

ANNUAL MEETING OF THE COUNCIL



AGENDA

THE PUBLIC MAY ATTEND THIS MEETING

<http://www.braintree.gov.uk/Braintree/councildemocracy/committees/Council>

Please note this meeting will be webcast

Date: Monday 10th May 2010

Time: 7.15 pm

Venue: Council Chamber, Causeway House, Braintree

Causeway House
Braintree Essex CM7 9HB
Tel (01376) 552525
Fax (01376) 552626

Membership:

Councillor J E Abbott	Councillor Mrs B A Gage	Councillor Lady Newton
Councillor M J Banthorpe	Councillor M G Gage	Councillor J P O'Reilly-Cicconi
Councillor Miss L Barlow	Councillor Mrs M E Galione	Councillor Mrs J A Pell
Councillor J Baugh	Councillor J E B Gyford	Councillor R Ramage
Councillor Mrs J C Beavis	Councillor N R H O Harley	Councillor D M Reid
Councillor D L Bebb	Councillor Ms S A Howell	Councillor D E A Rice
Councillor E Bishop	Councillor P J Hughes	Councillor Mrs C Sandbrook
Councillor R J Bolton	Councillor D L Hume	Councillor Mrs W D Scattergood
Councillor G Butland	Councillor M C M Lager	Councillor Mrs J W Schmitt
Councillor G Cohen	Councillor S J Lambourne	Councillor A F Shelton
Councillor J C Collar	Councillor E R Lynch	Councillor Mrs L Shepherd
Councillor M Dunn	Councillor M Lynch	Councillor C Siddall
Councillor Ms E Edey	Councillor D Mann	Councillor Mrs J A Smith
Councillor J G J Elliott	Councillor T McArdle	Councillor Mrs G A Spray
Councillor R Elliston	Councillor N G McCrea	Councillor F Swallow
Councillor Dr R L Evans	Councillor J McKee	Councillor Miss M Thorogood
Councillor A V E Everard	Councillor H J Messenger	Councillor S M Walsh
Councillor J H G Finbow	Councillor A M Meyer	Councillor R G Walters
Councillor Ms L B Flint	Councillor R G S Mitchell	Councillor R N Wilkins*
Councillor T J W Foster	Councillor Mrs J M Money	Councillor T S Wilkinson

**Six month attendance requirement is currently under review. Final position to be reported at the meeting.*

At the commencement of the meeting the following issues will be taken:-

- Chairman's Charities 2009-2010

The Chairman to present cheques to her nominated charities for the current Civic Year –
Brainwave South East Centre
The Alzheimer's Society – Mid Essex Branch

- Chairman's address to Council

Councillor Mrs Galione, the outgoing Chairman will address the Council.

Members of the Council are requested to attend the above meeting, to transact the following business:-

1. **To elect the Chairman of the District Council for the ensuing year.** The new Chairman will receive the Chain of Office and sign the Declaration of Acceptance of Office.
2. **To elect the Vice-Chairman of the District Council for the ensuing year.** The new Vice Chairman will receive the Chain of Office and sign the Declaration of Acceptance of Office.
3. **To receive any announcements from the Chairman.**
4. **Minutes.** To approve as a correct record the Minutes of the Council meeting held on 12th April 2010. (Copy previously circulated)
5. **Declarations of Interests.** To declare any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 (inclusive) of the Code of Conduct for Members in Part 5 of the Constitution and having taken appropriate advice (where necessary) before the meeting
6. To note that Councillor Graham Butland is the **Leader of the Council**, being the leader of the majority group.
7. **Leader's Statement.**
 - (a) The Leader of the Council to confirm the names, addresses, wards represented and portfolio areas of the Members of the Cabinet. (Articles 7.02 and 7.03 of the Constitution) and any Deputies appointed in accordance with Article 7.07.
 - (b) To receive any statement from the Leader of the Council.
8. **Petitions Scheme.** To adopt a new scheme for dealing with petitions. Report attached – Page 1.
9. **Appointments to Committees/Panels.** To consider appointing the under-mentioned Committees/Groups/Panels:-

(1)	Braintree Local Committee (See Note 1 and Appendix 1)	26 Members
(2)	Halstead Local Committee (See Note 1 and Appendix 1)	16 Members
(3)	Witham Local Committee (See Note 1 and Appendix 1)	18 Members
(4)	Planning Committee (See Notes 2 & 3 and Appendix 2)	15 Members
(5)	Licensing Committee (See Notes 2 & 3 and Appendix 2)	15 Members
(6)	Overview and Scrutiny Committee (See Note 3 and Appendix 2)	12 Members
(7)	Local Development Framework Panel (See Note 3 and Appendix 2)	10 Members
(8)	Audit Committee (See Note 3 and Appendix 2)	8 Members
(9)	Employment Appeals Panel (See Note 3 and Appendix 3)	3 Members (plus 3 reserves)
(10)	Standards Committee (See Note 4 and Appendix 3)	4 Members of the Council

Notes

- (1) Each Local Committee will be constituted by those Members representing wards within the relevant Area.
- (2) Council Policy. Please note that 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 have received appropriate training.
- (3) Members are asked to note that in my opinion the allocation of seats for the following which best meets the requirements of Section 15(4) of the Local Government & Housing Act 1989 is as follows:-

	Planning Committee	Licensing Committee	Overview and Scrutiny Committee	Local Development Framework Panel	Audit Committee	Employment Appeals Panel	Totals
Conservative	11	10	8	7	6	2	44
Labour	2	2	2	2	1	1	10
Halstead Residents	1	1	1	1	1	0	5
Green	1	1	0	0	0	0	2
Lib.Dem.	0	1	0	0	0	0	1
Independent	0	0	1	0	0	0	1
Totals	15	15	12	10	8	3 (3 res)	63

Note:- The Conservative Group is entitled to 21 of the 30 seats on the Planning Committee and the Licensing Committee.

- (4) The Standards Committee is not subject to the political balance requirements of Section 15(4) of the Local Government and Housing Act 1989. The Chairman of this Committee is one of the non-councillor independent Members to be elected at its next meeting.
10. To note the **membership of the Independent Remuneration Panel** established in accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. The current Members of the Panel are:- D Dyson and Mrs R Whitlam and three vacancies (recruitment in progress)

AT THIS POINT THE COUNCIL WILL ADJOURN TO ENABLE THE FOLLOWING TO MEET FOR THE FOLLOWING PURPOSE(S):-

The Chairman of the Council will refer to Page (v) of the Agenda and will advise Members that they are not required to stand during this part of the proceedings.

The Chairman of the Council will then call upon the Members of the Braintree Local Committee only and invite nominations (and seconder) for the position of Chairman of that Committee.

If there is more than one nominee then a vote will have to be taken.

On election of the Chairman, he/she will conduct the election for a Vice Chairman.

This process will continue for further Committees

Braintree Local Committee to appoint its Chairman and Vice-Chairman
Halstead Local Committee to appoint its Chairman and Vice-Chairman
Witham Local Committee to appoint its Chairman and Vice-Chairman
Planning Committee to appoint its Chairman and Vice-Chairman
Licensing Committee to appoint its Chairman and Vice-Chairman
Overview and Scrutiny Committee to appoint its Chairman and Vice-Chairman
Local Development Framework Panel to appoint its Chairman and Vice-Chairman
Audit Committee to appoint its Chairman and Vice-Chairman
Employment Appeals Panel to appoint its Chairman and Vice-Chairman

11. **Scheme of Delegation 2010/11.**

- (i) To approve a revised Scheme of Delegation for Officers. Report attached – Page 12.
- (ii) To confirm the remaining delegation of powers as set out in Part 3 of the Constitution (available on the website and in the Members' Handbook)

12. **Appointment of Groups/Boards/Panels.** To consider making appointments to the following - see Schedule A attached at page 31.

- (1) Braintree District Local Strategic Partnership (PACT) Executive
Two Members
- (2) Crime and Disorder Reduction Partnership
One Member
- (3) Cultural Partnership Board
Six Members
- (4) Economic Development & Transportation Partnership Board
Seven Members
- (5) Health, Housing and Well Being Partnership Board (now incorporates the former Children and Young People Strategic Partnership)
Two Members
- (6) The Compact Review Group
One Member
- (7) Third Sector Partnership Board
One Member

13. **Appointment of Representatives to Serve on Outside Organisations.** To consider appointing representatives to the organisations where appointments require to be made by the Council – see Schedule B attached at page 32. Appointments to be made by the Cabinet and the Local Committees will feature on the Agendas for their first meetings in the new civic year.

14. **Annual Timetable of Meetings 2010/11.** To confirm the following dates of Council meetings (as set out in the Annual Timetable): Mondays at 7.15pm starting with ordinary meetings of the Council on 28th June, 27th September, and 6th December 2010, 14th February and 11th April 2011. The Annual General Meeting will be held on Thursday 26th May 2011.

Allan Reid
Chief Executive

If you are unable to attend the meeting please forward your apologies for absence to Alison Webb on 01376 551414 or email alison.webb@braintree.gov.uk

The last page of this agenda is number 33.

BRAINTREE DISTRICT COUNCIL

MEETINGS of the under-mentioned COMMITTEES/PANELS of the COUNCIL will be held at the Council Chamber, Causeway House, Braintree on Monday 10th May 2010, for the transaction of the following business.

AGENDA

- (1) BRAINTREE LOCAL COMMITTEE
 1. Appointment of Chairman
 2. Appointment of Vice-Chairman
- (2) HALSTEAD LOCAL COMMITTEE
 1. Appointment of Chairman
 2. Appointment of Vice-Chairman
- (3) WITHAM LOCAL COMMITTEE
 1. Appointment of Chairman
 2. Appointment of Vice-Chairman
- (4) PLANNING COMMITTEE
 1. Appointment of Chairman
 2. Appointment of Vice-Chairman
- (5) LICENSING COMMITTEE
 1. Appointment of Chairman
 2. Appointment of Vice Chairman
- (6) OVERVIEW AND SCRUTINY COMMITTEE
 1. Appointment of Chairman
 2. Appointment of Vice-Chairman
- (7) LOCAL DEVELOPMENT FRAMEWORK PANEL
 1. Appointment of Chairman
 2. Appointment of Vice-Chairman
- (8) AUDIT COMMITTEE
 1. Appointment of Chairman
 2. Appointment of Vice-Chairman
- (9) EMPLOYMENT APPEALS PANEL
 1. Appointment of Chairman
 2. Appointment of Vice Chairman

A J REID
Chief Executive

LOCAL COMMITTEES

ITEM 9 OF THE AGENDA

(1) BRAINTREE AREA (26)

M J BANTHORPE
J BAUGH
E BISHOP
G BUTLAND
M DUNN
MRS L 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
MS M THOROGOOD
S M WALSH
R G WALTERS
R N WILKINS*
T S WILKINSON

(2) HALSTEAD AREA (16)

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 O'REILLY-CICCONI
MRS J A PELL
MRS W D SCATTERGOOD
A F SHELTON
C SIDDALL
MRS G A SPRAY
F SWALLOW

(3) WITHAM AREA (18)

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
R RAMAGE

**Six month attendance requirement is currently under review. Final position to be reported at the meeting.*

APPOINTMENTS TO COMMITTEES AND PANELS

ITEM 9 OF THE AGENDA

(4) PLANNING COMMITTEE

15 Councillors

- 1. COLLAR (C)
- 2. EDEY (C)
- 3. FOSTER (C)
- 4. GALIONE (C)
- 5. MONEY (C)
- 6. NEWTON (C)
- 7. O'REILLY-CICCONI (C)
- 8. SCATTERGOOD (C)
- 9. SHEPHERD (C)
- 10. SPRAY (C)
- 11. FLINT (I)
- 12. BISHOP (L)
- 13. MANN (L)
- 14. B GAGE (HR)
- 15. ABBOTT (G)

(5) LICENSING COMMITTEE

15 Councillors

- BANTHORPE (C)
- COLLAR (C)
- ELLIOTT (C)
- ELLISTON (C)
- FINBOW (C)
- HOWELL (C)
- MCARDLE (C)
- MEYER (C)
- SHELTON (C)
- SMITH (C)
- SWALLOW (C)
- E LYNCH (L)
- M LYNCH (L)
- PELL (HR)
- HUGHES (G)

(6) OVERVIEW AND SCRUTINY COMMITTEE

12 Councillors

- BAUGH (C)
- COHEN (C)
- DUNN (C)
- MEYER (C)
- RAMAGE (C)
- SHELTON (C)
- SMITH (C)
- SWALLOW (C)
- EVANS (L)
- GYFORD (L)
- M GAGE (HR)
- RICE (LD)

(7) LOCAL DEVELOPMENT FRAMEWORK PANEL

10 Councillors

- BUTLAND (C)
- HARLEY (C)
- LAGER (C)
- MCCREA (C)
- NEWTON (C)
- SCATTERGOOD (C)
- WALTERS (C)
- EVERARD (L)
- THOROGOOD (L)
- MESSENGER (HR)

(8) AUDIT COMMITTEE

8 Councillors

- COHEN (C)
- MONEY (C)
- REID (C)
- SMITH (C)
- SWALLOW (C)
- WALSH (C)
- M LYNCH (L)
- HUME (HR)

APPOINTMENTS TO EMPLOYMENT APPEALS AND STANDARDS COMMITTEE

ITEM 9 OF THE AGENDA

(9) **EMPLOYMENT APPEALS
PANEL**

- 1. COLLAR (C)
- 2. M GAGE (HRA*)
- 3. EVANS (L)

Reserves

- (C)
- (C)
- (L)

(10) **STANDARDS COMMITTEE**
(See Note (4) to Item 8 of Agenda)

- 1. MS K HARMAN (Independent representative)
- 2 T JONES (Independent representative)
- 3. MS H PATON (Independent representative)
- 4. P SCHWIER (Independent representative)
- 5. C WEBB (Independent representative)
- 6. *Vacancy* (Parish representative)
- 7. *Vacancy* (Parish representative)
- 8. M PHILLIPS (Parish representative)
- 9. BEAVIS (District Councillor)
- 10. FINBOW (District Councillor)
- 11. O'REILLY-CICCONI (District Councillor)
- 12. M LYNCH (District Councillor)

C = Conservative
L = Labour
I = Independent

HR = Halstead Residents
G = Green
LD = Lib Dem

*The Leader of the Council has recommended that Councillor M Gage should take up one of the Conservative places on the Employment Appeals Committee. This is permissible provided that there is no dissenting vote.