



ANNUAL GENERAL MEETING OF THE COUNCIL AGENDA

Monday, 22nd April 2024 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

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 MEMBERS – 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 Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Council on any matter in relation to which the Council has powers or duties, or which affects the district, and matters listed on the Agenda.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by midday on the **second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

The Chairman of the Council has discretion to amend the order in which questions or statements are presented to Full Council.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

Health and Safety:

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Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

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

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Comments and Suggestions

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 may send these to governance@braintree.gov.uk

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3	Presentation to Councillor Diana Garrod, the Outgoing Chairman of the Council	
4	To elect the Chairman of the Council for the Civic Year 2024/25	
5	To elect the Vice Chairman of the Council for the Civic Year 2024/25	
6	To receive any announcements from the Chairman of the Council	
7	Minutes of the Previous Meeting	
	To approve as a correct record the minutes of the meeting of Full Council held on 18th March 2024 (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.	
9	Leader of the Council	
	To note that Councillor Graham Butland is the Leader of the Council as appointed at the Annual General Meeting of 25th May 2023 for a four year team of Office.	
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14 Annual Timetable of Council Meetings 2024/25

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:

- 10th June 2024
- 23rd September 2024
- 4th November 2024
- 9th December 2024
- 17th February 2025
- 24th March 2025

The Annual General Meeting (AGM) will be held on 28th April 2025.

Report Title: Leader’s Announcements - Cabinet Update	
Report to: Council – Annual General Meeting	
Date: 22 nd April 2024	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2023/82
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to:	Kim Mayo, Head of Governance and Monitoring Officer kim.mayo@braintree.gov.uk

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;
- 2.3 To note the appointments to the Cabinet Sub-Committees and Working Groups, as set out in Appendix B.
- 2.4 To note the appointment to the Joint Committees, as set out in Appendix C.
- 2.5 To note the Cabinet appointments to Outside Bodies, as set out in Appendix D.

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.
- 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) Councillor Richard van Dulken, Deputy Cabinet Member to the Leader
 - (b) To the Cabinet Member for Transformation, the Environment & Customer Services will be Councillor Diana Garrod, who will be the lead member for climate change and sustainability.
 - (c) To the Cabinet Member for Finance, Resources and Performance will be Councillor James Coleridge, who will be the lead member for risk management and members' support.
 - (d) To the Cabinet Member for Planning and the Cabinet Member for Economic Growth & Infrastructure will be Councillor Peter Schwier, who will be the lead member for rural issues.

- (e) To the Cabinet Member for Housing, Health & Wellbeing will be Councillor Billy Taylor, who will be the lead member for leisure services and environmental health.
- (f) To the Cabinet Member for Stronger Communities will be Councillor Charley Dervish, who will be the lead member for Art, Heritage, Culture and Sport, and Children and Young People.

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, and these are set out in Appendix B.

Appointments to Joint Committees

- 3.12 The Council has two Joint Committees in place, namely the Essex Countywide Traveller Unit and the North Essex Parking Partnership. These, exercise those functions delegated to them by Cabinet. As a result, anyone appointed as a member of those Joint Committees must be a Member of Cabinet.
- 3.13 The nominations to the Joint Committees are set out in Appendix C.

Appointments to Cabinet Outside Bodies

- 3.14 Under Article 5, the Council are permitted to make appointments to outside bodies unless the appointment is an executive function, in which case those appointments fall to Cabinet to determine.
- 3.15 Outside bodies are external organisations and partnerships which have requested that an Elected Member is appointed to them or that have been established to support the Council in the management of its services.
- 3.16 Participation in outside bodies, contributes to the Council's strategic functions, priorities or community leadership roles; supports partnership and joint working; and enables Members to gain and share knowledge and expertise. The criteria for a Members appointment to an outside body, regardless of whether the appointment is made by Cabinet or Council, are:
 - a. the interests of the Council can be assisted by the making of the appointment or renewal of the appointment;
 - b. the Member is able to devote the time needed to meet the expectations of the external body and the Council;
 - c. where the external body has a geographical limit to its functions, whether the Member's ward falls within or close to that area should be taken into consideration;
 - d. the Member has the knowledge, skills or interest in the work of the organisation that may be required; and
 - e. the Member is prepared to provide such information on their participation in the work of the outside body as may be required.

- 3.17 Members appointed to outside bodies must respond to all reasonable requests for information about the work of the outside body and their participation in it. In undertaking their role, the nominated Members are required to ensure that the relevant Cabinet Member is updated at regular intervals as to the work being undertaken, and where necessary this will be incorporated into reports to full Council.

The Leader of the Council may make executive appointments to Outside Bodies and these are set out in Appendix D.

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 – Cabinet Portfolios
8.2 Appendix B – Cabinet Committees and Working Groups
8.3 Appendix C – Joint Committees
8.4 Appendix D - Outside Bodies

9. Background Papers

- 9.1 Constitution

Appendix A - Portfolios of Individual Cabinet Members

(a) The Leader – Cllr Graham Butland

- 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
- Promotion of the District
- NEPP
- Communications
- Levelling up
- Cost of Living
- North Essex Alliance
- RAF Wethersfield site
- Electoral Administration
- 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.

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

- Transformation, including shared services
- Commercialisation
- Waste & Recycling
- Investment and Development Programme
- Customer Services Charter
- Contact Centre
- Climate Change
- Street Cleansing
- Parks & Open Spaces
- HR & Payroll Services
- Specific Major Projects relevant to the Portfolio

**(c) Cabinet Member for Finance, Resources and Performance
–Cllr Kevin Bowers**

- Budget – Revenue & Capital Spend
- ICT & Digital Services
- MTFS
- Highways
- Car Parks
- Treasury Management
- Member Support
- Property & Estate Management
- Asset Management & Strategy/Review
- Corporate Procurement
- Health & Safety, Insurance & Risk Management
- Corporate Governance
- Performance Management
- Revenues, Benefits & Welfare
- Specific Major Projects relevant to the Portfolio

(ci) Cabinet Member for Planning – Cllr Gabrielle Spray

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

**(cii) Cabinet Member for Economic Growth and Infrastructure –
Cllr Frankie Ricci**

- Economic Growth & Development
- Urban & Rural Regeneration
- Skills Including Apprenticeships
- Town Centres – Planning and Investment
- Locate Braintree including Tourism
- NEEB
- Inward Investment
- Cycling Strategy
- Strategic Transport & Infrastructure
- Digital Essex
- Specific Major Projects relevant to the Portfolio

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

- Environmental Health
- Strategic Housing Function
- Homelessness & Rough Sleeping
- Health & Wellbeing
- Leisure Services
- Older Persons & Ageing Well
- Social Mobility
- Welfare Reform
- Safeguarding
- Specific Major Projects relevant to the Portfolio

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

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

Appendix B – Appointments to Cabinet Sub-Committees and Working Groups

Local Plan Sub-Committee Membership size 13

- Cllr Bowers
- Cllr Butland
- Cllr Coleridge
- Cllr T Cunningham
- Cllr I Parker
- Cllr F Ricci
- Cllr G Spray (Chairman)
- Cllr Bowers-Flint
- Cllr J Abbott
- Cllr T Walsh
- Cllr M Fincken
- Cllr J Martin
- Cllr A Munday

Developing Democracy Group Membership size 9

- Cllr G Butland (Chairman)
- Cllr T Cunningham
- Cllr L Bowers-Flint
- Cllr G Spray
- Cllr R van Dulken
- Corporate Scrutiny Chairman – currently Cllr P Heath
- Cllr J Beavis
- Cllr L Jefferies
- Cllr J Pell

Member Development Group Membership size 6

- Cllr C Dervish
- Cllr F Ricci (Chairman)
- Cllr M Cunningham
- Cllr S Rajeev
- Cllr W Taylor
- Cllr T Diamond

Investment and Development Programme Board

- Cllr T Cunningham (Chairman)
- Cllr G Spray
- Cllr L Bowers-Flint

Capital Programme Board

- Cllr K Bowers (Chairman)
- Cllr F Ricci
- Cllr M Cunningham
- Cllr J Coleridge

Appendix C - Appointments to Joint Committees

Essex Countywide Traveller Unit Joint Committee

Established for the management of unauthorised encampments across Essex

- Cllr L Bowers-Flint

North Essex Parking Partnership Joint Committee

A partnership of the North Essex Local Authorities for the management and administration of street based parking services within Essex.

- Cllr G Butland

Appendix D - Appointments to Outside Bodies

Outside Body	Description	Appointments
Braintree District Citizens Advice Bureau Management Board	Providing strategic oversight of the management of the CAB service to residents within Braintree.	Cllr J Wrench
Braintree District Local Highways Panel	The Local Highways Panel are run and managed by Essex County Council, and are responsible for making recommendations and setting priorities for highways schemes in the Braintree District	Cllr G Spray Cllr M Cunningham Cllr R van Dulken Cllr J Ayten
Braintree Village Consultative Group		Cllr K Bowers Cllr F Ricci
Braintree District and Eastlight Community Fund		Cllr L Bowers-Flint Cllr M Cunningham Cllr L Jefferies
Community Safety Partnership	A partnership between local authorities, private sector and volunteers to provide strategic oversight of community safety within the District	Cllr M Cunningham
District Council Network	A cross party member led network of 187 district councils, providing a single voice on issues affecting authorities	Cllr G Butland
East of England Local Government Association (EELGA)	Providing support to member authorities on local government issues, proving support and guidance.	Cllr G Butland
Essex Flood Partnership Group	Partnership of local authorities providing strategic oversight of flood management within Essex	Cllr R van Dulken
Essex Police, Fire and Crime Panel	Comprises representatives of the 15 local authorities in wider Essex and two independent members. Meets at least four times a year to scrutinise the work of the Police, Fire and Crime Commissioner, exercising the function as a critical friend, in support of the Commissioner	Cllr M Cunningham (Cllr Butland to Deputise)

Outside Body	Description	Appointments
Essex Rural Partnership	Brings together key organisations within Essex to consider, debate and act on major issues affecting the rural parts of the county.	Cllr I Parker
Essex Waste Partnership Board (formally Essex Inter Authority Working Group (Waste and Recycling))	Partnership between Essex County Council and 13 Local Authorities, it was set up to ensure cost efficient and sustainable waste management is delivered across Essex and Southend.	Cllr T Cunningham
Great Notley Country Park	Joint Governance with Essex County Council (also known as Joint Governance – Great Notley Country Park Partnership Board) As part of the Joint Working Agreement between Essex County Council and Braintree District Council, the Great Notley JVPB was established to: discuss and formulate strategy taking both parties aspirations into consideration, agree specific projects/schemes at the facility and the funding of them, review feedback in relation to the facility and make appropriate provisions to consult locally.	Cllr F Ricci Cllr T Cunningham
Local Government Association General	Assembly Responsible for the management of the Local Government Association.	Cllr G Butland
Local Government Information Unit	A local authority membership organisation provided intelligence and support to Councillors and Officers.	Cllr G Butland
North Essex Councils, Chief Executive and Leaders Board		Cllr G Butland
Stansted Airport Consultative Committee	Independent committee established for the scrutiny of the management and administration of Stansted Airport, and its corporate affairs.	Cllr R van Dulken

Outside Body	Description	Appointments
Superfast Essex Steering Board	Local Authority Partnership providing strategic oversight of the roll out of superfast broadband within Essex.	Cllr G Spray Cllr James Coleridge
Youth Strategy Group	Partnership with Councillors and youth organisations to bringing together projects to support young people.	Cllr C Dervish

Report Title: Council Appointments	
Report to: Council – Annual General Meeting	
Date: 22 nd April 2024	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2023/83
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to:	Kim Mayo, Head of Governance and Monitoring Officer kim.mayo@braintree.gov.uk

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 2024/25 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.
- 2.4 To note the appointment of the Independent Remuneration Panel Members.

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

Political balance requirements

- 3.3 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.
- 3.4 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.

Council Committee Appointments

- 3.5 The Council will retain 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
- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 All appointments are for the 2024/25 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.

- 3.10 The Chairman of the Corporate Scrutiny Committee shall be nominated from the Membership of the Corporate Scrutiny Committee as set out in Appendix A. The Group Leaders from the opposition groups were invited to nominate to the Chairman of the Corporate Scrutiny Committee. Accordingly, there has been three nominations received, namely;
- Cllr Abbott;
 - Cllr J Bond; and
 - Cllr P Heath.

- 3.11 The appointment will be determined at the meeting of Council at the Annual General Meeting.

Appointments to Outside Bodies

- 3.12 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 2024/25 Civic Year only.

Appointments to the Independent Remuneration Panel.

- 3.13 Under the Local Authorities (Members' Allowances)(England) Regulations 2003 (the Regulations), local authorities are required to have in place and maintain an Independent Remuneration Panel (IRP). The Regulations set out that the IRP are required to make recommendations to the Council on the Members Allowance Scheme concerning any proposed changes for adoption. The IRP's recommendations include the level of the Basic Allowance received by all Members, as well as the level of Special Responsibility Allowances and to who they should be paid. While it is up to the Council to agree its Member Allowance Scheme, under the Regulations it must have regard to the advice and recommendations from the IRP before making any changes.
- 3.14 The Regulations specify that there must be at least three Panel members and the guidance suggest that, as far as possible, the make-up of the panel should be representative of the diversity of the communities in the local area.
- 3.15 In December 2021, the Council gave the Monitoring Officer delegated authority to commence the recruitment process and make the appointments. Further is delegated the authority to set the level of remuneration for each IRP. This has been agreed at £600 for a Full review and £200 for a light touch annual review of the member Allowance Scheme.
- 3.16 Since that time, there has been discussion with other authorities as to the possibility of recruiting a pool of IRP's that could be used by one or more Councils. As a result, Tendring District Council (TDC) came forward, and the recruitment was undertaken in conjunction with TDC's Monitoring Officer.
- 3.17 The Monitoring Officer was successful in recruiting 6 IRPs, as follows:

- Andrew Barton
- David Irvine
- Georgia Riley
- John Bryant
- Joy Ikumoinein
- Tricia Bernard-Hector

3.18 On 22nd March 2024, an IRP consisting of 4 members commenced their full review of the Council's Member Allowance Scheme. Since then, they have met further on 26th March and 10th April 2024. During these meetings they have had an opportunity to review the current scheme, benchmarking from other councils, and the results of the Member Allowance Scheme Survey, which will assist them in formulating their recommendations to full Council. It is anticipated that their full report will be brought forward at the next meeting of Council, on 10th June 2024.

4. Financial Implications

4.1 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.

5. Legal Implications

5.1 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.

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. 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.

8. List of Appendices

- 8.1 Appendix A – Council Committees
- 8.2 Appendix B – Outside Bodies

9. Background Papers

9.1 Constitution

Appendix A – Council Committees

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

Committee	Size	Membership Appointments	Substitutes
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 P Heath Cllr A Hooks Cllr L Jefferis Cllr A Munday	N/A
Corporate Policy Development Committee	13	Cllr G Courtauld (C) Cllr J Edwards Cllr R Ramage Cllr S Rajeev (VC) Cllr J Hayes 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	Cllr G Butland Cabinet Member Cabinet Member Cabinet 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 G Spray
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 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 D Garrod Cllr D Holland
Earls Colne Airfield Liaison Committee	The committee provides an opportunity for local communities’ representatives and stakeholders to discuss the operation of Earls Colne Airfield	Committee Member	Cllr G Courtauld
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

Outside Body	Description	Position held	Appointment
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 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 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: Annual Review of the Constitution	
Report to: Council – Annual General Meeting	
Date: 22 nd April 2024	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2023/87
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Mayo, Head of Governance and Monitoring Officer kim.mayo@braintree.gov.uk	

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 this report and as set out in Appendix A.
- 2.2 To delegate authority to the S.151 Officer, in consultation with the Monitoring Officer, to revise the Financial Procedure Rules, if the recommendations set out in 2.1 above are approved.

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 some more fundamental changes being proposed as part of this annual review, and these are set out below.

Key Decision Thresholds

- 3.7 All Authorities operating under Executive arrangements are required to ensure that all decisions that are determined to be a Key Decision are subject to a public notice of at least 28 days. This is achieved through the publication of a 'Forward Plan' known at the Council as the Decision Planner. The Key Decision definition whilst a statutory provision, does allow for the individual authority to set its own financial limit within it. A Key Decision is defined as:

A decision of Cabinet which is likely to either:

- (a) Result in the Council incurring expenditure or making a saving which are in excess of £XXX, or
 - (b) To be significant in its effect on communities living or working in an area comprising of two or more wards in the District.
- 3.8 Prior to April 2021, the Council's Key Decision threshold was presented as two separate figures, a Revenue value of £50,000 and a Capital value of £100,000. At the AGM on 19th April 2021, the Council approved the new Constitution, this included, within Article 7, the new Key Decision threshold, which was set at £150,000. At that time this value was considered appropriate and would assist in enabling future decision making of the Council to be quicker going forward, and that it would ensure that decisions, with the

support of the new delegations approved at the same time, were being taken at the right level.

- 3.9 The requirement of a Key Decision is to set a value, for which all decisions must be placed on the Decision Planner, and therefore would have a 28-day lead in time. Accordingly, there is a need to ensure that the level set isn't too low, otherwise this would have the effect of capturing a significantly high proportion of decisions within the notification period. This becomes difficult for those decisions that need to be undertaken quickly. Equally the threshold should not be too high so that decisions all fall outside the 28-day notification period and are not published within the Decision Planner.
- 3.10 The Key Decision threshold has now been in place for three years, and the new governance arrangements for the Council have been able to embed themselves into the Council's practice. Therefore, it feels the right time for a review of this value to be undertaken to make sure it still represents a reasonable threshold in today's environment.
- 3.11 The table below sets out the benchmarking of the various threshold across our neighbouring authorities. Since the increased threshold in 2020, there has only been one other authority which has increased their threshold in recent years.

Authorities	2024
Tendring DC	100,000
Braintree DC	150,000
Chelmsford CC	200,000
East Suffolk DC	250,000
Epping Forest DC	250,000
Southend BC	250,000
Harlow DC	350,000
Thurrock C	500,000
Colchester CC	500,000
Average	300,000

- 3.12 Key Decisions thresholds across neighbouring authorities are falling between £100,000 at the lower end of the scale rising to £500,000 at the higher end of the Scale. This Council is therefore currently located at the lower end of the scale. Most Councils have adopted a threshold of between £200,000 and £250,000. In considering the average of the thresholds set above, the Council is under the average key decision threshold of £300,000.
- 3.13 Whilst the Council may be at the lower end of the scale to its neighbours, it is important that consideration is also given as to whether any increase would in fact assist in enabling the Council to take decisions in a more timely manner. With that in mind, since the May 2023 elections, Cabinet has been called

upon to take 23 Key Decisions at their meetings. These decisions have fallen under both aspects of the Key Decision definition.

- 3.14 In considering those Key Decision taken by Cabinet,
- the average value of those decisions is £1,166,356.
 - 5 decisions are within £50,000 of the current Key Decision threshold.
 - 7 Decisions are under £250,000.
 - 4 Decisions are over £1million.
 - 2 decisions are between £300,000 and £1million.
- 3.15 This would suggest that unless there was a significant increase in the threshold, the actual number of decisions taken by Cabinet that would be impacted are relatively low.
- 3.16 However, the increase in the Key Decision Threshold, would allow for the financial threshold that sit below it to be increased, and this is where it would have the most impact in terms of freeing up decision making within the Council, and continuing to ensure that decisions are taken at the right level. The Table below sets out the current financial thresholds and the proposed thresholds going forward.

	Current Thresholds	Proposed Threshold
Key Decision Threshold	£150,000	£250,000
Cabinet	Over £150,000	Over £250,000
Cabinet Member	Up to £150,000	Up to £250,000
Corporate Director	Up to £100,000	Up to £200,000
Head of Service	Up to £50,000	Up to £100,000

Other Proposed Changes of Note

- 3.17 Currently there is a requirement for the proposer and seconder of a Motion to be present at the meeting of full Council. If they are unable to attend the Motion would fail unless a nominated alternative proposer is identified ahead of the meeting and notified to the Governance Team. The proposal is to remove this requirement, ensuring that any Motion does not fall, as the result of the proposer. The process would now allow for another Member present to self-nominate themselves as the proposer at the point the Motion is considered.
- 3.18 The questions of Cabinet, currently stipulate that the questions can only relate to matters that have arisen since the last meeting of full Council. The proposal is to remove this restriction, therefore allowing questions across a broader time period.

- 3.19 As part of the annual review, there are some minor changes that are required to ensure that the aims and principles of the Constitution are given full effect. These changes are set out in Appendix A, and highlight the small changes needed to bring in clarity where necessary.
- 3.20 There are some updates to the delegations to Officers, specifically the Head of Governance, the Corporate Director (Growth), the Head of Planning and the Planning Scheme of Delegation as set out in Appendix D of the Constitution. This is required to ensure that the decisions are being taken at the appropriate level, and to reflect current practice. These changes are set out in Appendix A to this report.

4 Consultation

- 4.1 These changes were considered and agreed by the Developing Democracy Group on 22nd March 2024 and recommended that these should come to full Council at the Annual General Meeting as part of the Annual Constitution review.

5. Options

- 5.1 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.

6. Financial Implications

- 6.1 There are no financial implications arising out of the decision set out in this report.

7. Legal Implications

- 7.1 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.

8. Other Implications

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

9. Equality and Diversity Implications

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

10. List of Appendices

10.1 Appendix A – Constitution minor changes

11. Background Papers

11.1 The Council's Constitution

Appendix A

Constitution Update 2024

Reference	Original Wording	Proposed change	Reasons
Chapter 1	The Articles		
Article 1	The Constitution		
1.7	Any minor changes and routine updating of the Constitution shall be the responsibility of the Monitoring Officer. All other changes to the Constitution will be approved by the Council after consideration of the proposal by the Governance and Audit Scrutiny Committee.	Any minor changes and routine updating of the Constitution shall be the responsibility of the Monitoring Officer. All other changes to the Constitution will be approved by the Council after consideration of the proposal by the Developing Democracy Group. Where the proposed changes are significant in the opinion of the Monitoring Officer, those changes may also be considered by the Governance and Audit Scrutiny Committee.	To reflect practice
Article 2	The Public and the Council		
2.2	Participation Members of the public have a right to participate in the public question time at meetings in accordance with the provisions set out in paragraph 12.11 and to contribute to investigations by the Scrutiny Committees	Participation Members of the public have a right to participate in the public question time at meetings in accordance with the provisions set out in paragraph 12.11 and to contribute to investigations by the Scrutiny Committees, or a Task and Finish Group as may be established from time to time.	To future proof the Constitution
	Complaints The Council takes complaints seriously. Members of the public have the right to complain to: (a) The Council under its Corporate Complaints Procedure. (b) The Local Government and Social Care Ombudsman or the Housing Ombudsman, after first raising their complaint using the Council's Corporate Complaints Procedure and giving the Council an opportunity to respond; and (c) The Monitoring Officer about Councillor Conduct in	Complaints The Council takes complaints seriously. Members of the public have the right to complain to: (a) The Council under its Corporate Complaints Procedure. (b) The Local Government and Social Care Ombudsman or the Housing Ombudsman, after first raising their complaint using the Council's Corporate Complaints Procedure and giving the Council an opportunity to respond; and (c) The Monitoring Officer about an individual Councillor	To provide clarification

	accordance with the Code of Conduct Complaints Procedure.	Conduct in accordance with the Code of Conduct Complaints Procedure.	
Article 4	Members of the Council		
4.2	An election was held in 2023 and the next election will be held in 2027	An election was held in 2023 and the next District election will be held in 2027	To provide clarification
4.4	The Chairman of the Council and the Vice-Chairman will be elected by the Council annually. The appointment will be for a single municipal year; however, it will be permissible for the Chair or the Vice-Chair to serve in future years	The Chairman of the Council and the Vice-Chairman will be elected by the Council at its annual general meeting. The appointment will be for a single municipal year; however, it will be permissible for the Chair or the Vice-Chair to serve in future years	To provide clarification
4.6	The Leader is appointed by the Council at its first annual meeting following the ordinary election of District Councillors.	The Leader is appointed by the Council at its first Annual General Meeting following the ordinary election of District Councillors.	To provide clarification
Article 5	The Council		
5.5	Plans and Strategies Adopted as part of the Policy Framework:	Plans and Strategies Adopted as part of the Policy Framework, which must be approved by Council	To provide clarification
Article 6	The Cabinet		
6.2	Deputy Cabinet Members will not have decision making powers (executive or otherwise).	Deputy Cabinet Members do not have decision making powers (executive or otherwise).	Terminology
	Cabinet Support Members shall not have decision making powers (executive or otherwise).	Cabinet Support Members do not have decision making powers (executive or otherwise).	Terminology
6.5	The Leader shall give notice of their appointments any changes to appointments to the Chief Executive immediately after they are made, and report those changes to the next available meeting of the Council.	The Leader shall give notice of their appointments at the Council Annual General Meeting, and any changes to appointments to the Chief Executive immediately after they are made, and report those changes to the next available meeting of the Council.	
6.5	Upon the occurrence of a vacancy of a Cabinet Member, the vacancy shall be filled by the Leader.	Upon the occurrence of a vacancy of a Cabinet Member, the Leader will undertake the portfolio until the vacancy is either filled by the Leader or the Leader redesignates the responsibilities.	To provide clarification and reflect current practice
6.6	The Leader may make in year changes to the Cabinet Member scheme of delegation as set out in Chapter 4 of this Constitution and shall inform the Chief Executive in writing in advance of making any change. Any change to	The Leader may make in year changes to the Cabinet Member scheme of delegation as set out in Chapter 4 of this Constitution and shall inform the Chief Executive in writing in advance of making any change. Any change to	To correct an error

	the scheme of delegation must be reported to the next meeting of Cabinet.	the scheme of delegation must be reported to the next meeting of Council.	
	Agendas for all Cabinet Sub-Committees and Working Groups will be published in accordance with the provisions of the Access to Information Procedure Rules and will be supported by the Governance Team.	Agendas for all Cabinet Sub-Committees will be published in accordance with the provisions of the Access to Information Procedure Rules and will be supported by the Governance Team.	To reflect current practice
Article 11	Finance, Contracts and Legal Matters		
11.4	Any contract with a value exceeding £150,000 entered into on behalf of the Council shall be made in writing. Such Contracts must be made under Common Seal of the Council attested by at least 1 authorised officer.	Any contract with a value exceeding £25,000 entered into on behalf of the Council shall be made in writing. All other contracts shall be in accordance with the Contract Procedure Rules. Contracts over £150,000 must be made under Common Seal of the Council attested by at least 1 authorised officer.	To bring consistency with the Contract Rules, and provide clarification
Chapter 2	The Procedure Rules		
12	Council Procedure Rules		
12.13	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.	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	To broaden the provision
12.17	If the Proposer or the Seconder (or a Member nominated as such) is not present at the meeting, then the Motion will be declared by the Chairman as having failed and the Chairman will immediately move onto the next item of business on the agenda.	If the Proposer or the Seconder is not present at the meeting, , then the Chairman will seek a Proposer or Seconder (as the case may be) from those in attendance at the meeting. In the event that no Proposer or Seconder (as the case may be) comes forward, then the Motion will be declared by the Chairman as having failed and the Chairman will immediately move onto the next item of business on the agenda.	To enable the Motion to proceed
12.24	Disorderly Conduct of a Member If at a meeting any Member, in the opinion of the Chairman of the Council, misconducts themselves by persistently	Disorderly Conduct of a Member If at a meeting any Member, in the opinion of the Chairman of the Council, misconducts themselves by persistently	To reflect current practice

	disregarding the ruling of the Chairman of the Council, or by behaving irregularly, improperly, offensively or by wilfully obstructing the business of the Council, any Member may move:	disregarding the ruling of the Chairman of the Council, or by behaving irregularly, improperly, offensively or by wilfully obstructing the business of the Council, the Chairman may issue a warning to the Member in the first instance. If that Member persists with their misconduct, then any Member may move:	
15	Access to Information Rules		
15.24		No officer shall take a decision unless they have been provided with a report on the issues by the relevant officer. Such report shall contain clear details of the issue, the decision the officer is being asked to take, and the details of any alternative options that have been considered. Such report should be delivered to the Monitoring Officer for publication where the recommendations within the report have been approved by the Officer.	To reflect the obligations of decision making and match those set out with the Cabinet member Decisions under 15.23
17	Scrutiny Procedure Rules		
17.17	Informal Meeting Prior to the meeting of the scrutiny committee arranged under 17.10 above, the Chairman of the Corporate Scrutiny Committee may, in agreement with those calling the decision in, call an informal meeting, to be attended by the Chairman of the Scrutiny Committee, the Members calling in the decision, and the Decision Maker. The purpose of that meeting will be to discuss the issues and to see if the matter can be resolved. The Scrutiny Officer will attend the informal meeting and will within 24 hours produce a note of the discussion and the outcome, for circulation to all parties, for approval. Once the note and the outcome have been agreed, by all parties then the Call In has been withdrawn, the call-in will be treated as having been dealt with and any further required action in relation to the decision will be undertaken in accordance with the Council's Constitution.	Informal Meeting The Chairman of the Corporate Scrutiny Committee may, in agreement with the Monitoring Officer, call an informal meeting, within 48 hours of receipt of the Call In Notice. That meeting shall be attended by the Chairman of the Corporate Scrutiny Committee, the Members calling in the decision, and the Decision Maker. The purpose of that meeting will be to discuss the issues and to see if the matter can be resolved. The Scrutiny Officer will attend the informal meeting and will within 24 hours produce a note of the discussion and the outcome, for circulation to all parties and approved by the Chairman of the Corporate Scrutiny Committee. Where the outcomes have been agreed and the Call In has been withdrawn, the call-in will be treated as having been	

	A report of any call ins that are dealt with by way of an informal meeting will be included on the Agenda for the next meeting of the Scrutiny Committee.	dealt with and any further required action in relation to the decision will be undertaken in accordance with the Council's Constitution. A report of any call ins that are dealt with by way of an informal meeting will be included on the Agenda for the next meeting of the Corporate Scrutiny Committee.	
Chapter 4	The Functions and Responsibilities		
25	Officer Scheme of Delegation		
25.1	(h) The delegations under this scheme can be exercised by the relevant direct line manager if the post is vacant, the post holder is not at work for any reason, or the person who has delegated authority has a conflict of interest in a matter that prevents them from taking the decision.	(h) The delegations under this scheme or those directly from Cabinet or Council, can be exercised by the relevant direct line manager if the post is vacant, the post holder is not at work for any reason, or the person who has delegated authority has a conflict of interest in a matter that prevents them from taking the decision.	To provide clarification
		(i) In the absence of the officer with delegated authority, that decision may be referred up to their line manager for consideration and approval. For the avoidance of doubt: <ul style="list-style-type: none"> • In the absence of a Head of Service, the matter shall be referred to their respective Corporate Director, • In the absence of a Corporate Director, the matter shall be referred to the Chief Executive • In the absence of the Chief Executive, the matter shall be referred to the Leader, unless prohibited by law. 	To provide clarification
25.3	25.3 Decisions with Financial Implications of over £50,000 This scheme does not authorise anyone other than the Chief Executive or a Corporate Director to take a decision on an Executive Function with financial implications which exceed £50,000.	Remove in full	To remove conflict with the scheme of delegations and the expenditure thresholds set out in the Constitution.

	<p>Such a decision may only be taken after the Chief Executive or the Corporate Director has:</p> <ul style="list-style-type: none"> (a) considered a written report; and (b) consulted the relevant Cabinet Member or in their absence, the Leader. <p>Nothing in this paragraph requires anything to be published if it includes exempt or confidential information, as set out in the Access to Information Procedure Rules</p>		
25.5	(j) To grant, renew, refuse or cancel any authorisation that may be required under the Regulation of Investigatory Powers Act 2000. This power may only be exercised by those Corporate Directors or Heads of Service who have investigating officers in their service area or by the Monitoring Officer, the Deputy Monitoring Officer or the Chief Executive;	(j) To grant, renew, refuse or cancel any authorisation that may be required under the Regulation of Investigatory Powers Act 2000. This power may only be exercised by those specifically identified in the RIPA 2000 & IPA 2016 Corporate Policy;	To ensure consistency between provisions and policy
25.8.1	(b) To approve the settlement of any claims brought against or by the Council up to a maximum sum of £30,000 in consultation with the S.151 Officer in any one case and provided that if the settlement amount is not included in any existing budget provision, then the Cabinet Member for Finance and Corporate Transformation must also be consulted.	(b) To approve the settlement of any claims brought against or by the Council in consultation with the S.151 Officer in any one case and provided that if the settlement amount is not included in any existing budget provision, then the Cabinet Member for Resources and Performance must also be consulted.	To future proof the decision making process
	<ul style="list-style-type: none"> (m) In consultation with the Chairman of the Licensing Committee be authorised to adjourn a Licensing Hearing in accordance with the Licensing Act 2003 (Hearing) Regulations 2005; (n) To exercise powers to extend the time limits set out within the Licensing Act 2003 (Hearing) Regulations 2005; 	(m) To exercise all powers relating to the case management of licensing hearings as set out in the Licensing Act 2003 (Hearing) Regulations 2005;	To bring certainty and consistency to the management of hearings

25.7.4 Corporate Director (Growth)

- (a) To be responsible for the following Service Areas:
 - Planning
 - Economic Development
 - Strategic Investment
 - Asset Management
- (b) To exercise the Councils statutory functions as a Local Planning Authority, in relation to Development Management in accordance with the provisions set out in Appendix D, Schedule 1.
- (c) To exercise the Councils statutory functions as a Local Planning Authority, in relation to all decisions regarding the validity of an application, including whether to decline to determine an application.
- (d) To exercise the Councils functions as a Local Planning Authority, in relation to Planning Enforcement in accordance with the provisions set out in Appendix D, Schedule 2.
- (e) To represent the Council for all planning and planning enforcement appeals, and any appeals in relation to applications for works to trees or hedgerows, unless there has been a material change in circumstances since the original decision was made and except where the Planning Committee has refused an application contrary to their recommendation. In such cases shall act in an advisory capacity to a nominated Member(s). This may at their discretion include the obtaining of additional support by way of external professional advice.
- (f) To exercise the Councils powers to accept land, where the land is or is to be transferred to the Council under planning obligation or for another planning purpose.
- (g) To exercise the Councils functions in relation to Neighbourhood Planning, following consultation with the relevant Cabinet Member for Planning and Local Ward Members to;
 - i. Designate a Neighbourhood Plan Area;
 - ii. Agree Modifications to a Neighbourhood Plan contained within an Independent Examiners Report; and
 - iii. To send a Neighbourhood Plan to referendum.

25.8.9 Head of Planning

- (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 Councils functions in relation to Street Naming and Numbering in accordance with the provisions set out in Appendix D, Schedule 4.

- (c) To exercise the Council's functions in relation to Trees, Hedgerows and determine Conservation Grant Scheme applications in accordance with the provisions set out in Appendix D, Schedule 3.

APPENDIX D: PLANNING SCHEME OF DELEGATION

SCHEDULE 1: DEVELOPMENT MANAGEMENT

A. Applications to be referred to Planning Committee for determination

(Notwithstanding Town/Parish Council Representation, member Call In or number of representations from Local Residents) (to be presented by Officers and debated by Members at Planning Committee):

- (a) Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising floorspace of 1,000sq.m, including any linked application for Listed Building Consent¹.
- (b) Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- (c) Where the Applicant or agent is Braintree District Council.
- (d) Where the Applicant or Agent is an employee or Member of Braintree District Council.
- (e) Where the Application Site comprises of land owned by Braintree District Council;
- (f) Where the Applicant or Agent is related to an employee within the Planning Department (Development Management or Planning Policy).
- (g) Any application which is deemed to be 'significant' by the Planning Development Manager.

B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing as a result of Town/Parish Council representation, Member Call In or representations from Local residents:

Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or permission in Principle) for residential development comprising 3-9 proposed houses, including any linked application for Listed Building Consent, **Unless:**

- (i) Either the Town or Parish Council's view is contrary to the Officer Recommendation; or
- (ii) the application has been 'Called In' for determination by a BDC Member by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination; or
- (iii) 6 or more valid planning representations from separate households have been received;

Then:

¹ For Members information only, currently the Government define a major residential development to be 10 units or more or sites 0.5ha or more and for non-residential development is where additional floorspace of 1,000sq.m or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015, **however for the purposes of the Scheme of Delegation only the 10 units or more and 1000sq.m floorspace thresholds will be utilised to define a Major Planning Application and not the site area definitions.**

The application shall be referred to Chair's Briefing, with the Chair and Vice Chair of the Planning Committee, who will consider whether the application should be referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be 'similar' to the previously determined application by the Planning Development Manager.

C. Applications which can be determined under Delegated Powers

(Notwithstanding Town/Parish representation, member Call In or number of representations from Local Residents)

- (a) Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or Permission in Principle) for residential development comprising 1-2 proposed houses, including any linked application for Listed Building Consent.
- (b) All Section 73 applications to vary or remove planning conditions, including seeking minor material amendments, associated with any previous consent (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for 'Major', 'Minor', or 'Other' Planning Applications.
- (c) Minor Planning Applications for replacement dwellings.
- (d) Minor Planning Applications for agricultural workers dwellings (temporary or permanent).
- (e) Minor Planning Applications for any other commercial development or change of use.
- (f) Any other miscellaneous non-commercial applications for full planning permission.
- (g) All of the following Application Types*:

Application Type	Description
ADV	Applications for Advertisement Consent
AGR	Agricultural Prior Approval
ALT	Certificate of Alternative Appropriate Development
AREM	Agricultural Reserved Matters
CC	Condition Compliance
CLPLB	Certificate of Lawfulness for Works to a Listed Building
COMPA	Commercial Extensions Prior Approval
COUPA	Applications for Prior Approval (All)
DAC	Application for Approval of Details reserved by condition following grant of planning permission or a listed building consent
DOR	Discharge of Requirements (NSIP)
DORCON	Discharge of Requirements (NSIP) Consultation
ELD	Application for a Certificate of Lawfulness for an Existing Use or Development
FPO	Footpath Order
GOV	Development by Government Department
HH	Householder Application for Planning Permission
HHPA	Householder Extensions Prior Approval

LBC**	Application for Listed Building Consent for alterations, extensions or demolition of a listed building
LDOCC	Local Development Order Compliance Checklist
NMA	Application for a Non-Materials Amendment following a grant of planning permission
OHL	Overhead Electricity Lines
P14JPA	Prior Approval – Part 14, Class J
P3RNOT	Notification – Part 3, Class R
PDEM	Prior Approval for Demolition
PLD	Application for a Certificates of Lawfulness for a Proposed Use or Development
S106A***	S106A to modify or discharge S106
SCO	EIA Scoping Opinion
SCR	EIA Screening Opinion
T56	Telecoms 56 Day Notification
TDC	Technical Details Consent
TEL	Telecommunications General
TMPCOU	Temporary Change of Use

*Application Types – The list of application types above suitable for delegation may be updated to include any new prior approval or notification application types introduced by the Government.

**LBC – Except where the Listed Building Consent application has been submitted in connection with an application considered under Part ‘A’ or Part ‘B’.

***S106A – Where significant modifications are proposed to a Section 106 Agreement, the Planning Development Manager will consider whether the application is deemed to be ‘significant’ and therefore whether it should be referred to Planning Committee for determination under Part ‘A’ of the Scheme of Delegation.

D. Consultations on Essex County Council Applications or Out of District Applications²

Consultation Responses which can be determined under Delegated Powers, following referral to the Cabinet Member for Planning:

Application Type	Description
ECC	Consultation on Essex County Council Applications
ECCDAC	Consultation on Essex County Council Discharge of Conditions Applications
ODC	Out of District Consultation

Development Management will notify the Cabinet member for Planning on receipt of the consultation and await confirmation of whether a response could be issued by officers, or if a draft response should be prepares for review and approval, prior to issue.

² As the majority of these applications are for smaller scale development, Development Management could notify the Cabinet Member for Planning on receipt of the consultation and await confirmation of whether a response could be issued by Officers, or if a draft response should be prepared for review and approval, prior to issue.

SCHEDULE 2: PLANNING ENFORCEMENT

A. Authority to issue the following Notices under Delegated Powers, including Authority to vary any steps required to comply with enforcement notices already authorised, including altering period required for compliance, service of further notices and withdrawal of notices.

- Planning Contravention Notice (PCN)
 - Requisition for Information Notice
 - Planning Enforcement Notice
 - Listed Building Enforcement Notice
 - Breach of Condition Notice
 - Temporary Stop Notice
 - Stop Notice
 - Untidy Site Notice
 - Urgent Works Notice
 - Urgent Repairs Notice
 - Tree Replacement Notice
 - Hedgerow Replacement Notice
 - Advertisement Removal Notice
 - Completion Notice
 - Building Preservation Notice
- Any additional Notices introduced by the Levelling Up and Regeneration Act

B. Authority to take Planning Enforcement action to secure compliance with Notice(s), following consultation with the Head of Governance, or their authorised representative.

SCHEDULE 3: LANDSCAPE SERVICES

A. Applications which can be determined under Delegated Powers:

Application Type	Description
HIGHDG	Complaint about a High Hedge
HDG	Application for Hedgerow Removal Notice
TPO	Application for Works to Protected Trees (subject to a TPO)
TPOCON	Application for Works to Trees within a Conservation Area

B. Making Tree Preservation Orders (TPOs):

1. Decisions which can be determined under Delegated Powers:

- Making a Provisional Tree Preservation Order.
- Whether to Confirm a Tree Preservation Order, with or without modifications, where no objection(s) have been received within the specified consultation period.
- Whether to grant or refuse an Application for a Conservation Grant Scheme for planting proposals.

2. Decisions to be referred to Planning Committee for determination:

- Whether to Confirm a Tree Preservation Order, with or without modifications, where objection(s) have been received within the specified consultation period.

SCHEDULE 4: STREET NAMING AND NUMBERING

A. Applications which can be determined under Delegated Powers:

Application Type	Description
ALIAS	Add or remove an alias name to a numbered property
CONVER	Conversion of a property or premises without a new street name
NEWDEV	New dwellings and/or commercial units or conversions with a new street name/s
NEWNAM	New named dwellings and/or commercial units without a street name
NEWNUM	New numbered dwellings and/or commercial units without a street name
REVNAM	Change of name of property
REVNUM	Renumbering a street
STREET	Renaming a street

SCHEDULE 5 – MISCELLANEOUS

A. Matters to be referred to the Planning Committee for determination:

- Requests to make or modify an Article 4 Direction

Report Title: Member Code of Conduct	
Report to: Council - Annual General Meeting	
Date: 22 nd April 2024	For: Recommendation
Key Decision: No	Decision Planner Ref No: DP/2024/17
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Kim Mayo, Head of Governance and Monitoring Officer, kim.mayo@braintree.gov.uk	

1. Purpose of the Report

- 1.1 The Local Government Association (LGA) was tasked with providing a model Code of Conduct (the Model Code) for local authorities as an outcome of the report of The Committee on Standards in Public Life (CoSPL) on Local Government Ethical Standards. This report sets out the new Model Code of Conduct for Councillors produced by the LGA, in Appendix A.

2. Recommendations

- 2.1 It is the recommendation of the Developing Democracy Group, that Braintree District Council (the Council) adopts the LGA Model Code of Conduct with immediate effect.

3. Summary of Issues

- 3.1 The Committee on Standards in Public Life carried out a review on Local Government Ethical Standards and published a series of recommendations to Government, the Local Government Association and to local authorities. In response to one of those recommendations, the LGA published a model Code of Conduct for Councillors which is attached at Appendix A. This was originally published in 2020 but has been subject to updates by the LGA since that time.
- 3.2 The Monitoring Officer has been monitoring the development of the new model Code of Conduct and its potential adoption by the Council. A number of discussions between the Monitoring Officers across Essex Councils have taken place regarding the new model Code. Initially there was an intention to look to adopt an Essex Code, which would be based on the Model Code, with minor adaptations. However, it has not been possible to gain agreement across all authorities, and therefore each authority has over the past 18 months taken steps to adopt the Model Code with or without local adaptations.

- 3.3 Essex County Council, together with the majority of other Essex authorities have now adopted the new model Code over the past 18 months, and it is understood that the few remaining Councils in Essex plan to do so in the near future. The Model Code is a document which authorities are, nationally, being asked to adopt, however, it should be noted that there is no statutory obligation to do so.
- 3.4 The Council's current Members' Code of Conduct is set out at section 19 of the Constitution and is not overly dissimilar to the new Model Code, however there are some key changes to acknowledge:
1. Register of interests:
 - a. No longer a need to register tenders, expired contracts or contracts with Braintree Council owned bodies
 - b. New requirement to register all unpaid directorships
 2. Gifts and hospitality:
 - a. New requirement to register hospitality offered but declined.
 3. New names for interests that need to be declared:
 - a. Disclosable Pecuniary Interests
 - b. Other Registrable Interests
 - c. Non-Registrable Interests
 4. There are added obligations in relation to complying with the Code of Conduct:
 - a. Commitment to undertaking Code of Conduct training
 - b. Commitment to comply with any sanction imposed following a finding that the Code has been breached
 5. New rule about bringing the Council into disrepute.
- 3.5 Currently the Code, which came in as a result of the Localism Act 2011, has been subject to numerous local amendments by their respective authorities. Over time this has resulted in a significant difference between Codes in place from one authority to another. Accordingly, there are benefits to adopting the Model Code, particularly for 'dual hatted' or 'triple hatted' Members, who would operate under the same code, whilst undertaking their respective roles, and for all authorities to be working under a single code, albeit with some small local adaptations.
- 3.6 There are considered to be other benefits associated with the new Model Code including:
- The Model Code is more descriptive and adds more definitions (e.g. respect)

- The Model Code is supported by comprehensive guidance.
- Access to training and materials produced by the LGA to accompany the Model Code
- Shared learning across local authorities

4. Options

- 4.1 The Council could decide to continue with its current Code of Conduct. This would be permitted and there is no obligation to adopt the Model Code.
- 4.2 However, this is likely to cause issues for those Members that hold seats at other authorities and will become increasingly difficult for them to ensure compliance under each Code due to the number of differences between them.
- 4.3 Whilst some authorities have made adaptations to the Model Code adopted by them, Essex County Council has retained in its original form, which supports the need for this Council to adopt in the original form, therefore supporting Members operating across both authorities.

5. Next Steps

- 5.1 If the Council adopted the Model Code it will be necessary for Members to undertake additional training on the Model Code to ensure that all Members are aware of the obligations contained within it. This will be delivered by the Monitoring Officer in late May or early June, and dates will be circulated to members as soon as possible.
- 5.2 If the Model Code is adopted, Parish Councils within the District will be invited to consider the Model Code and adopt in the same format, thereby strengthening the unanimity within our area of operation.

6. Financial Implications

- 6.1 There are no financial implications arising out of this report.

7. Legal Implications

- 7.1 Under Section 27 of the Localism Act 2011 the Council has a duty to promote and maintain high standards of conduct by Members and co-opted members of the authority. In discharging its duty, the Council must adopt a code dealing with the conduct that is expected of Members and co-opted members of the authority when they are acting in that capacity.

8. Equality and Diversity Implications

- 8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

8.3 The Equality Impact Assessment indicates that 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 – Model Code of Conduct.

10. Background Papers

10.1 The Council's Constitution.

19. Member Code of Conduct

On xxxx the Council adopted the Local Government Association's Model Councillor Code of Conduct 2020.

19.1 Joint statement

The role of Councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as Councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual Councillor affects the reputation of all Councillors. We want the role of Councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors.

As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust in local government.

19.2 Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct. The LGA will undertake an annual review of this Code to ensure it continues to be fit-for purpose, incorporating advances in technology, social media, and changes in legislation.

19.3 Definitions

For the purposes of this Code of Conduct:

- a. a “Councillor” means a member or co-opted member of a local authority or a directly elected mayor.
- b. a “co-opted member” is defined in the Localism Act 2011 Section 27(4) is “a person who is not a member of the authority but who:
 - i. is a member of any committee or sub-committee of the authority, or;
 - ii. is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
- c. “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities, and National Park authorities.

19.4 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government.

It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

19.5 General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors, and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully

- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

19.6 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor;
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

19.7 Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

19.8 General Conduct

Respect

As a Councillor:

- a. I treat other Councillors and members of the public with respect.
- b. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy.

As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-officer protocol.

Bullying, harassment, and discrimination

As a Councillor:

- a. I do not bully any person.
- b. I do not harass any person.
- c. I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Impartiality of officers of the council

As a Councillor: I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants).

They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written.

However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

As a Councillor:

I do not disclose information:

- a. given to me in confidence by anyone;

- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its release.

I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

As a Councillor: I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public.

You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

Use of position

As a Councillor: I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

Use of local authority resources and facilities

As a Councillor:

- a. I do not misuse council resources.
- b. I will, when using the resources of the local authority or authorising their use by others:
 - i. act in accordance with the local authority's requirements; and
 - ii. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

Complying with the Code of Conduct

As a Councillor:

- a. I undertake Code of Conduct training provided by my local authority.
- b. I cooperate with any Code of Conduct investigation and/or determination.
- c. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- d. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance.

If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority Interests

As a Councillor: I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

Gifts and hospitality

As a Councillor:

- a. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence, or other significant advantage.
- b. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- c. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality.

However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012".

You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.

Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion, or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2) you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession, or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Subject Description Employment, office, trade, profession or vocation Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor's knowledge): (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	Any beneficial interest in securities* of a body where: (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either: (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest	<ul style="list-style-type: none"> a) any unpaid directorships; b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority; c) any body; <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management
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