

Minutes

Annual Meeting of the Council

10th May 2010



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	E R Lynch	Yes
M J Banthorpe	Yes	M Lynch	Yes
Miss L Barlow	Yes	D Mann	Yes
J Baugh	Yes	T McArdle	Yes
Mrs J C Beavis	Yes	N G McCrea	Yes
D L Bebb	Yes	J McKee	Yes
E Bishop	Yes	H J Messenger	Apologies
R J Bolton	Yes	A M Meyer	Apologies
G Butland	Yes	R G S Mitchell	Apologies
G Cohen	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton	Yes
M Dunn	Yes	J P O'Reilly-Cicconi	Yes
Mrs E Edey	Apologies	Mrs J A Pell	Yes
J G J Elliott	Yes	R Ramage	Yes
R Elliston	Apologies	D M Reid	Yes
Dr R L Evans	Yes	D E A Rice	Yes
A V E Everard	Yes	Mrs C Sandbrook	Yes
J H G Finbow	Yes	Mrs W D Scattergood	Yes
Ms L B Flint	Yes	Mrs J W Schmitt	Yes
T J W Foster	Yes	A F Shelton	Yes
Mrs B A Gage	Yes	Mrs L Shepherd	Yes
M G Gage	Yes	C Siddall	Apologies
Mrs M E Galione	Yes	Mrs J A Smith	Yes
J E B Gyford	Yes	Mrs G A Spray	Yes
N R H O Harley	Yes	F Swallow	Apologies
Mrs S A Howell	Yes	Miss M Thorogood	Yes
P J Hughes	Yes	S M Walsh	Apologies
D L Hume	Yes	R G Walters	Yes
M C M Lager	Yes	R N Wilkins	No
S J Lambourne	Yes	T S Wilkinson	Yes

The Chairman, Councillor Mrs Galione, welcomed all Councillors and members of the public and press to the meeting, and she drew attention to the evacuation procedure in case of an emergency, and the need for Members to use the microphones.

Chairman's Charities 2009/10

The Chairman was pleased to present cheques for £3, 370 each to representatives of her chosen charities for the Year:-

List of Engagements

A list of engagements carried out by the Chairman during her term of Office was circulated and noted.

Chairman's Address to the Council

Councillor Mrs Galione, as out-going Chairman, stated that she had enjoyed representing the Council at so many events over the past year and during the previous two years as Vice-Chairman of the Council and she thanked Councillor Lady Newton, the previous Chairman, for her help and guidance. Councillor Mrs Galione indicated that she had particularly enjoyed her visits to schools and she praised the dedication of teachers and support staff for their work with local children who represented the future. Councillor Mrs Galione praised also the numerous volunteers who helped to keep local groups and organisations active and she was pleased that money had been raised as part of the Chairman's Charity appeal to help two of these - Brainwave South East Centre and The Alzheimer's Society Mid Essex Branch. Councillor Mrs Galione admitted that she had found chairing Council meetings to be an ordeal, but she thanked Councillors for their help. Councillor Mrs Galione wished to record special thanks to her husband Andrew for his support, to Councillor Shelton the Vice-Chairman of the Council for attending events which she hadn't been able to and assisting at Council meetings, and to Allan Reid Chief Executive, her chauffeur David Blute and Donna Walton, Angela Whybrew and Linda Parish in the Civic Team for their help and support. Councillor Mrs Galione presented Councillor Shelton and the Officers with gifts as a token of her appreciation.

The Chief Executive thanked the Chairman and presented her with a signed citation, an album recording the events from her year in Office and a badge denoting her past Chairmanship.

Councillor Butland responded as Leader of the Council and on behalf of the Conservative Group by congratulating Councillor Mrs Galione on her very successful year of Office and for representing the Council throughout the District. Councillor Butland thanked Andrew Galione also for being such a tremendous support for his wife. Councillor Butland reminded everyone that Mr and Mrs Galione had also celebrated their Golden Wedding Anniversary during the year and it would therefore be a year that they would not forget. Councillor Butland commended Councillor Mrs Galione for conducting Council meetings in a fair and open way.

Councillor Dr Evans on behalf of the Labour Group thanked the Chairman for her work during the year. Councillor Dr Evans stated that Councillor Mrs Galione had carried out her duties representing the Council within the community with kindness, generosity and aplomb and he said that she had conducted meetings of the Council with fairness, tolerance and patience. Councillor Dr Evans wished to thank Councillor Mrs Galione for the Civic Service which had been held recently and he hoped that this would become a regular event in the calendar.

Councillor Michael Gage on behalf of Halstead Residents Association supported the comments which had been made and he thanked the Chairman for the visits which she had made to Halstead during the year, particularly to the recent Italian Market. Councillor Gage stated that Councillor Mrs Galione had been kind and gracious during her year of Office.

Councillor Abbott on behalf of the Green Group agreed with the sentiments of previous speakers and he stated that Councillor Mrs Galione had done a fantastic job during the year, which had included attendance at numerous engagements.

1 **ELECTION OF CHAIRMAN FOR THE YEAR 2010/11**

DECISION: That Councillor A F Shelton be elected as Chairman of the Council for the year 2010/11.

Councillor Shelton received the Chairman's Chain of Office and he signed the Declaration of Acceptance of Office.

In accepting the Chain of Office, the Chairman thanked Members of the Council for their confidence in him. Councillor Shelton stated that it was a real honour to be Chairman, being the first former Officer of the Council to achieve this and that he was very proud to represent Stour Valley South which he considered to be the most beautiful Ward in the Braintree District.

2 **APPOINTMENT OF VICE-CHAIRMAN FOR THE YEAR 2010/11**

DECISION: That Councillor Ms L B Flint be appointed Vice-Chairman of the Council for the year 2010/11.

Councillor Ms Flint was presented with the Vice-Chairman's badge and she signed the Declaration of Acceptance of Office. Councillor Ms Flint stated that she felt deeply honoured to be appointed Vice-Chairman and she said that she would do her utmost to serve the Council and the residents of the District.

3 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that as Councillor R N Wilkins (Braintree South Ward) had not attended any Council meetings during the past six month period he was no longer a Councillor. A By-Election would be held on 24th June 2010.

4 **MINUTES**

DECISION: That the minutes of the meeting of the Council held on 12th April 2010 be approved as a correct record and signed by the Chairman.

5 **DECLARATIONS OF INTEREST**

INFORMATION: There were no declarations of interest.

6 **ANNOUNCEMENT OF THE LEADER OF THE COUNCIL**

The Chairman of the Council advised that, as set out in the Constitution, the Leader of the majority Group, Councillor Graham Butland, was the Leader of the Council for the year 2010/11. The Chairman invited the Leader to announce his Cabinet.

7 **LEADER'S STATEMENT**

(a) **Announcement of Cabinet and Deputy Portfolio Holders**

Councillor Butland announced that his Cabinet would be as follows:-

Portfolio	Portfolio Holder	Deputy Portfolio Holder
Leader	Graham Butland	Chris Siddall
Deputy Leader and Portfolio Holder for Enterprise and Culture	Nigel Harley	Nigel McCrea Tim Wilkinson
Portfolio Holder for Environment and Sustainability	Roger Walters	Robert Mitchell
Portfolio Holder for Customers and Community Support	Joanne Beavis	David Bebb
Portfolio Holder for Clean, Green and Safe	Wendy Schmitt	Chris Siddall
Portfolio Holder for Housing and Well-Being	Lady Newton	Gabrielle Spray
Portfolio Holder for Efficiency and Resources	Michael Lager	John McKee Claire Sandbrook

(b) Leader's Statement

The Leader of the Council had no further report.

8 PETITIONS' SCHEME

INFORMATION: Consideration was given to a report on the Local Democracy, Economic Development and Construction Act 2009 which placed a legal requirement on all principal local authorities to introduce a Petitions' Scheme with effect from 15th June 2010. The 'e-petitions' element of the requirement would come into force on 15th December 2010. If approved by the Council, the proposed scheme would replace the current Petitions' Procedure Rules and it would be published on the Council's website.

The main statutory requirements of the scheme were that anyone living, working or studying in a local authority's area, including people under 18, could sign or organise a petition and trigger a response; Councils had to provide a facility for making electronic petitions; and petitions had to be acknowledged within a time period specified by the Council. A Council had to include the following in its scheme - taking the action requested in the petition; considering the petition at a meeting of the authority; holding an enquiry; holding a public meeting; commissioning research; sending a written response to the petition organiser setting out the authority's views on the request in the petition; or referring the petition to an Overview and Scrutiny Committee. Any petitions submitted which had a significant level of support, as determined by a threshold set by the Council, would trigger a debate of the full Council. Similarly, petitions could trigger a requirement for a senior Officer of the Council to give evidence at an Overview and Scrutiny Committee meeting and to answer questions about their work. Petition organisers could prompt a review of the Council's response if they considered this to be inadequate.

It was noted that petitions submitted in relation to planning and licensing applications were excluded from the requirements of the Act, as were matters where there was another appeal process. The Council could delegate authority to an Officer to reject a petition which he/she considered to be vexatious, abusive, or otherwise inappropriate, subject to the petition being acknowledged and an explanation given as to why no action was to be taken. The Council could revise the petition scheme at any time by taking the steps set out in Section 11 of the Act.

The Local Government Reform Sub-Group had agreed to the implementation of the petitions' scheme, subject to a review of its operation and effectiveness in 12 months' time.

DECISION:

- (1) That the Petitions' Scheme, as set out in the Appendix to the report, be approved subject to:-
 - (i) The threshold for signatures being:-
 - "Ordinary" petitions – 20 signatures
 - Petitions requiring debate – 1000 signatures
 - Petitions to hold Council employees to account – 500 signatures
 - (ii) Petitions being considered only from people who live, work or study in the Braintree District
 - (iii) Signatures being taken into account only if people provide a valid address where they live, work or study within the Braintree District
 - (iv) The Monitoring Officer being authorised to reject petitions which he/she considers to be vexatious, abusive, or otherwise inappropriate.
 - (v) The Chief Executive, Corporate Directors and the Assistant Chief Executive being required to give evidence in respect of petitions holding senior Officers to account.
- (2) That the Monitoring Officer be authorised to make any consequential amendments to the Constitution following the approval of the scheme.

9 **APPOINTMENT OF COMMITTEES/PANELS**

INFORMATION: Consideration was given to the appointment of Committees and Panels for the 2010/11 Civic Year. It was noted that each Local Committee would be constituted by those Members representing Wards within the relevant Area; that in accordance with the Council's decision of 19th February 2007 Members of the Planning Committee and the Licensing Committee (including Hearing Panels) were to be appointed on the basis that each Member had received appropriate training; and that the allocation of seats which best met the political balance requirements of Section 15(4) of the Local Government and Housing Act 1989 was as set out in the Council Agenda. Members were advised that the Standards Committee was not subject to the political balance requirements of Section 15(4) and that its Chairman would be one of the non-Councillor, independent Members who would be appointed at the Committee's next meeting.

DECISION: That the appointment of Members to the following Committees/Panels be confirmed:-

(1) Braintree Local Committee

Councillors M J Banthorpe, J Baugh, E Bishop, G Butland, M Dunn, Mrs E Edey, A V E Everard, J H G Finbow, Ms L B Flint, E R Lynch, M Lynch, D Mann, T McArdle, J McKee, Lady Newton, D M Reid, D E A Rice, Mrs C Sandbrook, Mrs J W Schmitt, Mrs L Shepherd, Mrs J A Smith, Miss M Thorood, S M Walsh, R G Walters, T S Wilkinson and one vacancy.

(2) Halstead Local Committee

Councillors Mrs J C Beavis, R J Bolton, J C Collar, Mrs B A Gage, M G Gage, N R H O Harley, D L Hume, N G McCrea, H J Messenger, J P L P O'Reilly-Cicconi, Mrs J A Pell, Mrs W D Scattergood, A F Shelton, C Siddall, Mrs G A Spray and F Swallow.

(3) Witham Local Committee

Councillors J E Abbott, Miss L Barlow, D L Bebb, G Cohen, J G J Elliott, R Elliston, Dr R L Evans, T J W Foster, Mrs M E Galione, J E B Gyford, Mrs S A Howell, P J Hughes, M C M Lager, S J Lambourne, A M Meyer, R G S Mitchell, Mrs J M Money and R Ramage.

(4) Planning Committee

Councillors J E Abbott, E Bishop, J C Collar, Mrs E Edey, Ms L B Flint, T J W Foster, Mrs B A Gage, Mrs M E Galione, D Mann, Mrs J M Money, Lady Newton, J P L P O'Reilly-Cicconi, Mrs W D Scattergood, Mrs L Shepherd and Mrs G A Spray.

(5) Licensing Committee

Councillors M J Banthorpe, J C Collar, J G J Elliott, R Elliston, J H G Finbow, Mrs S A Howell, P J Hughes, E R Lynch, M Lynch, T McArdle, A M Meyer, Mrs J A Pell, A F Shelton, Mrs J A Smith and F Swallow.

(6) Overview and Scrutiny Committee

Councillors J Baugh, G Cohen, M Dunn, Dr R L Evans, M G Gage, J E B Gyford, A M Meyer, R Ramage, D E A Rice, A F Shelton, Mrs J A Smith and F Swallow.

(7) Local Development Framework Panel

Councillors G Butland, A V E Everard, N R H O Harley, M C M Lager, N G McCrea, H J Messenger, Lady Newton, Mrs W D Scattergood, Miss M Thorood and R G Walters.

(8) Audit Committee

Councillors G Cohen, D L Hume, M Lynch, Mrs J M Money, D M Reid, Mrs J A Smith, F Swallow and S M Walsh.

(9) Employment Appeals Panel

Councillors J C Collar, Dr R L Evans and M G Gage.

(10) Standards Committee

Councillors:- Mrs J C Beavis, J H G Finbow, M Lynch, and J P L P O'Reilly-Cicconi.

Independent Representatives:- Ms K Harman, T Jones, Ms H Paton, P Schwier and C Webb.

Parish Representatives:- M Phillips and two vacancies.

10 **MEMBERSHIP OF THE INDEPENDENT REMUNERATION PANEL**

DECISION: That the membership of the Independent Remuneration Panel be established in accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003, and that the current membership of the Panel comprising D Dyson, Mrs R Whitlam and three vacancies (recruitment in progress) be noted.

AT THIS POINT IT WAS MOVED, SECONDED AND RESOLVED THAT THE MEETING OF THE COUNCIL BE ADJOURNED TO ENABLE THE COMMITTEES AND PANELS (Minute 9 ((1) – (9)) TO MEET TO APPOINT THEIR RESPECTIVE CHAIRMEN AND VICE-CHAIRMEN.

Adjournment

Council Meeting Continued

11 **SCHEME OF DELEGATION**

INFORMATION: Consideration was given to a report setting out a proposed revised Scheme of Delegation for Officers. The Scheme formed part of the Council's constitutional arrangements for discharging duties and functions and gave Officers the authority to carry these out on behalf of the Council.

It was noted that the current Scheme delegated powers to a number of Officers and reflected local government practice over the last decade. However, the Scheme had been updated to take account of the changing local government environment and the revised version was set out as an Appendix to the report.

The revised Scheme identified clearly what functions were delegated and the accountability for that delegation. Whilst Members retained the power to take decisions, the revised Scheme provided greater flexibility by authorising senior Officers to discharge responsibilities efficiently and effectively.

Following consideration of the Scheme, the Local Government Reform Sub-Group had recommended a number of changes and these had been incorporated into the revised Scheme being presented to Council.

DECISION:

- (1) That the revised 'Scheme of Delegation for Officers', as set out in the Appendix to the report, be approved and the Monitoring Officer authorised to make any consequential amendments to the Constitution.
- (2) That the remaining, unchanged powers contained within the Scheme of Delegation, as set out in Part 3 of the Constitution, be confirmed.

12 **APPOINTMENT OF GROUPS/BOARDS/PANELS**

DECISION: That the following Councillors be appointed to the Groups/Boards/Panels as listed below:-

- (1) Braintree District Local Strategic Partnership (PACT) Executive
Councillors G Butland and C Siddall.
- (2) Crime and Disorder Reduction Partnership
Councillor Mrs J W Schmitt.
- (3) Cultural Partnership Board
Councillors E Bishop, A V E Everard, N R H O Harley, D L Hume, Mrs G A Spray and T S Wilkinson.
- (4) Economic Development and Transportation Partnership Board
Councillors J C Collar, M G Gage, N R H O Harley, D Mann, N G McCrea, Mrs J M Money and T S Wilkinson.
- (5) Health, Housing and Well-Being Partnership Board (now incorporating the former Children and Young People Strategic Partnership)
Councillors Lady Newton and Mrs Schmitt.
- (6) The Compact Review Group
Councillor Mrs E Edey.
- (7) Third Sector Partnership Board
Councillor Mrs J C Beavis.

13 **APPOINTMENT OF REPRESENTATIVES TO SERVE ON EXTERNAL ORGANISATIONS**

INFORMATION: Members were requested to appoint representatives to serve on organisations where the appointments were required to be made by the Council. The Council's policy with respect to appointments to external organisations was attached to the Agenda at Schedule B.

DECISION: That the following appointments be made to external organisations for the Civic Year 2010/11:-

<u>Name of Organisation</u>	<u>Name of Representative(s)</u>
Braintree District Arts Council	Councillor A V E Everard Councillor J McKee
Braintree Police and Community Consultative Group	Councillor A M Meyer Councillor R Ramage Councillor Mrs J W Schmitt
Campaign to Protect Rural Essex	Councillor D L Bebb
Community Housing Investment Partnership Board – (CHIP)	Councillor G Butland Councillor Lady Newton Councillor Mrs J W Schmitt
Eastern Arts Board Local Government Forum (Eastern Region)	Councillor J G J Elliott
Greenfields Community Housing Board	Councillor M J Banthorpe Councillor D Mann Councillor A F Shelton
Home-Start Braintree & Witham	Councillor Mrs M E Galione
Local Government Association Rural Commission	Councillor Mrs J C Beavis
Local Government Association Urban Commission	Councillor M C M Lager
Museums in Essex Committee	Councillor Mrs S A Howell
Stansted Airport Consultative Committee	Councillor N R H O Harley

14 **ANNUAL TIMETABLE OF MEETINGS 2010/11**

DECISION: That the following Council and Annual General Meeting dates, as set out in the Timetable of Meetings 2010/11, be confirmed:-

Ordinary Meetings of the Council - 28th June 2010, 27th September 2010, 6th December 2010, 14th February 2011 and 11th April 2011.

Annual General Meeting - Thursday, 26th May 2011. All meetings to start at 7.15pm.

The meeting commenced at 7.15pm and closed at 8.04pm.

A F Shelton

(Chairman)