

- 3.7 The specific order of items of business on the agenda for consideration by Council has resulted in the three hours permitted for Council meetings being used to consider Motions or specific items of business. The result of this is that the time permitted within the Constitution of 1 hour for questions to the Leader and the Cabinet is rarely achievable. Often there is little more than 10 minutes through which questions can be put under this provision. This is an important part of the meeting and provides Members with an opportunity to ask direct questions of Cabinet. Accordingly, in recognition of this, the item will be revised, a time period of 30 minutes will be allocated, and it will be moved up the agenda so as to ensure the time allocation is utilised.

Motions

- 3.8 As part of the review, and in recognition of the need for specific items of business to be heard, and to ensure meetings are able to convene within the permitted 3 hours, the allocation of Motions is to be revised. Currently it is possible to bring up to 6 motions per meeting. This number often places the timings of the meeting under pressure and impacts on the ability to deal with the agenda as issued.
- 3.9 Accordingly, it is proposed to reduce the maximum number of Motions available to 4 motions per meeting. With motions not permitted at the budget setting meetings of Full Council or the Annual General Meeting, this allows for 4 meetings per year for motions to be considered, totalling 16 motions per year.

- 3.10 The number of motions available to each Political Group will be assigned in accordance with the number of seats held, and for 2023/24 the allocation is as follows:
- Conservative – 2 Motions per meeting
 - Independent & Green Group – 4 Motions per year
 - Labour – 3 Motions per year
 - Halstead Residents Association (HRA) – 1 Motion per year
- 3.11 Further, each Group will be expected to operate within its allocation. It would not be possible to transfer to an alternative Group any unused allocation during the course of the civic year.

Members Allowance Scheme

- 3.12 The Member Allowance Scheme as a set out at paragraph 20.4 of the Constitution will be updated to reflect the changes to the Committee structure, proposed under Agenda Item 10.
- 3.13 On 13th December 2021 the Council delegated authority to the Monitoring Officer to conduct the recruitment process for the establishment of an Independent Remuneration Panel at the start of the new administration. This process will commence shortly. The Panel will review the Member Allowance Scheme and may make recommendations to Council for any changes to the allocation of allowance or the values paid as part of the Basic and Special Responsibility Allowance.
- 3.14 In the event that the Independent Remuneration Panel bring forward a recommendation that the allowances paid are increased, and on the approval of Council, those increased allowances shall be backdated to the 9 May 2023, with regard to the Basic Allowance, and until the date of this Annual General Meeting, regarding the Special Responsibility Allowances.
- 3.12 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:
- A high performing organisation that delivers excellent and value for money services;
 - Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

4. Options

4.1 Do nothing

- 4.1.1 Whilst there is a requirement to undertake a review annually of the Constitution, the Council may consider that the changes are not necessary at this time. However, it is important to have a Constitution in place that is accurate and reflective of current practice, and that is useable by Officers, Members and the public. Therefore, this is not the recommended option.

4.2 Update the Constitution

- 4.2.1 In order to ensure that the Constitution is fit for purpose over the next 12 months it is important that it is accurate and reflective of the Council's practice, and that the roles and responsibilities are clear. Therefore, the updating of the Constitution as part of the annual review is the recommended option.

5. Financial Implications

- 5.1 There are no financial implications arising out of the decision set out in this report. Any implications arising from the Independent Remuneration panel, will be considered at the point any relevant report is presented to the Council.

6. Legal Implications

- 6.1 The Council is required to have in place a Constitution which sets out the Council's Procedure Rules, its Code of Conduct and any such information as the Council considers appropriate. The proposals set out in this report ensure that the Council complies with its statutory obligation and ensures that the Constitution remains a useable document for its Members, Officers, and members of the Public.

7. Other Implications

- 7.1 There are no other implications arising out of the recommendations set out in this report.

8. Equality and Diversity Implications

- 8.1 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9. List of Appendices

- 9.1 Appendix A – Proposed amendments to the Constitution

10. Background Papers

- 10.1 Constitution

Appendix A

Constitution Update 2023

Chapter	Reference	Original Wording	Proposed change	Reasons
Chapter 1	The Articles			
3	Officers			
3.3	Statutory Officers	(b) Head of Financial	(b) Head of Finance	To reflect actual title of the role
9	Scrutiny Arrangements			
9.1	Purpose of Scrutiny	<p>The Councils Scrutiny arrangements shall comprise of:</p> <ol style="list-style-type: none"> 1. the Performance Management Scrutiny Committee; 2. the Community Development Scrutiny Committee; 3. the Partnership Development Scrutiny Committee; and 4. the Governance and Audit Scrutiny Committee. 	<p>The Council's Scrutiny arrangements shall comprise of:</p> <ol style="list-style-type: none"> 1. the Corporate Scrutiny Committee; <p>which shall be supported by the work conducted by:</p> <ol style="list-style-type: none"> (a) the Governance and Audit Committee; and (b) the Corporate Policy Committee. 	To reflect the new scrutiny arrangements of the Council
9.2		The Performance Management Scrutiny Committee	The Corporate Scrutiny Committee	To reflect the new title throughout this section
		The Performance Management Scrutiny Committee shall have 9 seats in total allocated in accordance with the political balance rules	The Corporate Scrutiny Committee shall have 13 seats in total allocated in accordance with the political balance rules specified by the Local Government and Housing Act 1989.	To reflect the new membership

		specified by the Local Government and Housing Act 1989.		
			(h) to receive the annual report of the Community Safety Partnership	To reflect the new scrutiny arrangements of the Council
9.3	The Community Development Scrutiny Committee		Remove whole paragraph	To reflect the new scrutiny arrangements of the Council
9.4	The Partnership Development Scrutiny Committee		Remove whole paragraph	To reflect the new scrutiny arrangements of the Council
9.5	The Governance and Audit Scrutiny Committee		The Governance and Audit Committee	To reflect the new title throughout this section
		The Governance and Audit Scrutiny Committee shall comprise 9 seats in total allocated in accordance with the political balance rules specified by the Local Government and Housing Act 1989.	The Governance and Audit Committee shall comprise 13 seats in total allocated in accordance with the political balance rules specified by the Local Government and Housing Act 1989.	To reflect the new membership
		(l) Hearing and determining complaints about Members and Co- opted Members referred to it by the Monitoring Officer;	(l) Hearing and determining complaints, through referral to the Standards Sub Committee, about Members and Co- opted Members referred to it by the Monitoring Officer;	To reflect practice

		The Governance and Audit Committee may establish one or more Standards Sub-Committees consisting of at least 3 Members drawn from the Membership of the Governance and Audit Scrutiny Committee and 3 substitute Members, not including more than 1 Member of the Cabinet.		Remove to reflect practice
New 9.4	The Corporate Policy Development Committee		<p>The Corporate Policy Committee</p> <p>The Corporate Policy Committee shall have 13 seats in total allocated in accordance with the political balance rules specified by the Local Government and Housing Act 1989.</p> <p>The Corporate Policy Committee will perform the following functions in line with a work programme agreed with Cabinet:</p> <ul style="list-style-type: none"> (a) To conduct reviews of policy, services and aspects of services where there is an identifiable need, by itself or through the establishing of a task and finish group; (b) To make suggestions on the development of policies and suggest new policies where appropriate; and (c) To work with or appoint representatives to work with other local authorities to carry out joint scrutiny. 	New section to reflect the Scrutiny Arrangements of the Council

			The work programme will not include matters relating to Planning or Licensing Policies or such matters reserved to Council.	
Chapter 2	The Procedure Rules			
12	The Council Procedure Rules			
12.1	The Annual Meeting of the Council		(f) The Annual Review of the Constitution, including the allocation of Motions to Groups for the civic year.	To reflect changes to Motions
12.2	Timing of the Ordinary Meeting	In addition to the Annual Meeting of the Council and any meeting convened under paragraph 12.4, the Councils Ordinary Meetings shall be held each year on such dates, times and places as decided by Council at its Annual Meeting.	In addition to the Annual Meeting of the Council, the Budget meeting held in February each year, and any meeting convened under paragraph 12.4, four meetings for the transaction of general business shall normally be held in July, September, December and March each year. The Councils Ordinary Meetings shall be held each year on such dates, times and places as decided by Council at its Annual Meeting.	To provide certainty of the meeting timetable
	Order of Business	Ordinary Meetings will conduct the following business: (a) Elect a person to preside over the meeting if the Chairman and the Vice Chairman are not present; (b) Receive any apologies for absence;	Ordinary Meetings will conduct the following business: (a) Elect a person to preside over the meeting if the Chairman and the Vice Chairman are not present; (b) Receive any apologies for absence;	To improve the management of Council Business through its ordinary meetings.

		<ul style="list-style-type: none"> (c) Receive any declarations of interest from Councillors; (d) Approve the minutes of the last meeting; (e) To deal with questions from members of the public in accordance with paragraph 12.11; (f) Receive any announcements from the Chairman and/or the Leader and/or the Chief Executive; (g) Deal with any business remaining from the last meeting; (h) Deal with any urgent items of business as agreed by the Chairman; (i) To receive a report on any petition required to be debated in accordance with the Council’s Petition Policy; (j) To consider any Motions on notice; (k) Deal with the Medium-Term Financial Strategy, the setting of the Council Budget and Council Tax resolution; (l) To consider a report on any matters reserved to the Council; (m) To receive and consider any other reports, if any, as specified in the Agenda; (n) Consider any recommendations from the Cabinet, Council or their Committees that require a Council resolution; (o) Receive reports from the Leader and the Cabinet Members incorporating oral 	<ul style="list-style-type: none"> (c) Receive any declarations of interest from Councillors; (d) Approve the minutes of the last meeting; (e) To deal with questions from members of the public in accordance with paragraph 12.11; (f) Receive any announcements from the Chairman and/or the Leader and/or the Chief Executive; (g) Deal with any business remaining from the last meeting; (h) Deal with any urgent items of business as agreed by the Chairman; (i) To receive a report on any petition required to be debated in accordance with the Council’s Petition Policy; (j) To consider any Motions on notice; (k) To receive oral questions to the Executive as permitted by the Council Procedure Rules; (l) Deal with the Medium-Term Financial Strategy, the setting of the Council Budget and Council Tax resolution; (m) To consider a report on any matters reserved to the Council; (n) To receive a report on Council Issues from the Leader as permitted by the Council Procedure Rules; (o) To receive and consider any other reports, if any, including reports from the Committee Chairman as permitted by the paragraph 12.15, as specified in the Agenda; 	
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		<p>questions as permitted by these Council Procedure Rules; and</p> <p>(p) To deal with any business in private in accordance with the Access to Information Procedure Rules.</p> <p>The order of business at any meeting of the Council, save for business items falling under (a), (b) and (c) above, may be varied and re-ordered by the Chairman of the Council.</p>	<p>(p) Consider any recommendations from the Cabinet, Council or their Committees that require a Council resolution;</p> <p>(q) Receive reports from the Leader and the Cabinet Members incorporating oral questions as permitted by these Council Procedure Rules; and</p> <p>(r) To deal with any business in private in accordance with the Access to Information Procedure Rules.</p> <p>The order of business at any meeting of the Council, save for business items falling under (a), (b) and (c) above, may be varied and re-ordered by the Chairman of the Council.</p>	
12.11	Public Question Time	(c) is substantially the same as a question put to a meeting in the previous 6 months;	(c) is substantially the same as any question put to a meeting in the previous 6 months;	To ensure clarity of interpretation
12.13	Questions to the Leader and the Cabinet	<p>The Leader and Cabinet Members will prepare reports comprising of a summary of business and news relevant to their respective portfolios, which has taken place since the last meeting of Council.</p> <p>The Chairman will invite the Leader and the relevant Cabinet Members to introduce their respective reports and add any further information before inviting Councillors to ask questions as set out below:</p> <p>a. Any Councillors may ask up to two questions, and the Leader of the Opposition may ask up to four questions, without notice which</p>	<p>The Chairman will invite Members to ask questions of the Leader and Cabinet Members on matters which relate to the functions of the Leader or Cabinet Members, the powers and duties of the Council or matters pertaining to the District, which are relevant to their respective portfolios, which has taken place since the last meeting of Council.</p> <p>Councillors will be able to ask questions as follows:</p> <p>a. The Leader of the Opposition will ask one question, this shall be the first question taken as part of this item,</p>	

		<p>relate to the functions of the Leader or Cabinet Members, the powers and duties of the Council or matters pertaining to the District.</p> <p>b. A period of up to 1 hour shall be allowed for this item on the agenda; unless this is not possible by virtue of paragraph 12.5, in which case the time permitted shall be equivalent to the remaining time for the meeting.</p> <p>c. There is no opportunity for a Member to make further statement or to ask a supplementary question.</p>	<p>b. Any other Councillor may ask one question each,</p> <p>c. A period of up to 30 minutes shall be allowed for this item on the agenda;</p> <p>d. The question must:</p> <ol style="list-style-type: none"> 1. Be succinct, with no leading statement made beforehand, 2. Cannot be asked in parts <p>e. There is no opportunity for a Councillor to make further statement or to ask any supplementary questions.</p>	
	Replies to Questions	<p>An answer to a question raised without notice may take the form of:-</p> <p>(a) A direct oral answer;</p> <p>(b) Where the desired information is in a publication of the Council or other published work, a reference to that publication;</p> <p>(c) Where the reply cannot conveniently be given orally, a written answer will be issued to the Member asking the question, and circulated to all Members within 10 working days of the meeting.</p>	<p>An answer to a question raised without notice may take the form of:-</p> <p>(a) A concise and direct oral answer;</p> <p>(b) Where the desired information is in a publication of the Council or other published work, a reference to that publication;</p> <p>(c) Where the reply cannot conveniently be given orally, a written answer will be issued to the Member asking the question and circulated to all Members within 10 working days of the meeting.</p>	
12.14	Statements by a Councillor		<p>Insert:</p> <p>The length of any statement shall be in accordance with the provisions set out in paragraph 12.19.</p>	To provide certainty
12.17	Motions	A maximum of six Motions may be considered at any given meeting, any additional Motions	A maximum of four motions shall be accepted for debate at an Ordinary Meeting of the Council.	To reflect new practice

		<p>shall be deferred to the next meeting of Council. These six Motions shall reflect the current political balance and accordingly shall be proportioned as follows:</p> <ul style="list-style-type: none"> – 3 Motions to the Conservatives; – 2 Motions to the Green and Independent Group; and – 1 Motion to the Labour and Halstead Residents Association. 	<p>The Motions available at each meeting will be allocated in accordance with the following rules:</p> <ul style="list-style-type: none"> (a) The Group which has the majority of seats on the Council shall be allocated 2 motions at each Ordinary meeting of Council, where motions are allowed (b) The remaining motions shall be allocated to the other Group in proportion to the number of seats held. (c) If any Group does not use their allocation of motions, there shall be no reallocation to another group. <p>The proportion of Motions shall be set out at the Council Annual General Meeting and recorded in the Constitution.</p> <p>For the 2023/24 civic year, the motion allocation shall be as follows:</p> <ul style="list-style-type: none"> (a) Conservative Group – 2 Motions per Meeting (b) Independent and Green Group – 4 Motions per year (c) Labour – 3 Motions per year (d) Halstead Residents Association – 1 per year. <p>No Motions shall be accepted at either the Council’s Annual General Meeting or at the Budget Setting meeting.</p>	
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12.23	Substitute Members	A Substitute Member is appointed when a written substitution notice is received by the Governance Team no later than 1 hour before the start of the relevant meeting.	A Substitute Member is appointed when a written substitution notice is received by the Governance Team no later than 24 hours before the start of the relevant meeting.	To enable substitutes to read the agenda and fully participate any debate.																																																																		
		Each political group shall annually appoint up to 3 Substitute Members to the Planning and Licensing Committees at the Councils Annual Meeting. Each Substitute Member shall undertake all required knowledge and training before they are permitted to participate as a Member of the relevant Committee.	Each political group shall annually appoint up to 4 Substitute Members to the Planning and Licensing Committees at the Councils Annual Meeting. Each Substitute Member shall undertake all required knowledge and training before they are permitted to participate as a Member of the relevant Committee.	To reflect changes																																																																		
		For the avoidance of doubt, there is no other general provision for Substitute Members at any other committees.	For all other Committees the member of that Committee shall be entitled to appoint a substitute of their choosing to attend, in circumstances where their attendance is not possible. In such circumstances the provisions set out in this paragraph apply.	To reflect new practice																																																																		
12.26	Procedure Rules applying to Committees		Remove: (!) For the Licensing and Planning Committees only, Substitute Members.	To reflect above changes																																																																		
16	Finance Procedure Rules																																																																					
16.7.4	Writing off Debts	<table border="1"> <thead> <tr> <th>Current Limits</th> <th>Write-off Corporate Director (Support Services)</th> <th>to be approved by: Cabinet Member</th> <th>Cabinet</th> <th>Council</th> </tr> </thead> <tbody> <tr> <td>Up to £15,000</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>£15,001 to £25,000</td> <td>Y</td> <td>Y</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>£25,001 to £50,000</td> <td></td> <td>Y</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>£50,001 to £100,000</td> <td></td> <td></td> <td>Y</td> <td>Y</td> </tr> <tr> <td>Over £100,001</td> <td></td> <td></td> <td></td> <td>Y</td> </tr> </tbody> </table>	Current Limits	Write-off Corporate Director (Support Services)	to be approved by: Cabinet Member	Cabinet	Council	Up to £15,000					£15,001 to £25,000	Y	Y	Y	Y	£25,001 to £50,000		Y	Y	Y	£50,001 to £100,000			Y	Y	Over £100,001				Y	<table border="1"> <thead> <tr> <th>Current Limits</th> <th>Head of Finance</th> <th>Write-off Corporate Director (Support Services)</th> <th>to be approved by: Cabinet Member</th> <th>Cabinet</th> <th>Council</th> </tr> </thead> <tbody> <tr> <td>Up to £50,000</td> <td>Y</td> <td>Y</td> <td>Y</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>Up to £100,000</td> <td></td> <td>Y</td> <td>Y</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>Up to £150,000</td> <td></td> <td></td> <td>Y</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>Up to £250,000</td> <td></td> <td></td> <td></td> <td>Y</td> <td>Y</td> </tr> <tr> <td>Over £250,000</td> <td></td> <td></td> <td></td> <td></td> <td>Y</td> </tr> </tbody> </table>	Current Limits	Head of Finance	Write-off Corporate Director (Support Services)	to be approved by: Cabinet Member	Cabinet	Council	Up to £50,000	Y	Y	Y	Y	Y	Up to £100,000		Y	Y	Y	Y	Up to £150,000			Y	Y	Y	Up to £250,000				Y	Y	Over £250,000					Y	To ensure decision making is taken at the appropriate level
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Chapter 4	The Functions and Responsibilities			
25.8.1	To the Head of Governance		(q) To Discharge the Council's function in respect of Freedom of Information Act, Environmental Information Regulation, and access to information, and to act as the qualified person in respect of the same	To reflect responsibilities
25.8	Specific Delegations to Heads of Service or Equivalent		See Table A	To ensure decision making taken at the appropriate level

Table A

25.8.2 Head of Finance

- (a) To exercise the Council's powers to authorise officers and agents to represent the Council in any court or tribunal or at any hearing on local taxation matters, and to serve warrants in respect of these matters and to administer a Caution and/or Administrative Penalty where appropriate.

25.8.3 HR Manager

- (a) To authorise the implementation of the decisions of negotiating bodies relating to pay and other conditions of service, except where the Council has discretion about how to implement the decision.
- (b) To authorise the write-off of any overpayment of pay which occurs as a result of death of an employee or pensioner during the period covered by the payment.
- (c) To recover any over payment of pay made in any other instance to that set out in (b) above.

- (d) To authorise payment of relocation expenses in accordance with the Council's Scheme
- (e) Power to enter into agreements with workers for the purposes of regulating working time
- (f) Power to disapply any part of the Council's recruitment policy or employment standing orders for posts below Heads of Service where this is in the interests of the Council and after considering the possible legal implications of doing so.
- (g) Power to make deductions from an employees pay for any reasons set out within the Council's Policies.
- (h) Power to enter into Settlement Agreements following consultation with the relevant Head of Service.

25.8.4 Head of Operations

- (a) To promote the use and enjoyment of the parks, amenity areas and recreation grounds;
- (b) To provide, maintain and develop parks, recreation grounds or amenity areas throughout Braintree District for recreational and amenity purposes.
- (c) To exercise the Council's powers in respect of the management of allotments.
- (d) The power to provide entertainments or catering of any nature anywhere in the Braintree District upon such terms and conditions as they shall determine.
- (e) To allow any part of any park or recreational ground to be used for an entertainment, unless the entertainment involves the closure of the whole park at a time when it would otherwise be open.
- (f) To take all necessary steps to ensure that bylaws relating to the public parks are compiled with.
- (g) To make grants of burials and other rights.
- (h) To exercise the Council's powers with respect to arranging burial or cremation where no one else is making arrangement.
- (i) To exercise the Council's powers with respect to the management of the cemeteries.
- (j) To take any action with respect to the management of parking places including exercising any discretion under parking places orders, the movement or removal of vehicles.

- (k) To issue and withdraw any off-street penalty charge notice issued in conjunction with any parking provision enforceable by the Council, consider representations made in response to such notices and take any steps in connection with the Traffic Penalty Tribunal
- (l) To exercise any highway or traffic regulation function which the Council has powers to carry out under any agreement with Essex County Council (as varied from time to time).
- (m) To exercise any highway function which the Council has power to carry out in its own right as a District Council.
- (n) To exercise the traffic regulations functions associated with the markets.
- (o) To exercise the Council's functions relating to the provision of Markets
- (p) Provision of seats, drinking fountains and watering troughs.
- (q) To take any steps in order to make or vary a car parking order in accordance with the instructions from Cabinet.
- (r) To exercise the Council's powers relating to the enforcement of the law relating to dog fouling, stray dogs, dangerous dogs and the Council's functions associated with the same.
- (s) To exercise the Council's powers and duties with respect to the collection of household waste including the service of any statutory notices on any particular person or classes or persons and the granting of consents to clean wheeled bins.
- (t) To exercise the Council's powers and duties with respect to the collection of industrial and commercial waste including the Council's powers to serve any statutory notices on any particular person or classes of persons and the granting of consents which the Council has power to grant.
- (u) To exercise the Council's powers with respect to the enforcement of the duty of care with respect to waste.
- (v) To exercise the Council's powers and duties with respect to street cleaning, littering on any land, fly tipping and street furniture which has graffiti or fly posting on it.
- (w) To appoint authorised officers under legislation relating to waste (including private land), litter (including on private land), highways, free distribution of printed matter and graffiti.
- (x) To exercise the Council's powers with respect to recycling any waste.

- (y) To exercise the Council's enforcement powers in relation to Anti-social Behaviour (light pollution, barking dogs, amplified music, malodour from domestic properties, shouting/verbal abuse/threatening behaviour, accumulations of waste or animal faeces) Enforcement of smoking in smoke-free places and vehicles
- (z) To exercise the Council's functions in relation the enforcement and management of homeless people.
- (aa) To exercise the Council's powers in relation to abandoned vehicles.
- (bb) To provide and maintain the Council's owned public toilets.

25.8.6 Head of Housing and Community Services

- (a) To manage the Council's powers in relation to antisocial behaviour and take steps to secure appropriate orders.
- (b) To develop and maintain closed circuit television systems for the purpose of the prevention of crime and disorder and provide services to others for who the Council has power to provide CCTV.
- (c) To exercise the Council's powers to take action concerning any matter which is, may become, or has been prejudicial to health or a nuisance.
- (d) After consulting the relevant Cabinet Member, give voluntary organisations assistance by way of:
 1. grant or loan;
 2. by permitting them to use Council premises on terms approved by the Asset Manager
 3. making available furniture or other goods;
 4. making available the services of Council employees.

25.8.7 Head of Environment

- (a) To exercise the Council's statutory functions in respect of building regulations including the issue of all approvals, rejections, relaxations or consents under the building regulations and their governing statute and service of all statutory notices.
- (b) To exercise the Council's powers with respect to ruinous, dilapidated or dangerous buildings or structures, or sites which are dangerous or detrimental to the amenity of the area.

- (c) To exercise the Council's powers to require sufficient sanitary facilities to be provided in buildings.
- (d) To exercise the Council's powers with respect to demolition of buildings (but not to grant any planning permission or conservation area consent).
- (e) To deal with any consultation concerning the safety of any sports ground.
- (f) To exercise the Council's powers to take enforcement action against persons erecting unsafe structures used on public occasions.
- (g) To exercise the Council's statutory functions with respect to building regulations.
- (h) To exercise the Council's powers in relation to the use and ventilation of soil pipes.
- (i) To exercise the Council's powers as enforcing authority of all legislation relating to health and safety at work.
- (j) To exercise the Council's powers with respect to the control of infectious and notifiable diseases.
- (k) To exercise the Council's powers, take action concerning any matter which is, may become or has been prejudicial to health or a nuisance.

- (l) To exercise the Council's powers with respect to the control of emissions into the air or into any land or watercourses (including the issue and revocation of any consent or licence and taking any action to enforce the provisions of this).

- (m) To exercise the Council's powers with regard to:
 - i. the control and tagging of dogs
 - ii. rats and mice (and prevention of damage by them)
 - iii. pigeons and other birds in built up areas

- (n) To exercise the Council's powers in relation to drainage:

- (o) To exercise the Council's powers with respect to filthy or verminous premises, articles or persons.

- (p) To exercise the Council's powers with respect to water supplies.

- (q) To serve notice requiring information about air pollution or information which the Council considers it needs for the purposes of legislation enacted to protect the environment or any part of it.

- (r) To exercise the Council's powers to require land to be cleaned up.

- (s) To exercise the Council's powers to prevent pollution of land, water or air or harm to human health.

- (t) To exercise the Council's powers to take steps to prevent or remedy any noise nuisance.

- (u) To exercise the Council's powers with respect to contaminated land.

- (v) To make any enforcement decisions and to take action with regard to the premises, places and vehicles in relation to which it has enforcement functions relating to the Council's enforcement functions (as defined in the Health Act 2006 and Smoke-free (Premises and Enforcement Regulations 2006)).
- (w) To authorise officers to act under the powers contained in s.61 of the Public Health (Control of Diseases Act 1984 including the power to apply for a warrant from a Justice of the Peace)
- (x) To deal with the Council's functions in relation to overcrowding of housing accommodation and Houses in multiple occupation.
- (y) Provision of street lighting (including powers to attach streetlights to buildings).

25.8.8 ICT & Facilities Manager

- (a) To authorise any person to intercept any communication on the Council's IT or telecommunications systems where lawful to do so.
- (b) To carry out the Council's powers to provide voice telephony services in Council buildings.

25.8.9 Asset Manager

- (a) To take steps which the Council is entitled to take as the person with an interest in any land. This delegation does not include the power to dispose of any land owned by the Council.
- (b) To acquire land or any interest in land by agreement under any enactment in consultation with the appropriate Cabinet Member.
- (c) To exercise all the Council's powers with respect to persons trespassing on Council land.

- (d) In consultation with appropriate Portfolio Holders to appropriate land belonging to the Council for purposes other than those for which it was acquired.
- (e) To receive notices served on the Council as the person with an interest in any land.
- (f) To apply for any kind of necessary permission or consent needed to develop land or alter any building.
- (g) To carry out the Council's functions relating to office accommodation.

25.8.10 Head of Planning and Economic Development

- (a) To enter into any planning obligation agreement on behalf of the Council which relates to any planning or other application for development.
- (b) To exercise the Council's powers to number and renumber properties and name and rename streets.
- (c) To exercise the Council's functions in relation to Tree Preservation Orders, including the serving of compensation directions;
- (d) To exercise the Council's powers with respect to hedgerows.
- (e) To enter into any planning obligation agreement on behalf of the Council which relates to a planning or other application for development.
- (f) To issue scoping and screening opinions under regulations 13 and 32 of the Town and County Planning (Environment Impact Assessment) Regulations 2017.