

# Minutes

## Annual General

## Meeting of the Council

25<sup>th</sup> April 2022



These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available on the Council's YouTube Channel

<https://www.youtube.com>

### Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
Councillor J Abbott	Yes	Councillor Mrs J Pell	Yes
Councillor J Baugh	Yes	Councillor I Pritchard	Yes
Councillor Mrs J Beavis	Yes	Councillor M Radley	Apologies
Councillor K Bowers	Remote	Councillor S Rehman	Apologies
Councillor G Butland	Yes	Councillor F Ricci	Yes
Councillor J Coleridge	Yes	Councillor B Rose	Yes
Councillor G Courtauld	Yes	Councillor Mrs J Sandum	Yes
Councillor Mrs M Cunningham	Apologies	Councillor Miss V Santomauro	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor Mrs C Dervish	Apologies	Councillor Mrs W Schmitt	Remote
Councillor P Euesden	Yes	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor Mrs G Spray	Yes
Councillor Mrs D Garrod	Yes	Councillor P Tattersley	Yes
Councillor A Hensman	Yes	Councillor P Thorogood	Yes
Councillor S Hicks	Yes	Councillor N Unsworth	No
Councillor P Horner	Yes	Councillor R van Dulken	Yes
Councillor D Hume	Yes	Councillor D Wallace	Yes
Councillor H Johnson	Yes	Councillor T Walsh	Apologies
Councillor Mrs A Kilmartin	Apologies	Councillor Mrs L Walters	Remote
Councillor W Korsinah	Yes	Councillor Miss M Weeks	Remote
Councillor D Mann	Yes	Councillor D White	Remote
Councillor T McArdle	Remote	Councillor Mrs S Wilson	Yes
Councillor J McKee	Yes	Councillor J Wrench	Yes
Councillor A Munday	Yes	Councillor B Wright	Yes
Councillor Mrs I Parker	Yes		

The meeting was being held in a 'hybrid' format in the Council Chamber at Causeway House in order to minimise any risk posed to the safety of those in attendance 'in person.' Members

attending the meeting remotely were allowed to participate in the meeting but would not be permitted to vote on any items on the agenda.

A period of three hours would be allowed for this meeting.

## **1 CHAIRMAN'S ADDRESS TO FULL COUNCIL**

**INFORMATION:** Councillor Mrs Wilson stated that her year as Chairman had been wonderful and rewarding, despite the ongoing impacts of Covid-19. Throughout the year, Councillor Mrs Wilson had the opportunity to visit many businesses and organisations across the District, and she was delighted by the enthusiasm and hard work carried out by volunteers towards supporting and uniting local communities.

Councillor Mrs Wilson had the privilege of meeting a number of notable people, including a Parish Clerk who had served in her community for over 40 years, and a group of gardeners who were growing vegetables for local residents.

Although representatives of Councillor Mrs Wilson's three chosen charities were unable to join the meeting in-person, two of these representatives were able to join the meeting remotely via Zoom, and were invited to say a few words:

- Mr Bryan Burrough of Home Start Essex
- Mr Stan Davies of Friends of Flitch Way and Associated Woodlands

Councillor Mrs Wilson remarked upon the hard work of all her chosen charities in helping the people of the District, especially against the challenges wrought by Covid, and she was pleased to be able to send them a donation.

Lastly, Councillor Mrs Wilson wished to express her grateful thanks to the Council for having chosen her to carry out the role of Chairman, and gave her very best wishes to Councillor Andrew Hensman for the forthcoming year in his role as the new Chairman.

## **2 PRESENTATION TO COUNCILLOR SUE WILSON, THE OUTGOING CHAIRMAN OF THE COUNCIL**

**INFORMATION:** The Chief Executive congratulated Councillor Mrs Wilson on another successful year as Chairman, having also been Chairman in 2014/15, and commented on the challenges she had faced as a result of Covid restrictions, which included chairing Council meetings from various online platforms, hybrid formats and alternative meeting venues. The Chief Executive also wished to express his grateful thanks to Councillor Mrs Wilson for her commitment and hard work throughout her time as Chairman. In recognition of this, Councillor Mrs Wilson was presented with a signed citation, past Chairman's badge denoting her Chairmanship, and an album recording the events from her term of office, which were all displayed at the back of the Chamber.

Councillors J Abbott, G Butland, D Mann and Mrs J Pell all commended Councillor Mrs Wilson on behalf of the Green and Independent Group, the Conservative Group, the Labour Group and Halstead Residents' Association for her term of office. The Councillors collectively congratulated Councillor Mrs Wilson for her work in the community and for raising funds for her chosen charities as well as her perseverance

in navigating a number of Council meetings against the backdrop of ongoing Covid-19 restrictions.

3 **TO ELECT THE CHAIRMAN OF BRAINTREE DISTRICT COUNCIL FOR THE CIVIC YEAR 2022/23**

**DECISION:** That Councillor A Hensman be elected as Chairman of the Council for the Civic Year 2022/23.

Councillor Hensman received the Chain of Office of Chairman of the Council, signed the Declaration of Acceptance of Office and gave an acceptance address.

4 **TO ELECT THE VICE-CHAIRMAN OF BRAINTREE DISTRICT COUNCIL FOR THE CIVIC YEAR 2022/23**

**DECISION:** That Councillor Mrs D Garrod be elected as Vice-Chairman of the Council for the Civic Year 2022/23.

Councillor Mrs Garrod received the Chain of Office of Vice-Chairman of the Council, signed the Declaration of Acceptance of Office and gave an acceptance address.

5 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL**

**INFORMATION:** The Chairman had no formal announcements to make.

There were a number of events already planned for the Chairman to attend, and any suggestions for additions to these would be welcomed.

6 **MINUTES**

**DECISION:** The Minutes of the meeting of Full Council held on 28<sup>th</sup> March 2022 were approved as a correct record and signed by the Chairman.

7 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

8 **LEADER OF THE COUNCIL**

**INFORMATION:** It was noted that Councillor G Butland was the Leader of the Council, as appointed at the Annual General Meeting held on 21<sup>st</sup> May 2019 for a four year term of the Council ending in 2023.

9 **APPROVAL FOR NON-ATTENDANCE AT COUNCIL MEETINGS**

**INFORMATION:** Councillor G Butland, Leader of the Council, was invited to introduce the report and move the recommendations.

It was noted that the proposals set out within the report had been discussed previously with Group Leaders and received unanimous support. As a result of the Government's 'Living with Covid-19' guidance, it was important for the Council to have regard to the ongoing health and safety of its Members and Officers who were in attendance at

decision-making meetings. Since the removal of the ability to hold virtual meetings, the Council had continued to implement guidance issued by the Government and Public Health officials. With all restrictions having now been lifted, and with the national message that the Country must adapt to living with Covid in the long term, the Council had reviewed its practice for its meetings.

It was therefore recommended that the Council continued to make provision for Members to attend Council meetings remotely; this was in recognition of the need to ensure that the Council retained measures which sought to protect attendees at meetings of Full Council. However, in order to preserve the Council's decision making process, it was important to ensure that, wherever possible, Members were present in the Chamber at the point that decisions were taken.

In accordance with this, the ability to attend a meeting remotely would be restricted to:-

- Those who had a medical vulnerability that would put them at a higher risk of becoming seriously unwell from Covid-19, as defined by Government guidance;
- Those who has tested positive for Covid-19 or were suffering with Covid symptoms, or;
- Those who were limiting contact with others due to a member of their household suffering with Covid-19 or Covid symptoms.

Furthermore, it was recognised that it would be unfair if a Member who attended a meeting virtually lost their seat under the six-month rule (for the purposes of Section 85(1) of the Local Government Act 1972) because they had complied with the Director of Public Health and Government advice. It was therefore proposed to in effect disapply the six-month rule to prevent the risk of any Member losing their seat as a result of attending meetings remotely for the aforementioned reasons, and this was to be reflected in the Minutes by recording such Members as being present "remotely."

**DECISION:** That the Council agreed:-

1. For the purposes of section 85(1) of the Local Government Act 1972, to approve a Member's non-attendance of the Council meeting where the Member took part in the meeting virtually, as a result of the need to follow public health guidance that prevented them from attending in person, namely:
  - They have a medical vulnerability;
  - They have Covid or are suffering with Covid symptoms, or;
  - They are limiting contact with others due to a member of their household suffering with Covid or Covid symptoms.
2. All Members wishing to attend remotely must notify the Monitoring Officer prior to the meeting. Reasons of their remote attendance would be retained by the Monitoring Officer as a matter of formal record;
3. Those Members attending virtually would be able to engage in any debate at the meeting but would not be able to vote on any item of business before the Council;
4. Those Members attending virtually would be recorded as attending the meeting, would not be affected by the six month rule, and;

5. This would be reviewed by the Monitoring Officer over the next six months and would be returned to Council for further consideration in December 2022, or earlier in the event of a change to Government Guidance.

**REASON FOR DECISION:** To approve Members' absence from meetings of Full Council which arise out of a need to follow the new public health advice.

## 10 **COUNCIL APPOINTMENTS**

**INFORMATION:** Consideration was given to a report which outlined the Council's appointments to its Committees and Sub-Committees 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 2022/23 Civic Year.

Members were advised that there had been no change to the existing arrangements of the Council's Committees and no change in the Council's overall Membership. However, it was proposed that the following changes in relation to the Membership of the Committees be agreed:-

### Planning Committee

It was proposed that Councillor P Horner step down from the Committee, with Councillor Mrs S Wilson joining the Committee in his place. Councillor Mrs Wilson would as such step down as a Substitute Member, with Councillor Mrs A Kilmartin appointed in her place.

### Licensing Committee

It was proposed that Councillor A Hensman and Councillor R van Dulken stepped down from the Committee, with Councillor T McArdle and Councillor Mrs I Parker stepping in as replacements. Councillor Mrs Parker would as such step down as a Substitute Member, resulting in a substitute vacancy.

### Community Development Scrutiny Committee

It was proposed that Councillor A Hensman step down as Vice-Chairman of the Committee, although he would still retain his Committee Membership. Councillor Mrs S Wilson was proposed as the new Vice-Chairman.

### Governance and Audit Scrutiny Committee

Councillor H Johnson was to step down from the Committee, both in his role as Vice-Chairman and as an ordinary Member. It was proposed that Councillor P Euesden be appointed as Vice-Chairman in his place, with Councillor S Rehman joining the Committee to fill the Membership vacancy.

### Partnership Development Scrutiny Committee

It was proposed that Councillor P Thorogood step down from the Committee, with Councillor J Abbott joining the Committee in his place.

In respect of Outside Bodies, Members were advised that the Council had attempted to ensure wherever possible that those appointed were in the locality, as opposed to political appointees, in order to maintain the link between the Council and local communities. The appointments were for the Civic Year 2022/23 only.

**DECISION:** That Council agreed to:

- 1) Approve the appointments to the Council's Committees as set out in Appendix A (attached with the Minutes), and;
- 2) Approve the appointments to the Outside Bodies as set out in Appendix B (attached with the Minutes).

**REASON FOR DECISION:** To outline the Membership of the Council's Committees and Sub-Committees as determined by the Council 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 2022/23 Civic Year. 51:38

## 11 **LEADER'S ANNOUNCEMENTS – CABINET UPATE**

**INFORMATION:** Prior to the commencement of the report, Members were made aware of an omission on page 25 of the Agenda regarding the Member Development Group, in that Councillor Mrs J Pell had not been included within the membership list.

On 13<sup>th</sup> December 2021, the Council was informed that the Leader had revised the Cabinet Membership and portfolios. There were no proposed changes to the appointments of Cabinet Members or their respective portfolios.

There was one proposed change highlighted in respect of the membership of the Local Plan Sub-Committee: Councillor Mrs C Dervish would step down from the Committee, with Councillor Mrs I Parker to be appointed in her place.

**DECISION:** That Council noted the following:

1. The appointment of the Cabinet Members and their assigned portfolios;
2. The appointments to Cabinet Committees, and;
3. The Executive appointments to Outside Bodies.

**REASON FOR DECISION:** 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.

## 12 **ANNUAL REVIEW OF THE CONSTITUTION**

**INFORMATON:** Members were informed that in 2020/21, the Council's Constitution underwent a full and systematic review in order to ensure that it could be updated in line with current practices, was compliant with its statutory obligations and remained a useable document for Members, Officers and the public. The updated Constitution was subsequently approved at the Annual General Meeting on 19<sup>th</sup> April 2021.

Over the course of the last year, the Monitoring Officer had been monitoring the new Constitution's application and reflected on where further amendments might be needed in order to continue building on strengthening the Council's Governance arrangements. The majority of the proposed changes that had emerged were considered to be minor and were implemented in order to bring consistency to the document, ensure that cross referencing was accurate and updates following changes to officer roles and responsibilities. These changes were then considered by the Developing Democracy Group on 4<sup>th</sup> April 2022 and the Governance and Audit Scrutiny Committee on 6<sup>th</sup> April 2022.

**DECISION:** That the amendments to the Council's Constitution were approved.

**REASON FOR DECISION:** The Constitution set out that the Monitoring Officer would monitor and review the operation of the Constitution annually to ensure that the aim and principles within it were given full effect and remained relevant and effective.

### 13 **ANNUAL TIMETABLE OF MEETINGS 2022/23**

**INFORMATION:** That the following Council and Annual General Meeting dates, as set out in the Timetable of Meetings 2022/22, were confirmed:-

Ordinary meetings of Full Council were to be held on a Monday starting at 7.15pm:

- 20<sup>th</sup> June 2022
- 25<sup>th</sup> July 2022
- 10<sup>th</sup> October 2022
- 12<sup>th</sup> December 2022
- 20<sup>th</sup> February 2023
- 27<sup>th</sup> March 2023

The next Annual General Meeting (AGM) was due to be held on 25<sup>th</sup> May 2023, although this date had yet to be confirmed.

The meeting commenced at 7.15pm and closed at 8.11pm.

Councillor A Hensman  
(Chairman)