

# Annual General Meeting of the Council AGENDA

**Monday, 24th April 2017 at 7.15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**

*(Please note this meeting will be webcast and audio recorded)*

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

**Membership:-**

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

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](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

### **Question Time**

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

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

### **Health and Safety**

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

### **Mobile Phones**

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### **Webcast and Audio Recording**

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### **Documents**

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We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

**1. Apologies for Absence**

**2. Chairman's Charities 2016/17**

The Chairman to present cheques to his nominated Charities for the Civic Year 2016/17.

Halstead and Witham Home Start  
Essex Search and Rescue

**3. Chairman's address to Council**

Councillor Ricci, the outgoing Chairman, will address the Council.

**4. Presentation to the outgoing Chairman of the Council**

**5. To elect the Chairman of the District Council for the Civic Year 2017/18**

The new Chairman of the Council will receive the Chain of Office and sign the Declaration of Acceptance of Office.

Acceptance address by the new Chairman of Braintree District Council.

**6. To elect the Vice Chairman of the District Council for the Civic Year 2017/18**

The new Vice Chairman of the Council will receive the Chain of Office and sign the Declaration of Acceptance of Office.

Acceptance address by the new Vice Chairman of Braintree District Council.

**7. To receive any announcements from the Chairman of the Council**

**8. Minutes of the Previous Meeting**

To approve as a correct record the minutes of the meeting of Full Council held on 27th March 2017. (previously circulated).

**9. 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.

**10. Leader of the Council**

To note that Councillor Graham Butland is the Leader of the Council as appointed at the Council meeting of 28th May 2015 for the four year term of the Council.

**11. Leader’s Announcements – Cabinet Member Portfolios And Scheme Of Delegation And Appointments To Cabinet Sub Committees** 5

**12. Appointments to Committees of Council** 16

**13. Community Governance Review – Oversight Committee** 22

**14. Appointment to Outside Bodies for the Civic Year of 2017/18** 28

**15. Annual Timetable of Meetings 2017/18**

To confirm the following dates of Council meetings (as set out in the Annual Timetable):

Ordinary meetings of the Council start at 7.15pm on:-

- 24th July 2017
- 9th October 2017
- 11th December 2017
- 19th February 2018
- 26th March 2018

Special Meeting of Council for the Local Plan starts at 7.15pm on:-

5th June 2017

The Annual General Meeting will be held on 23rd April 2018.

ANNUAL GENERAL MEETING  
24<sup>th</sup> April 2017



<b>Leader’s Announcements – Cabinet Member Portfolios And Scheme Of Delegation And Appointments To Cabinet Sub Committees</b>	<b>Agenda No: 11</b>
<b>Portfolio</b> <b>Corporate Outcome:</b> <b>Report presented by:</b> <b>Report prepared by:</b>	<b>Overall Corporate Strategy and Direction</b> <b>A high performing organisation that delivers excellent and value for money services</b> <b>Councillor G Butland Leader of the Council</b> <b>Ian Hunt Head of Governance</b>
<b>Background Papers:</b>  <a href="#">Constitution</a>	<b>Public Report</b>  <b>Key Decision: No</b>
<b>Executive Summary:</b>  <p>Further to the appointment of the Leader they are required to appoint Members of the Cabinet. The Cabinet must consist of at least two Members and no more than 10 voting Members. It is not subject to the rules of political proportionality.</p> <p>The Leader may set delegations and areas of responsibility for Cabinet Members in accordance with the Constitution.</p> <p>This report sets out the Cabinet Members and their areas of responsibility.</p> <p>The Leader can appoint Cabinet Sub Committees to consider issues within the terms of reference set by the Leader. These appointments are in accordance with the terms of reference set out in the scheme of delegation.</p>	
<b>Recommended Decision:</b>  <p>That Council notes the appointments and delegations set out in this report.</p>	
<b>Purpose of Decision:</b>  <p>To note the Leader’s appointments to the Cabinet and his scheme of delegation.</p>	

<b>Any Corporate implications in relation to the following should be explained in detail.</b>	
<b>Financial:</b>	Cabinet Members are required to operate within the limits of the relevant budgets, or to undertake virement between budgets as appropriate.
<b>Legal:</b>	The Leader must appoint at least two Members to the Cabinet and the Cabinet may consist of a maximum of 10 voting Members.
<b>Safeguarding:</b>	Safeguarding issues will be considered by Cabinet Members in the performance of their duties.
<b>Equalities/Diversity:</b>	Equalities issues will be considered by Cabinet Members in the performance of their duties.
<b>Customer Impact:</b>	The Leader has considered the appointments to ensure appropriate management of service delivery and oversight.
<b>Environment and Climate Change:</b>	Environment and Climate Change issues will be considered by Cabinet Members in the performance of their duties.
<b>Consultation/Community Engagement:</b>	None directly arising from this report.
<b>Risks:</b>	None directly arising from this report.
<b>Officer Contact:</b>	Ian Hunt
<b>Designation:</b>	Head of Governance
<b>Ext. No:</b>	2629
<b>E-mail:</b>	<a href="mailto:ian.hunt@braintree.gov.uk">ian.hunt@braintree.gov.uk</a>

**1. Background:**

- 1.1 The Leader has the personal right to set the size and composition of the Cabinet within the statutory limits. In addition the Leader may set an appropriate scheme of delegation for Cabinet Members.
- 1.2 The Leader wishes to note that at all meetings of the Cabinet a Member of the Labour, Halstead Residents Association and Green Groups are invited to attend the meeting and participate. No voting rights can be extended as a consequence of the legislation governing the meeting. In addition the Chairman of the Overview and Scrutiny Committee is also invited to attend and participate on the same terms. The Leader also encourages other Members to attend Cabinet meetings
- 1.3 The Leader has the right to appoint such Sub Committees of the Cabinet as he may choose to undertake work on behalf of the Leader and the Council in accordance with the Terms of Reference set for the Sub-Committees. These are detailed within the report.

**2. Leader’s Appointments and Portfolio Areas:**

- 2.1 The Leader makes the following appointments to Cabinet and allocates as follows portfolio areas.

<b>OVERALL CORPORATE STRATEGY AND DIRECTION</b>		
		<b><i>Portfolio Areas:</i></b>
<b>Leader of the Council</b>	<b>Councillor Graham Butland</b>	Overall Vision and Strategic Direction Strategic Partnerships Devolution Strategic Economic Growth Promotion of the District External Relations Electoral Administration
<b>ENVIRONMENT AND PLACE</b>		
		<b><i>Portfolio Areas:</i></b>
<b>Cabinet Member and Deputy Leader</b>	<b>Councillor Mrs Wendy Schmitt</b>	Clean and Green Street cleansing and parks Landscapes and Countryside Regulatory functions (licensing, environmental health, building control) Community Safety Safeguarding Armed Forces Covenant Emergency Planning
<i>Deputy Cabinet Member</i>	<i>Councillor Robert Mitchell</i>	<i>Carbon and Energy Management Waste Management/Recycling Highways and Parking</i>

<b>PLANNING AND HOUSING</b>		
		<b>Portfolio Areas:</b>
<b>Cabinet Member</b>	<b>Councillor Mrs L Bowers-Flint</b>	Local Plan Infrastructure, Planning and Development
<i>Deputy Cabinet Member</i>	<i>Councillor Mrs G Spray</i>	Development Management Planning Enforcement Affordable Housing Housing/Homelessness Welfare Reform
<b>ECONOMIC DEVELOPMENT</b>		
		<b>Portfolio Areas:</b>
<b>Cabinet Member</b>	<b>Councillor Tom Cunningham</b>	Economic Development Strategy Regeneration Business Engagement and Support Broadband
<i>Non-Voting Deputy Cabinet Member</i>	<i>Councillor K Bowers</i>  <i>Note: See section 4 below.</i>	Enterprise centres Inward Investment Town Centres Apprenticeships Skills Education Improvement
<b>HEALTH AND COMMUNITIES</b>		
		<b>Portfolio Areas:</b>
<b>Cabinet Member</b>	<b>Councillor P Tattersley</b>	Health Improvement and Well-being External Funding Equality and Diversity Neighbourhood Budgeting Older People Children and Young People Voluntary sector Heritage Rural communities Local community engagement Member support and development Community transport Leisure and Sport Community facilities and support
<i>Deputy Cabinet Member</i>	<i>Councillor F Ricci</i>	



<b>FINANCE AND PERFORMANCE</b>		
		<b><i>Portfolio Areas:</i></b>
<b>Cabinet Member</b>	<b>Councillor David Bebb</b>	Financial and Treasury Management Investment Strategy Revenue budget Capital programme Efficiency and Improvement Programme Income Generation Performance management
<b>CORPORATE SERVICES AND ASSET MANAGEMENT</b>		
		<b><i>Portfolio Areas:</i></b>
<b>Cabinet Member</b>	<b>Councillor John McKee</b>	Asset Management Information Technology Corporate Governance Communication Procurement Risk Management Health and Safety Customer Services HR and Organisational Development Commercialisation

### **3. Detailed delegations and limitations:**

3.1 All executive functions are vested in the Leader of the Council.

3.2 The Leader makes the following detailed delegations in relation to all Cabinet Members:

1 **Authorising Action to Enable Matters Previously Approved (by Cabinet) in Principle**

Power to authorise officers to conclude any matter, process or enter into any contract the undertaking of which, in principle, has previously been considered and authorised by the Cabinet.

2 **Consultation Responses**

Power to authorise a response by or on behalf of Braintree District Council to a consultation by a Minister of the Crown, Government Department, other public sector body or local authority on matters falling within the purview of the Cabinet; provided that;

- (a) if the officers, or the Cabinet Member, when consulted, consider that any consultation raises issues of Council wide interest or significance, it shall be referred to the Cabinet, or appropriate Committee, to agree a response; and,

- (b) if the consultation is concerned only with, and calls for a response on matters of a very technical professional nature then officers may deal with it without reference to a Cabinet Member.

### **3 Fees and Charges**

- (a) Following the Cabinet agreeing general guidance on the approach to be taken to setting fees and charges in the budget strategy each year, power to agree, with the relevant officers, the achievable options for income generation for each appropriate service undertaken by the Council; which are within the control of the Cabinet;
- (b) Following these options having been reported to and agreed by the Cabinet, power to agree the appropriate detailed charges with the relevant officers, in accordance with the options agreed by the Cabinet.

### **4 Plans and Strategies**

To make changes to plans and strategies provided that those changes do not conflict with an approved policy, do not raise new issues of policy, are within the approved budgets and do not exceed any of the financial limits set out in the Financial Procedure Rules that are applicable to Cabinet Members.

### **5 Further Delegations**

- (a) To take decisions that promote the strategic objectives within their portfolio consistent with the Constitution and subject to the limitations below.
- (b) To approve the entering into, the extension, or variation of contracts, within their Portfolio area consistent with the provisions of 5(a).
- (c) To approve the taking of such action as is consistent with the promotion of the Councils objectives within their Portfolio area consistent with the provisions of 5(a).

3.3 Notwithstanding the delegations in 3.2 above all delegations are subject to the following limitations:

- 1 No Cabinet Member may make a decision which is reserved to the Cabinet meeting as a whole.
- 2 A decision in accordance with this scheme may not be taken by an individual Cabinet Member unless it is concerned with or relates to any Council function, activity or business falling within the portfolio of

work allocated to that individual Cabinet Member by the Council/Cabinet. Where a matter requiring a decision affects more than one portfolio of work the decision sought by the officers shall be taken by the Cabinet Members with the lead for the issue in consultation with any additional Member, or the terms of the decision will be split to enable two separate complimentary decisions to be made.

- 3 A decision in accordance with this scheme may not be taken by an individual Cabinet Member otherwise than in response to a written report from the appropriate Council officer.
- 4 The record of decisions taken on any occasion by a Cabinet Member pursuant to this scheme shall be notified to all Members of the Council by publication on the Cabinet agenda.
- 5 A record of the decisions to be taken by Cabinet Members in accordance with this scheme shall be published in the Decision Planner.

3.4 Further delegations in respect of the Cabinet Member for Environment and Place are as follows:

- 1 To have overall responsibility for the Council's responsibilities and functions under Scrap Metal Dealers Act 2013 including agreeing a procedure for the determining of applications which are subject to representations.
- 2 The Cabinet Member in consultation with the Corporate Director to determine any matter arising from any further subordinate legislation including regulations and statutory Guidance.
- 3 To update and review the statement of Principles and the Penalty Charge related to a breach of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- 4 To consider any representations and appeals against the issuing of a monetary penalty and take into account any representations received in respect of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014

#### **4. Appointment of Non-Voting Deputy Cabinet Member**

4.1 In addition to the Cabinet appointments the Leader appoints Councillor K Bowers to act as a Non-Voting Deputy Cabinet Member to support the work of Councillor Tom Cunningham, Portfolio Holder for Economic Development.

4.2 Councillor K Bowers will be invited to attend meetings of Cabinet and will be invited to take part in debate; however he will not have the right to vote. Whilst he will be engaged in the work of the Cabinet and the Economic Development Portfolio he will not have the ability to make formal decisions or exercise any delegated authority.

#### **5. Cabinet Sub-Committees**

5.1 The Leader Appoints the following Sub-Committees of the Cabinet with the Membership set out as below:

Sub-Committee Name: **Local Plan Sub-Committee**

Terms of Reference:

To be responsible for the development of the Local Plan to include:

1. Consideration of studies and reports.
2. Adoption of evidence to the formal evidence base in preparation for examination.
3. Consideration of draft Local Plan Documents and to make recommendations to Full Council as to their adoption.
4. To receive and to give consideration to responses to public consultations in relation to the Local Plan and to make recommendations to the Full Council in relation to these.
5. Where relevant to make recommendations to the Cabinet in respect of any corporate implications arising from the development of the Local Plan, including any recommendations for consideration in the budget setting process.

Membership:

Councillor D Bebb  
Councillor Mrs L Bowers-Flint    Chairman  
Councillor G Butland  
Councillor T Cunningham  
Councillor D Hume  
Councillor Mrs J Money  
Councillor Lady Newton  
Councillor J O'Reilly-Cicconi  
Councillor Mrs W Scattergood    Vice Chairman  
Councillor Miss M Thorogood  
Councillor Mrs G Spray

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

Terms of Reference:

To be responsible for the consideration of matters relating to:

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

Membership:

Councillor J Abbott  
Councillor P Barlow  
Councillor Mrs J Beavis  
Councillor G Butland                      Chairman  
Councillor Mrs J Pell  
Councillor C Siddall  
Councillor Mrs G Spray

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

Terms of Reference:

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

Membership:

Councillor P Barlow  
Councillor Mrs J Beavis                      Chairman  
Councillor K Bowers  
Councillor S Canning  
Councillor D Hufton-Rees  
Councillor Mrs J Pell  
Councillor P Schwier  
Councillor Mrs S Wilson

Sub-Committee Name: **Grants Panel**

Terms of Reference:

1. To monitor those projects receiving grants under the Mi Community Scheme in accordance with the published terms of the scheme.
2. To assess applications for variation to grant terms in line with the scheme terms.
3. To monitor the introduction of the new Councillor Grants Scheme and to recommend amendments to the terms of the scheme to the Cabinet where relevant.

Membership:

Councillor Mrs J Allen	Chairman
Councillor P Barlow	
Councillor Mrs A Kilmartin	
Councillor S Kirby	
Councillor F Ricci	
Councillor Miss V Santomauro	
Councillor Mrs L Walters	

ANNUAL GENERAL MEETING  
24<sup>th</sup> April 2017



<b>Appointments to Committees of Council</b>		<b>Agenda No: 12</b>
<b>Portfolio</b>		
<b>Corporate Outcome:</b>	<b>Overall Corporate Strategy and Direction</b>	
	<b>A high performing organisation that delivers excellent and value for money services</b>	
<b>Report presented by:</b>	<b>Councillor Graham Butland Leader of the Council</b>	
<b>Report prepared by:</b>	<b>Ian Hunt Head of Governance</b>	
<b>Background Papers:</b>		<b>Public Report</b>
<a href="#">Constitution</a>		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>The Council has a number of Committees and Sub-Committees which are appointed to by the Council. This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats to political groups on a politically proportionate basis.</p> <p>Council is asked to set the proportions for each Committee and to appoint Members as set out in the report.</p>		
<b>Recommended Decision:</b>		
<p>That the Council:-</p> <ol style="list-style-type: none"> <li>1. Amends Article 10 section 2.1 to increase the size of the Governance Committee from 7 to 12 members.</li> <li>2. That the Head of Governance be delegated authority to make any amendments to the Constitution to produce publication versions reflecting the decision above.</li> <li>3. Notes the political balance requirements;</li> <li>4. Agrees the size of the individual Committees and Sub-Committees to be subject to proportional balance and the allocation of seats to political groups in accordance with this report; and</li> <li>5. That the schedule set out in Appendices A be adopted regarding the appointments to Committees</li> <li>6. That Council approves the allocation of the Chairmanship of the Overview and Scrutiny Committee as being from the majority group and suspends the convention that this appointment is an opposition Member stated in the Overview and Scrutiny Procedure Rules for the current municipal year.</li> <li>7. That the appointment of Chairman and Vice-Chairman of the Committees be as set out in Appendix B.</li> </ol>		



<p><b>Purpose of Decision:</b></p> <p>To comply with legislation and to enable the Council to discharge its functions through Committees and Sub-Committees.</p>
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**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	None
<b>Legal:</b>	Covered in the report  Article 4 Section 1.1.6 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.
<b>Safeguarding:</b>	None.
<b>Equalities/Diversity:</b>	None
<b>Customer Impact:</b>	None
<b>Environment and Climate Change:</b>	None
<b>Consultation/Community Engagement:</b>	Consultation with Group leaders as to the allocation of seats and membership of Committees. The Developing Democracy Group was consulted on the proposal to change the size of the Governance Committee on the 13 <sup>th</sup> March 2017 and were in agreement with the proposals.
<b>Risks:</b>	The political balance rules can only be departed from if there is no dissenting vote at Council. Failure to comply would result in a breach of statutory duty which could be the subject of judicial review proceedings.

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## **1 Introduction**

- 1.1 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.

## **2 Political balance requirements**

- 2.1 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 Authority as a whole.

- 2.2 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:-

- (i) all the seats are not allocated to the same political group;
- (ii) the majority of the seats go to the political group in the majority on the full Council;
- (iii) 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
- (iv) 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.

- 2.3 The Council currently has three political groups, and one Green Member.

- 2.4 Therefore the membership of the Council for the purpose of the allocation of seats is broken down as follows:-

- 43 - Conservative Group
- 3 - Labour Group
- 2 - Halstead Residents Association
- 1 - Green Member

## **3. Changes to the Governance Committee**

- 3.1 Of the main Committees the Governance Committee; has the smallest membership, there have been occasions in the last year where due to apologies the number of Members attending has been close to the quorum threshold. Further to an initial proposal from the Leader of the Council a recommendation to increase the size of the Committee was raised with the Developing Democracy Group on the 13<sup>th</sup> March 2017.

- 3.2 Further to the agreement of the group it is proposed to increase the size of the Committee from the current 7 Members to 12. Although under strict proportionality rules this Committee could consist of only Conservative and Labour Group Members; having regard to the overall proportionality of Committees and the interests of

ensuring engagement in this Committee the Leader of the Council agreed that each political Party would have one seat on the Committee.

- 3.3 It is recommended that the Constitution be amended to reflect this change in size of the Committee by the amending of Article 10.

#### **4. Committee and Sub-Committee allocations**

- 4.1 Given the size of the Labour and Halstead Residents Association Groups and the Green Party Member, on each Committee one seat is to be allocated to the opposition, with all the additional seats allocated to the Conservative Group.
- 4.2 The Groups whilst permitted to appoint to all seats allocated to them from within the group, may appoint Members from other groups over and above the requirements of the scheme, however this is at their discretion.
- 4.3 The following allocations meet the requirements of the proportionality rules:

Overview and Scrutiny Committee:

12 Members: 11 Conservative, 1 Labour

Planning Committee:

13 Members: 12 Conservative, 1 Labour

Licensing Committee:

13 Members: 11 Conservative, 1 Labour, 1 Halstead Residents Association

Governance Committee:

12 Members: 6 Conservative, 1 Labour, 1 Halstead Residents Association, 1 Green

Standards Sub Committee:

3 Members (3 Substitutes): 2 Conservative, 1 Halstead Residents Association

Appeals Committee:

3 Members (3 Substitutes): 1 Conservative, 1 Labour, 1 Green

Nominations for appointments to give effect to the above are listed in Appendix A.

- 4.4 Following a Council decision on 19th February 2007 all Members who sit on the Planning Committee and the Licensing Committee (including Hearing Panels) are appointed on the basis that all Members shall participate in appropriate training before undertaking their duties and continue to participate in ongoing training.
- 4.5 The Chairman and Vice Chairman of Committees and Sub-Committees are usually appointed from the majority group.
- 4.6 There is a convention that the Chairman of the Overview and Scrutiny Committee is appointed from the Members not forming the majority group. This is enshrined in the Constitution in the Overview and Scrutiny Procedure Rules section 3. The opposition Groups have advised that no Member of those groups is able to take this role at the present time, accordingly Council is asked to confirm that the Chairman of the Overview and Scrutiny Committee is provided from the Conservative Group notwithstanding they are the majority group.
- 4.7 The nomination for Chairman and Vice Chairman of Committees and Sub-Committees are listed in Appendix B.

**Appointments to Committees and Panels**

Planning Committee:

Councillor K Bowers  
Councillor Mrs L Bowers-Flint  
Councillor T Cunningham  
Councillor P Horner  
Councillor H Johnson  
Councillor D Mann  
Councillor Lady Newton  
Councillor Mrs I Parker  
Councillor R Ramage  
Councillor F Ricci  
Councillor Mrs W Scattergood  
Councillor P Schwier  
Councillor Mrs G Spray

Licensing Committee:

Councillor Mrs J Allen  
Councillor M Banthorpe  
Councillor P Barlow  
Councillor J Baugh  
Councillor J Elliott  
Councillor J Goodman  
Councillor A Hensman  
Councillor H Johnson  
Councillor Mrs J Pell  
Councillor B Rose  
Councillor R van Dulken  
Councillor Mrs L Walters  
Councillor Mrs S Wilson

Overview and Scrutiny Committee:

Councillor P Barlow  
Councillor Mrs M Cunningham  
Councillor Mrs D Garrod  
Councillor J Goodman  
Councillor A Hensman  
Councillor P Horner  
Councillor G Maclure  
Councillor Mrs I Parker  
Councillor R Ramage  
Councillor B Rose  
Councillor P Schwier  
Councillor C Siddall

Governance Committee:

Councillor J Abbott  
Councillor M Dunn  
Councillor J Elliott  
Councillor A Hensman  
Councillor D Hufton-Rees  
Councillor G Maclure  
Councillor Mrs J Pell  
Councillor R Ramage  
Councillor Miss V Santomauro  
Councillor Miss M Thorogood  
Councillor R van Dulken  
Councillor Mrs L Walters

Standards Sub Committee:

Councillor J O'Reilly-Cicconi  
Councillor Mrs J Pell  
Councillor Mrs S Wilson

Appeals Committee:

Councillor J Abbott  
Councillor Mrs A Kilmartin  
Councillor D Mann

Substitutes:

Councillor S Kirby  
Councillor D Mann  
Councillor J Cunningham

Substitutes:

Councillor Mrs S Paul  
Councillor B Rose  
Councillor P Tattersley

**CHAIRMAN AND VICE CHAIRMAN OF COMMITTEES AND PANELS**

Planning Committee:

Chairman: Councillor Mrs W Scattergood  
Vice Chairman: Councillor Mrs G Spray

Licensing Committee:

Chairman: Councillor M Banthorpe  
Vice Chairman: Councillor J Baugh

Overview & Scrutiny Committee:

Chairman: Councillor C Siddall  
Vice Chairman: Councillor P Barlow

Governance Committee:

Chairman: Councillor J Elliott  
Vice Chairman: Councillor Miss V Santomauro

Appeals Panel:

To be appointed by the sitting panel

Standards Sub Committee:

Chairman: Councillor J O'Reilly-Cicconi

<b>Community Governance Review – Oversight Committee</b>		<b>Agenda No: 13</b>
<b>Portfolio</b>		
<b>Corporate Outcome:</b>		<b>Overall Corporate Strategy and Direction Corporate Services and Asset Management</b>
<b>Report presented by:</b>		<b>Delivering better outcomes for residents and businesses and reducing costs to taxpayers</b>
<b>Report prepared by:</b>		<b>Councillor Butland, Leader of the Council</b>
<b>Background Papers:</b>		<b>Public Report</b>
		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>During 2017 and 2018 the Council will be undertaking a Community Governance Review. This review will look at the arrangements for Parish and Town Councils across the District. The review will be formally commenced by a report to Full Council on the 24<sup>th</sup> July 2017. This review will require Member oversight and decision making.</p> <p>The review will require consultation with the community, Parish and Town Councils and other relevant stakeholders. This report establishes a governance structure to enable transparent consideration of issues, as well as clear reporting and Member engagement.</p> <p>This report establishes a dedicated Committee of Council; this would have the benefit of being able to undertake the consideration of matters of detail as well as evaluating the benefits (or otherwise) of competing consultation comments. This Committee could meet as often as is necessary, and would be in public. It will have formal decision making powers in relation to the review as set out in the terms of reference.</p> <p>Members will be aware that Committees of Council are required to be politically balanced in line with the overall make up for the Council. Given the specific remit of this Committee, it would be recommended that Members agree to waive the requirement for political proportionality to enable all political parties to be represented. In order for this to be achieved it will require a unanimous vote of Council.</p> <p>Once started the formal review must be completed within 12 months, therefore the Committee would have a limited lifespan, admittedly over two municipal years.</p> <p>These proposals were considered by the Developing Democracy Group on the 13<sup>th</sup> March 2017 and endorsed for approval by Full Council.</p>		

**Recommended Decision:** That Council agree:

1. To establish a dedicated Community Governance Review Committee, with Terms of Reference as set out in the report; such Committee to be established until the adoption by Council of the final recommendations of the Community Governance Review.
2. To establish the Committee with 9 Members.
3. To recommend to Council that the rules regarding the proportions of seats for political parties not be applied to the Committee (requiring unanimous agreement) and that the allocation be 6 Conservative, 1 Labour, 1 Halstead Residents Association, 1 Green.
4. To appoint the Members detailed in the report to the Committee.

**Purpose of Decision:**

To support decision making in relation to the Community Governance Review and ensure appropriate and effective Member decision making.

<b>Any Corporate implications in relation to the following should be explained in detail.</b>	
<b>Financial:</b>	The formation of a separate Committee has a negligible additional cost impact on the organisation and can be met from existing resources, provided no special responsibility allowances are applicable.
<b>Legal:</b>	The Council is empowered to set up Committees, and delegate functions based on a simple majority vote. Regulations require that in order not to apply political proportionality that resolution must be carried with a unanimous vote.
<b>Safeguarding:</b>	There are no impacts in relation to safeguarding from this report.
<b>Equalities/Diversity:</b>	There are no direct equality or diversity implications from this report with respect to protected characteristics.
<b>Customer Impact:</b>	The formation of a Committee, in and of itself does not have a direct customer impact. However by creating a specific Committee, which will be able to hear and consider matters in public this will enhance the transparency of the process and enable greater public participation.
<b>Environment and Climate Change:</b>	There are no direct environmental or climate change impacts from this report.
<b>Consultation/Community Engagement:</b>	The Committee will be able to oversee, and engage in appropriate consultation and community engagement.
<b>Risks:</b>	<p>With regard to political proportionality, this requires a unanimous vote of the Council in order to enable all parties to be represented.</p> <p>With regard to the review, the formation of a specific Committee does not alter the risk balance for the organisation.</p>
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## **Summary of Purpose:**

The proposed Committee would be set up to provide a forum for public examination of proposals arising from the Community Governance Review (CGR) Process; it would also be a forum to enable the testing of proposals and form recommendations to Council.

The CGR will formally be commenced by Council on the 24<sup>th</sup> July 2017 and run for no longer than a year with full Council approving the final orders.

The review is governed by the Local Government and Public Involvement in Health Act 2007, and the decision making is reserved to Council (it cannot be the Cabinet). It can however be delegated to a Committee of Council.

## **Functions of the Committee:**

The Committee will primarily assess and balance the results of the consultation processes. The review has two statutory consultations, which engage with Parish and Town Councils, the public and other relevant stakeholders.

At this point it is not clear how much feedback will be received; nor whether there will be substantial differences of opinion between stakeholders. It is anticipated that there will be some disagreements over proposals, following a review of Community Governance Reviews undertaken by other authorities.

The Council is currently undertaking a non statutory engagement process with Town and Parish Councils to understand the range of changes which they would wish to initially propose.

What is clear is that there will need to be at least one meeting after each round of consultation to receive feedback and to set the direction for the next stage, and potentially a second meeting to recommend that document to full Council.

Particularly following the first stage of consultation, proposals may be received which are new, although attractive. For example a number of members of the public may wish to make proposals for the grouping of two parishes, where this had not been proposed by the Parish Councils. Members may wish to undertake a short focused consultation in this situation to gauge the appetite of the Parish Councils concerned.

It may well be that there are additional meetings required to enable consideration of the volume of responses or the results of additional focused non statutory consultations.

## **Makeup of the Committee:**

Arguments can be made for a number of Committee sizes; key factors to consider are political representation, geographical spread, and understanding of the relevant issues.

Given that the majority of Parish Councils are not political, there is arguably a limited need to consider political proportionality. However; it is recognised that some (particularly Town Councils) have a vibrant political scene, and intrinsically the District Council is seen as political.

To ensure the greatest level of engagement, and that for public perception this does become an issue it is proposed that the Committee would have 9 members; 6 Conservative, 1 Labour, 1 Halstead Residents Association, 1 Green ensuring all political views are represented. It is further proposed that the Chairman is from the Conservative group. To enable this, the vote not to apply the proportionality rules at Council will need to be unanimous.

There would be no restriction on the Cabinet or the Chairman of the Council sitting on the Committee.

### **Member Interests:**

Members serving on the Committee will have to declare interests in accordance with the Code of Conduct.

It is not automatically a declarable interest that a Member is also a Parish or Town Councillor; although where a proposal under discussion impacts on the Parish or Town they are appointed to it would be appropriate to declare a Non Pecuniary Interest.

Members are entitled to be impassioned about proposals. Unless a Member is either very closely identified with a proposal or they are seen as being significantly entrenched in another setting; there would be no impediment on their being engaged in the Committee. It may be that for certain items a Member may excuse themselves and address the Committee as a representative if this was the case. This is not a matter of an interest under the Code of Conduct but a matter of predetermination or bias.

### **Terms of Reference for the Committee:**

The initial proposed terms of reference are set out below:

1. To be responsible on behalf of the Council for the monitoring and management of the Community Governance Review in line with the Terms of Reference for the Review as adopted by Council.
2. To consider representations received, and recommend to Council a response to these.
3. To commission additional detailed stakeholder consultation as considered necessary to assist in the development of final proposals.
4. To recommend to Council the "Draft Recommendations Consultation Document"
5. To recommend to Council the "Final Recommendations" document, and propose such consequential amendments and orders as appropriate.
6. That the Committee be constituted until the adoption by Council of the "Final Recommendations" document.

**Proposed Membership:**

Following consultation with Group Leaders the following Committee Membership is proposed for approval:

Councillor J Abbott

Councillor P Barlow

Councillor Mrs J Beavis

Councillor Mrs D Garrod

Councillor Mrs J Money

Councillor Mrs J Pell

Councillor Mrs W Schmitt

Chairman

Councillor R van Dulken

Councillor Mrs S Wilson

ANNUAL GENERAL MEETING  
24<sup>th</sup> April 2017



<b>Appointment to Outside Bodies for the Civic Year of 2017/18</b>		<b>Agenda No: 14</b>
<b>Portfolio</b> Overall Corporate Strategy and Direction		
<b>Corporate Outcome:</b> A high performing organisation that delivers excellent and value for money services		
<b>Report presented by:</b> Councillor Graham Butland, Leader of the Council		
<b>Report prepared by:</b> Ian Hunt, Head of Governance		
<b>Background Papers:</b>		<b>Public Report</b>
		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>In accordance with Article 4.1.1.6 of the Constitution Full Council are invited to make appointments to the Outside Bodies as set out in Appendix A this report.</p> <p>Full Council may make appointments to Committees and nominate representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by Council to a Committee or an officer.</p> <p>It is proposed that some appointments, where indicated in Appendix A, will be Community Representatives.</p> <p>The appointments are for the 2017/18 Civic Year only.</p>		
<b>Recommended Decision:</b>		
<p>That Full Council agrees to appoint Members in accordance with the schedule as set out in Appendix A.</p>		
<b>Purpose of Decision:</b>		
<p>Full Council discharges its functions in accordance with Article 4 of the Constitution.</p>		

<b>Any Corporate implications in relation to the following should be explained in detail.</b>	
<b>Financial:</b>	<p>Members appointed to serve on outside bodies are entitled to claim expenses in accordance with the Member Allowance Scheme in attending meetings of the outside bodies as the Council's representative.</p> <p>Community Representatives will be able to claim mileage for attending meetings of the outside bodies.</p> <p>This will be met from the existing budget for Member Allowances.</p>
<b>Legal:</b>	As set out in the report.
<b>Safeguarding:</b>	No direct implications for the Council; any Member engaged with an outside body would be expected to comply with any safeguarding requirements imposed by the body.
<b>Equalities/Diversity:</b>	None arising out of this report.
<b>Customer Impact:</b>	None arising out of this report.
<b>Environment and Climate Change:</b>	None arising out of this report.
<b>Consultation/Community Engagement:</b>	Appointments will be confirmed with the external bodies following the AGM.
<b>Risks:</b>	Should the Council decline to make an appointment, the Council will be unrepresented on the respective external body.
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**Appointment to Outside Bodies for the Civic Year of 2017/18**

<b>Outside Body:</b>	<b>Proposed Appointment/s:</b>
Braintree District Access Group	Councillor Mrs L Bowers-Flint Councillor Mrs G Spray (as Deputy)
Braintree District and Greenfields Community Grant Panel	Councillor J Goodman Councillor Mrs G Spray Councillor Mrs W Schmitt
Braintree United Charities	Councillor J Baugh Councillor Mrs S Paul Councillor Miss V Santomauro Councillor Mrs L Walters Mr McNee as Community Representative
Campaign to Protect Rural Essex	Councillor Schwier
Dedham Vale and Stour Valley Advisory Committee	Councillor Mrs D Garrod Councillor Mrs W Scattergood
Earls Colne Airfield Liaison Committee	Councillor P Schwier
Earls Colne and Halstead Educational Charity	Councillor C Siddall
Friends of Bocking Windmill	Mr A Everard as Community Representative
Friends of Halstead Public Gardens	Councillor Mrs J Pell Mrs J Sutton as Community Representative
Maltings Lane Forum	Councillor Mrs J Money Councillor G Maclure
Notley Green Community Association	Councillor F Ricci
Rivenhall Playing Field Association	Councillor J Abbott Councillor K Bowers
Witham United Charities	Councillor J Goodman Councillor P Horner Councillor Mrs J Money Councillor Mrs S Wilson Mrs M Galione as Community Representative