

Minutes

Annual General



Meeting of the Council

19th April 2021

These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available at www.braintree.gov.uk.

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor I Pritchard	Yes
Councillor J Baugh	Yes	Councillor M Radley	Yes
Councillor Mrs J Beavis	Yes	Councillor S Rehman	Yes
Councillor K Bowers	Yes	Councillor F Ricci	Yes
Councillor G Butland	Yes	Councillor B Rose	Yes
Councillor J Coleridge	Yes	Councillor Mrs J Sandum	Yes
Councillor G Courtauld	Yes	Councillor Miss V Santomauro	Yes
Councillor Mrs M Cunningham	Yes	Councillor Mrs W Scattergood	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Schmitt	Yes
Councillor Mrs C Dervish	Yes	Councillor P Schwier	Yes
Councillor P Euesden	Yes	Councillor Mrs G Spray	Yes
Councillor T Everard	Yes	Councillor P Tattersley	Yes
Councillor Mrs D Garrod	Yes	Councillor P Thorogood	Apologies
Councillor A Hensman	Yes	Councillor N Unsworth	Apologies
Councillor S Hicks	Yes	Councillor R van Dulken	Yes
Councillor P Horner	Yes	Councillor D Wallace	Yes
Councillor D Hume	Yes	Councillor T Walsh	Yes
Councillor H Johnson	Yes	Councillor Mrs L Walters	Yes
Councillor Mrs A Kilmartin	Yes	Councillor Miss M Weeks	Apologies
Councillor D Mann	Yes	Councillor Mrs S Wilson	Yes
Councillor T McArdle	Yes	Councillor J Wrench	Yes
Councillor J McKee	Yes	Councillor B Wright	Yes
Councillor A Munday	Yes	Vacancy	
Councillor Mrs I Parker	Yes	Vacancy	
Councillor Mrs J Pell	Yes		

His Royal Highness, Prince Philip, Duke of Edinburgh

At the commencement of the meeting, the Chairman made the following statement:-

‘On Friday 9th April 2021 we heard the sad news of the passing of His Royal Highness, Prince Philip, Duke of Edinburgh, and we have since witnessed a very moving family and national funeral. On behalf of the Council, I have written to Her Majesty the Queen to pass on the condolences of the people of the District and I would like to begin this meeting now with a moment of reflection to commemorate an exceptional life of exceptional duty to our country. Members, please would you join me in marking this moment of reflection.’

A moment of reflection was observed by people in attendance at the meeting.

1 **CHAIRMAN’S ADDRESS TO COUNCIL**

INFORMATION: Councillor Mrs A Kilmartin stated that her two years as Chairman of Braintree District Council had been memorable and enjoyable.

Councillor Mrs Kilmartin thanked fellow Members of the Council and officers for their support throughout her term and those who had raised money for her chosen charities. In particular, Councillor Mrs Kilmartin thanked everyone who had enabled meetings of the Council to continue in a virtual setting during the past year due to the Covid-19 pandemic and had guided her through the process.

Councillor Mrs Kilmartin was pleased to announce that donations of £1,500 each would be made to Marie Curie and Witham Choral Society, which she had chosen to support during her term of office. Ms C Jackson representing Marie Curie East and Mr P McCarthy representing Witham Choral Society attended the meeting and thanked the Chairman for her donations and support.

2 **PRESENTATION TO THE OUTGOING CHAIRMAN OF THE COUNCIL**

INFORMATION: The Chief Executive thanked Councillor Mrs A Kilmartin, the outgoing Chairman, and presented her remotely with a signed citation and past Chairman’s badge denoting her Chairmanship and an album recording the events from her term of office.

Councillors J Abbott, G Butland, D Mann and Mrs J Pell all commended Councillor Mrs Kilmartin on behalf of the Green and Independent Group, the Conservative Group, the Labour Group and Halstead Residents’ Association for her term of office, which had been extended by a year due to the Covid-19 pandemic. The Councillors congratulated Mrs Kilmartin for her work in the community and for raising funds for her chosen charities and they praised her for the valuable part which she had played in guiding the Council through the Covid-19 pandemic, which had been a difficult time for everyone.

3 **ELECTION OF THE CHAIRMAN OF THE COUNCIL FOR THE CIVIC YEAR 2021/22**

DECISION: That Councillor Mrs S Wilson be elected as Chairman of the Council for the Civic Year 2021/22.

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

4 **ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL FOR THE CIVIC YEAR 2021/22**

DECISION: That Councillor A Hensman be elected as Vice-Chairman of the Council for the Civic Year 2021/22.

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

5 **ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL**

High Sheriff of Essex

The Chairman was pleased to announce that Mr Simon Brice had been appointed as the High Sheriff of Essex. Mr Brice was a resident of the Braintree District and he was the 841st person to take the Office of High Sherriff, succeeding Julie Fosh. The Chairman indicated that she would be writing to Mr Brice on behalf of the Council to congratulate him on this appointment.

Chairman's Charities for 2021/22

The Chairman stated that the charities which she would be supporting in 2021/22 would be announced at the next full Council meeting and published on the Council's website.

There were no other announcements.

6 **MINUTES**

DECISION: That the Minutes of the meeting of full Council held on 15th March 2021 be 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**

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

LEADER'S ANNOUNCEMENT – CABINET MEMBERS' PORTFOLIOS AND SCHEME OF DELEGATION TO CABINET MEMBERS

INFORMATION: Consideration was given to a report on the appointment of Cabinet Members and their portfolios and the Cabinet Members' Scheme of Delegation.

In accordance with the Local Government Act 2000, the Leader of the Council was required to appoint a Cabinet and to determine its size, composition and how executive functions should be discharged. The Leader had reviewed the current size and composition of the Cabinet and had made some changes. The names of the Cabinet Members, their portfolios and specific areas of responsibility were set out in Appendix A to the report. In presenting the report, the Leader stated that Appendix A had been amended to include the responsibility for 'Specific Major Projects relevant to the Portfolio' within the Cabinet Member Portfolios for 'Finance and Corporate Transformation'; 'Economic Growth'; 'Housing, Assets and Skills'; and 'Communities'. Consequently, the responsibility for 'Major Projects (Employment)' had been removed from the Cabinet Member Portfolio for 'Economic Growth'; and the responsibility for 'Major Projects (Prosperous District)' had been removed from the Cabinet Member Portfolio for 'Housing, Assets and Skills'.

In allocating the portfolios, the Leader had also determined the Scheme of Delegation to Cabinet Members. This was set out in Appendix B to the report. This Scheme of Delegation would form Chapter 4 of the Council's new Constitution.

In forming the Cabinet, the Leader had identified a need, in some instances, for Cabinet Members to have additional support in managing their Portfolios. Accordingly, the new Constitution included an additional role of 'Cabinet Support Member', who may be appointed by the Leader. A Cabinet Support Member would be entitled to attend meetings of the Cabinet and, at the discretion of the Leader, to participate in the debate. However, they would not be able to vote on any item to be determined at a Cabinet meeting. A Cabinet Support Member would be able to attend other meetings, either with a Cabinet Member, or in their absence and they would be able to participate in the debate. However, they would not be able to vote on any item to be determined at that meeting. A Cabinet Support Member would not have decision making powers. It was proposed that a Cabinet Support Member should be entitled to a Special Responsibility Allowance (SRA) which was a multiplier of 0.75 of a Councillor's Basic Allowance. This would represent an SRA of £3,798.00 per annum and it was subject to the Council's approval of the Members' Allowance Scheme for 2021/22. The Leader had appointed three Cabinet Support Members, subject to a new Constitution being approved by the Council.

DECISION:

- (1) That the appointment of Cabinet Members and their assigned Portfolios, as set out in Appendix A to the report, as amended, and below be noted:-

Cabinet Member Appointments and Portfolios

(a) Overall Strategy

- Councillor Graham Butland, Leader of the Council

- Overall Vision and Strategic Direction
- Corporate Strategy
- Strategic Partnerships
- COVID 19 response
- Strategic Economic Growth
- Promotion of the District
- Communications
- External Relations
- Performance Management
- Investment and Development Programme
- Electoral Administration

Innovative Environment

(b) Cabinet Member for Finance and Corporate Transformation

- Councillor John McKee

- Medium-Term Financial Strategy
- Financial and Treasury Management
- Commercialisation and Income Generation
- Efficiency and Improvement Programme
- Customer Services
- Procurement
- Corporate Governance
- Member Support and Development
- HR and Organisational Development
- Health and Safety
- Risk Management
- ICT
- Digital Strategy
- Specific Major Projects relevant to the Portfolio

(c) Cabinet Member for Environment

- Councillor Mrs Wendy Schmitt

- Waste Minimisation and Recycling
- Street Cleansing and Parks
- Landscapes and Countryside
- Parking & Highways
- Licencing
- Building Control
- Environmental Health
- Climate Change and Sustainability
- Emergency Planning

Connecting People, Places and Prosperity

(d) Cabinet Member for Economic Growth and Deputy Leader

- Councillor Tom Cunningham
- Economic Development Strategies & COVID Recovery
- North Essex Economic Board & Regional Partnerships
- Business Engagement and Support
- Employment Site Strategy
- Inward Investment
- Digital Connectivity
- Town Centre Renewal Strategies and Improvements
- Specific Major Projects relevant to the Portfolio

(e) Cabinet Member for Housing, Assets and Skills

- Councillor Kevin Bowers
- Housing Development
- Housing Strategy
- Homelessness
- Affordable Housing Delivery
- Asset Management
- Enterprise Centre Portfolio and Strategy
- Skills & Education Improvement
- Specific Major Projects relevant to the Portfolio

(f) Cabinet Member for Planning and Infrastructure

- Councillor Mrs Gabrielle Spray
- Local Plan
- Development Management
- Planning Enforcement
- Landscape Services
- Infrastructure

Supporting Our Communities

(g) Cabinet Member for Health and Wellbeing

- Councillor Peter Tattersley
- Health Improvement
- Health Partnerships
- Livewell Programme
- Emotional Health and Well-being
- Leisure Centres
- Sports Development
- Safeguarding
- Older People
- Children and Young People

(h) Cabinet Member for Communities

- Councillor Frankie Ricci

- Community Safety
- Welfare Reform
- Local Community Engagement
- Voluntary Sector
- Equality & Diversity
- Community Facilities and Support
- Community Transport
- Rural Communities
- External Funding
- Armed Forces Covenant
- Cycling Strategy
- Heritage Services
- Tourism
- Specific Major Projects relevant to the Portfolio

- (2) That the authority to exercise Executive Functions as set out in the Cabinet Members' Scheme of Delegation in Appendix B to the report and below, be noted:-

Cabinet Member Scheme of Delegation

1. Scheme of Delegations to Cabinet Members

1.1 General Principles

This Scheme delegates powers and duties in relation to Executive Functions and Local Choice Functions which are the responsibility of the Cabinet to Cabinet Members.

This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation as well as authorising the affixing of the Common Seal.

This scheme operates under Section 14 of the 2000 Act and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other powers enabling.

1.2 Functions Reserved to Cabinet

Any Executive decision which will result in a recommendation or proposal to the Council shall only be taken by the Cabinet as a whole and may not be taken by an individual Cabinet Member or Officer.

Any decision falling within any of the following categories shall be taken by the Cabinet as a whole and may not be taken by an individual Cabinet

Member, a Cabinet Committee or an Officer or under joint arrangements unless it is delegated to that Cabinet Member, Committee, and an Officer or under joint arrangements after consideration by the Cabinet:

- (a) A decision on a matter which is cross cutting and affects the area of responsibility of more than one Cabinet Member; or
- (b) A decision that the Leader has decided should be referred to the Council; or
- (c) A Key Decision as set out in Article 7.

1.3 Delegations of Executive Functions

The delegations to Officers in respect of the Executive Functions of the Cabinet are set out in the Council's Officer Scheme of Delegation, contained within Chapter 4 of the Constitution.

1.4 General Limitations of a Cabinet Member Decision

Cabinet Members are not permitted to take a Key Decision.

Before taking a decision, a Cabinet Member shall receive advice from the appropriate officer and must take advice from the Monitoring Officer and Section 151 Officer.

Any exercise of delegated powers shall be subject to:

- (a) the Budget and Policy Framework approved by the Council;
- (b) the Policies approved by the Cabinet from time to time
- (c) any statutory restrictions;
- (d) the Standing Orders of the Council;
- (e) Financial Procedure Rules; and
- (f) Procurement Procedure Rules;

Delegation of Executive Functions to a Cabinet Member does not include the functions reserved to Full Council contained in Article 5, or the functions reserved to Cabinet contained in Article 6.

1.5 Further Provisions

All action taken under the terms of these delegations shall be properly documented in accordance with arrangements approved by the Monitoring Officer.

This scheme operates from 19 April 2021.

In each case the delegated authority permits Cabinet Members to approve small amendments to Policies falling within their portfolio provided that such change:

- (a) Is to bring clarity or remove ambiguity; and
- (b) Does not change the overall meaning of the policy.

All significant changes and those brought into effect as the result of changes to the relevant legislation must be referred to Cabinet for approval.

Cabinet Members shall consult their Cabinet colleagues on all strategically important issues.

All Executive Functions are and remain vested in the Leader.

In so far as required for the promotion of their Portfolio, the Cabinet Member may:

- (a) 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 Cabinet;
 - (b) Take Non-Key Decisions;
 - (c) Approve the extension, or variation of contracts within their Portfolio area providing that this is within the Council's Financial Procedure Rules, Contract and Procurement procedure Rules and the Budget and Policy Framework;
 - (d) Authorise a response by, or on behalf of the Council to consultations provided that if the consultation raises issues of Council wide interest or significance it shall be referred to the Cabinet, or the appropriate Committee to agree a response, and that 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;
 - (e) Agree appropriate fees and charges which are within the control of the Cabinet in consultation with the Corporate Director (Finance), providing that they are consistent with the Budget; and
 - (f) Make, update or change 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 within their portfolio area, and do not relate to a matter which is reserved to the Council.
- (3) That the appointment of three Cabinet Support Members, as identified in paragraph 2.9 of the report and below be noted, subject to the approval of the Council's Constitution :-

Cabinet Support Member

Councillor Mrs I Parker
Councillor I Pritchard
Councillor J Wrench

Corporate Priority

Supporting our Communities
Innovative Environment
Connecting People, Places and
Prosperity

REASON FOR DECISION: The appointments by the Leader, together with the allocations of the Portfolios, is a statutory requirement vested in the Leader and is essential in ensuring that the Council is able to discharge its Executive Functions.

10 APPOINTMENTS TO COUNCIL COMMITTEES

INFORMATION: Consideration was given to a report on the appointment of Committees, Sub-Committees and Panels, their size and political balance.

In accordance with the Local Government and Housing Act 1989 the Council was required to allocate seats on Committees and Sub-Committees to Political Groups on the basis of political proportionality. The membership of the Council was 49 seats and it currently comprised of 32 - Conservative Group Members; 9 - Green and Independent Group Members; 4 - Halstead Residents' Association Members; 2 - Labour Group Members; and 2 – Vacancies. A review of the political proportions of the Council had been carried out and, as there had been no significant changes, it was proposed that the political proportionality of the Council's Committees should remain the same as at present. This situation would be reviewed following the outcome of two District Council by-elections to be held on 6th May 2021.

However, changes were proposed to the membership and names of some Committees and it was also proposed that 'substitute Members' should be appointed for the Planning Committee and the Licensing Committee. Subject to the Council's approval of a new Constitution, it was proposed that the names of the Council's Scrutiny Committees should change to formally identify them as Scrutiny Committees. The Community Development Group would be renamed as the 'Community Development Scrutiny Committee'; the Corporate Governance Group would be renamed as the 'Governance and Audit Scrutiny Committee'; the Partnership Development Group would be renamed as the Partnership Development Scrutiny Committee; and the Performance Management Board would be renamed as the 'Performance Management Scrutiny Committee'.

In view of the extra workload undertaken by Members of the Planning Committee and the need for meetings of the Licensing Committee, Licensing Hearings and the Driver's Panel to be called at short notice sometimes, it was proposed to introduce the use of substitutes. A substitute Member would take the place of a Member of their political group if that Member was unable to attend a particular meeting. This proposal was subject to the Council's approval of a new Constitution. It was also proposed that substitute Members for the Planning Committee should be entitled to receive a Special Remuneration Allowance of £50.00 for each meeting that they attended in their capacity as a substitute. All Members of the Planning Committee and the Licensing Committee, including substitutes, would be required to undertake appropriate training if they had not already done so before carrying out their duties and to continue to participate in on-going training.

In an amendment to the report, it was stated that Councillor Mrs A Kilmartin had been nominated to the vacant seat on the Community Development Scrutiny Committee.

DECISION:

- (1) That the political balance requirements be noted.
- (2) That the appointments to Committees , Sub-Committees and Panels, and the appointment of Chairmen, Vice Chairmen and Substitutes, as set out in Appendix A to the report, as amended, and below be approved:-

Planning Committee (13 Members)

Councillor J Abbott, Councillor K Bowers, Councillor P Horner, Councillor H Johnson, Councillor D Mann, Councillor A Munday, Councillor Mrs I Parker (Vice Chairman), Councillor F Ricci, Councillor Mrs W Scattergood (Chairman), Councillor P Schwier, Councillor Mrs G Spray, Councillor N Unsworth and Councillor J Wrench

Substitutes:- Councillor T Cunningham, Councillor A Hensman, Councillor D Hume, Councillor P Thorogood, Councillor Mrs S Wilson and Vacancy (Lab)

Licensing Committee (including Driver's Panel and Licensing Hearings) (14 Members)

Councillor J Baugh (Chairman), Councillor Mrs J Beavis, Councillor Mrs M Cunningham, Councillor P Euesden, Councillor A Hensman, Councillor S Hicks, Councillor H Johnson, Councillor Mrs J Pell, Councillor S Rehman, Councillor B Rose (Vice Chairman), Councillor P Schwier, Councillor R van Dulken, Councillor Mrs L Walters and Councillor B Wright

Substitutes:- Councillor J Coleridge, Councillor A Munday, Councillor Mrs I Parker, Councillor Mrs J Sandum ,Vacancy (Cons) and Vacancy (Lab)

Performance Management Scrutiny Committee (formerly Performance Management Board) (9 Members)

Councillor J Coleridge, Councillor G Courtauld, Councillor Mrs C Dervish, Councillor T Everard, Councillor M Radley (Chairman), Councillor S Rehman, Councillor B Rose, Councillor P Schwier (Vice Chairman) and Councillor N Unsworth

Substitutes:- Not applicable

Partnership Development Scrutiny Committee (formerly Partnership Development Group) (9 Members)

Councillor J Baugh, Councillor G Courtauld (Vice Chairman), Councillor Mrs M Cunningham (Chairman), Councillor A Hensman, Councillor T McArdle, Councillor Mrs J Pell, Councillor Mrs J Sandum, Councillor P Thorogood and Councillor Mrs L Walters

Substitutes:- Not applicable

Governance and Audit Scrutiny Committee (formerly Corporate Governance Group) (9 Members)

Councillor P Euesden, Councillor D Hume, Councillor H Johnson (Vice Chairman), Councillor D Mann, Councillor Miss V Santomauro, Councillor R van Dulken (Chairman), Councillor D Wallace, Councillor T Walsh and Councillor Mrs L Walters

Substitutes:- Not applicable

Community Development Scrutiny Committee (formerly Community Development Group) (9 Members)

Councillor Mrs C Dervish, Councillor Mrs D Garrod (Chairman), Councillor A Hensman (Vice Chairman), Councillor Mrs A Kilmartin, Councillor Mrs J Pell, Councillor Mrs L Walters, Councillor Miss M Weeks, Councillor Mrs S Wilson and Councillor B Wright

Substitutes:- Not applicable

Standards Sub-Committee (6 Members)

Councillor Mrs M Cunningham, Councillor Mrs I Parker, Councillor Mrs J Pell, Councillor Miss V Santomauro, Councillor R van Dulken and Councillor T Walsh

Substitutes:- Not applicable

Appeals Committee (6 Members)

Councillor Mrs D Garrod, Councillor S Hicks, Councillor D Mann, Councillor S Rehman, Councillor B Rose and Councillor Mrs S Wilson

Substitutes:- Not applicable

Appointments Committee (6 Members)

Councillor G Butland, Councillor T Cunningham, Councillor J McKee, Councillor Mrs J Pell, Councillor Mrs G Spray and Councillor N Unsworth

Substitutes:- Not applicable

Braintree District Local Highways Panel (4 Members)

Councillor Mrs M Cunningham, Councillor P Euesden, Councillor R van Dulken and Councillor Mrs S Wilson

Substitutes:- Not applicable

REASON FOR DECISION: To comply with legislation and to enable the Council to discharge its functions through Committees and Sub-Committees.

APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES FOR THE CIVIC YEAR 2021/22

INFORMATION: Consideration was given to a report on the proposed appointment of Council representatives to outside bodies for the Civic Year 2021/22, as set out in Appendix A to the report and summarised below.

DECISION:

- (1) That Council representatives be appointed to outside bodies for the Civic Year 2021/22 as set out in Appendix A to the report and below:-
- (2) That the Monitoring Officer be authorised to make or amend an appointment to any of the non-Executive bodies listed in Appendix A, in accordance with the nomination by a Political Group, where the position has previously been allocated by the Council to that Group.

Outside Body:	Appointment/s:
Braintree District Access Group	Councillor A Hensman
Braintree District and Eastlight Community Grant Panel	Councillor B Rose Councillor P Tattersley Councillor Mrs L Walters
Braintree United Charities	Councillor J Baugh Councillor T Everard Councillor Miss V Santomauro Councillor Mrs L Walters
Campaign to Protect Rural Essex (CPRE)	Councillor P Schwier
Dedham Vale and Stour Valley Advisory Committee	Councillor Mrs D Garrod Councillor Mrs W Scattergood
Earls Colne Airfield Liaison Committee	Councillor G Courtauld
Earls Colne and Halstead Educational Charity	Councillor G Courtauld
Friends of Bocking Windmill	Councillor T Everard
Friends of Halstead Public Gardens	Councillor Mrs J Pell
Maltings Lane Forum	Councillor J Coleridge Vacancy (Councillor for Witham South Ward)
Notley Green Community Association	Councillor F Ricci

Rivenhall Playing Field Association	Councillor J Abbott Councillor B Wright
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REASON FOR DECISION: To enable full Council to discharge its functions in accordance with Article 4 of the Constitution.

12 **MEMBERS' ALLOWANCE SCHEME 2021/22**

INFORMATION: Consideration was given to a report on proposed revisions to the Council's Members' Allowance Scheme.

It was reported that following a review by an Independent Remuneration Panel (IRP), the Council had approved the current Members' Allowance Scheme on 25th March 2019. This scheme remained valid for a period of four years unless the Council commissioned a further review.

The IRP had recognised the significant workload of Members of the Planning Committee and had recommended changes to the Members' Allowance Scheme to reflect this. However, having regard to the continuing workload and complexity of matters considered by the Planning Committee the Council now proposed to appoint substitute Members. This was subject to the Council's approval of its new Constitution. It was also proposed that the Special Responsibility Allowance (SRA) provisions of the Members' Allowance Scheme should be amended to include an allowance of £50 per meeting for substitute Members of the Planning Committee. This would be payable where a substitute Member attended and participated fully in a Planning Committee meeting in the absence of a Planning Committee Member. The allowance would be payable at the end of the Civic Year.

It was also proposed that the Members' Allowance Scheme should be amended to include an SRA for the Vice-Chairman of the Council. This would be in line with the practice of other local authorities and it would reflect the SRA which the Council currently paid to the Vice-Chairmen of its Scrutiny Committees, the Planning Committee and the Licensing Committee. This SRA would be a multiplier of 0.5 of the Basic Allowance and it would amount to £2,532.00.

Furthermore, subject to the Council's approval of its new Constitution it was proposed that an additional role of 'Cabinet Support Member' should be established to provide additional support to Cabinet Members. It was proposed that the Members' Allowance Scheme should be amended to include an SRA for a Cabinet Support Member based on a multiplier of 0.75 of the Basic Allowance, which would amount to £3,798.00.

All other allowances set out within the Members' Allowance Scheme would remain unchanged. It was anticipated that the next full review of the Scheme would be carried out by an IRP prior to next District Council Elections, which were scheduled for 2023.

DECISION: That the Members' Allowance Scheme 2021/22 as set out in Appendix A to the report and below be approved:-

Special Responsibility	X Basic Allowance	Additional Allowance
All Members Basic Allowance (April 2020)		£5,064.00
Council		
Chairman of the Council	x 1	£5,064.00
Vice Chairman of the Council	x 0.5	£2,532.00
Leader of the Council	x 3	£15,192.00
Deputy Leader of the Council	x 2.5	£12,660.00
Cabinet		
Member of the Cabinet	x 2	£10,128.00
Deputy Cabinet Member	x 1	£5,064.00
Cabinet Support Member	x 0.75	£3,798.00
Committees		
Planning Committee		
Chairman of the Planning Committee	x 1.75	£8,862.00
Vice-Chairman of the Planning Committee	x 0.875	£4,431.00
Minor SRA to all Members of the Planning Committee (excluding Chairman and Vice-Chairman) at least 75% of called meetings of the Committee	x 0.25	£1,266.00
Substitutes – paid per meeting attended	x 0.04	£50.00
Local Plan Sub-Committee		
Chairman of the Local Plan Sub-Committee	x 1	£5,064.00
Licensing		
Chairman of the Licensing Committee	x 1	£5,064.00
Vice-Chairman of the Licensing Committee	x 0.5	£2,532.00
Scrutiny Committees		
Chairman of Performance Management Scrutiny Committee	x 1.5	£7,596.00
Vice-Chairman of Performance Management Scrutiny Committee	x 0.75	£3,798.00
Chairman of Governance and Audit Scrutiny Committee	x 1	£5,064.00
Vice-Chairman of Governance and Audit Scrutiny Committee	x 0.5	£2,532.00
Chairman of Community Development Scrutiny Committee	x 1	£5,064.00
Vice-Chairman of the Community Development Scrutiny Committee	x 0.5	£2,532.00
Chairman of the Partnership Development Scrutiny Committee	x 1	£5,064.00
Vice-Chairman of the Partnership Development Scrutiny Committee	x 0.5	£2,532.00
Others		

Leader of the Largest Opposition Group	x 1	£5,064.00
Leader of Other Opposition Groups of more than 5 members (Note no SRA is payable to Leaders of Groups of less than 5 Members)	x 0.25	£1,266.00
Chairman of the Independent Remuneration Panel	x 0.125	£633.00

REASON FOR DECISION: To enable full Council to discharge its functions in accordance with Article 4 of the Constitution.

13 **APPOINTMENT OF THE INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSON**

INFORMATION: Consideration was given to a report on the appointment of the Independent Person and Reserve Independent Person.

In accordance with the provisions of the Localism Act 2011, the Council was required to appoint an Independent Person to discharge a statutory role in relation to complaints received by the Council under its Code of Conduct. The Council's current Independent Person would be stepping down with effect from 19th April 2021 and a recruitment process had taken place to appoint a new Independent Person and also a Reserve Independent Person.

The role of the Independent Person was to work with the Council's Governance and Audit Scrutiny Committee, the Standards Sub-Committee and the Council's Monitoring Officer to help to ensure high standards of conduct by Braintree District Councillors and Parish/Town Councillors within the area. The Independent Person would be consulted at various stages following the receipt of a complaint that a Councillor had breached the Code of Conduct. The appointment of an Independent Person enabled the Monitoring Officer to discuss a complaint with a third party, and it provided complainants with reassurance that there would be input from outside the Council to any decision made.

In order to build resilience and flexibility, the Council had agreed that, if possible, one Independent Person and up to two Reserve Independent Persons should be appointed. As required, the recruitment process had been carried out by a process of public advertisement and application. The closing date for the submission of applications had been 22nd February 2021 and an Interview Panel had conducted interviews on 12th and 15th March 2021 supported by the Council's Monitoring Officer and the Governance and Member Manager.

The Interview Panel had recommend that Mrs Mary Ball be appointed as the Council's Independent Person; and that Miss Layla Crowe be appointed as the Council's Reserve Independent Person with effect from 20th April 2021. This would be for a term of three years with a provision to extend the term by one year at the Council's discretion. It was proposed that the Monitoring Officer should be authorised to extend the term of either role in consultation with the Chairman of the Governance and Audit Scrutiny Committee. Remuneration had been fixed at £750 per annum for the Independent Person and £250 per annum for the Reserve Independent Person.

Provision for this had been made within the Council's Budget.

DECISION: That the Council agrees to:-

- (1) The appointment of:
 - a) Mrs Mary Ball as the Council's Independent Person; and
 - b) Miss Layla Crowe as the Council's Reserve Independent Person;
 - c) both for a term of three years, with the provision to extend each term by one year.

- (2) That the Monitoring Officer be authorised to approve the extension of either the Independent Person's or the Reserve Independent Person's term of office by one year following consultation with the Chairman of the Governance and Audit Scrutiny Committee.

REASON FOR DECISION: To ensure that the Council continues to meet its statutory obligation and to support the Council's Code of Conduct complaint process.

14 **CONSTITUTION AND CODE OF GOVERNANCE**

INFORMATION: Consideration was given to a report on the Council's Constitution and Code of Governance.

The Constitution set out how the Council worked, how decisions were made and the procedures which were followed. The Council's Constitution had not been reviewed or substantially updated as a complete document for a number of years and it had only been subject to ad hoc updates. In the circumstances, the Council's Monitoring Officer had undertaken a review of the Constitution and the Council's governance arrangements. Councillors had also been engaged in the review process, which had been considered by the Developing Democracy Group and the former Corporate Governance Group.

It was proposed that the Constitution should be divided into four Chapters. Chapter 1 would contain 'The Articles' of the Constitution which set out the rights of citizens, how the key parts of the Council operated and explained key roles and responsibilities. Chapter 2 would contain 'The Procedure Rules' including Standing Orders. These rules governed how the Council carried out its business and they provided the framework through which the Council's meetings were conducted. Chapter 3 would contain the 'The Codes and Schemes' of the Council including the Member and Officer Code of Conduct and the Members' Allowance Scheme. Chapter 4 would contain details of 'The Functions and Responsibilities' of the Council, which set out the key delegated powers for each element of the Council's decision making structure.

In an amendment to Chapter 2 'The Procedure Rules', section 16 'Financial Procedure Rules' it was reported that the word 'Council' on page 121, paragraph 16.7.6 (e) should be replaced by the word 'Cabinet'.

Together with the revised Constitution, it was proposed that the Council should adopt a Code of Governance. This would underpin the principles of good governance as

agreed by the Chartered Institute of Public Finance Accountancy and the Society of Local Authority Chief Executives.

The Code of Governance would include a framework of policies, procedures, behaviours and values by which the Council would be controlled and governed. In particular, the Code would include the Procurement Procedure Rules and the Petitions Policy. The Procurement Procedure Rules governed the way in which the Council sought tenders for work and how it awarded and managed contracts; and the Petitions Policy set out how petitions would be managed by the Council. The Petitions Policy had been reviewed and it was proposed that to fall within the meaning of the Policy, a petition should have at least 30 signatories, all signatories should live within the administrative boundaries of Braintree and they should be recorded on the electoral register. Furthermore, the way in which the Council dealt with a petition would be determined by the number of valid signatures that it contained. Petitions signed by between 30 – 999 people would be considered by the Performance Management Scrutiny Committee which could determine the petition, or refer it to a Chief Officer or Cabinet Member for consideration. Petitions signed by between 1,000 – 1,999 people would be considered by Cabinet; and petitions signed by 2,000 or more people would be considered by Council. An e-Petition platform would be available on the Council's website from 1st May 2021.

In discussing the Petitions Policy, reference was made to paragraph 2.4 which stated that 'If anyone under the age of 18 signs the petition, then the petition organiser must ensure that they have the parents' consent for the publication of their details contained within the petition.' It was proposed that paragraph 2.4 should be deleted as it was in conflict with the policy and that consequently paragraph 2.5 should be re-numbered to 2.4.

Members of the Council acknowledged the inclusive and thorough approach which had been taken in reviewing the Constitution and they thanked Mrs K Cole, Head of Governance and Monitoring Officer and Mrs E Wisbey, Governance and Member Manager for the considerable amount of work which they had undertaken.

The proposed Constitution was set out at Appendix A to the report, together with the Procurement Procedure Rules at Appendix B and the Petitions Policy at Appendix C. It was hoped that the revised Constitution would be a more useable document than at present.

DECISION: That Council approves:-

- (1) The Constitution as set out in Appendix A; subject to the amendment of the word 'Council' in Chapter 2 'The Procedure Rules', section 16 'Financial Procedure Rules', paragraph 16.7.6 (e), page 121 to 'Cabinet'.
- (2) The Procurement Procedure Rules as set out in Appendix B.
- (3) The Petition Policy as set out in Appendix C, subject to the deletion of paragraph 2.4 and the re-numbering of paragraph 2.5 to 2.4.

REASON FOR DECISION: To agree to the new Constitution in order to ensure efficient governance arrangements are in place, to bring certainty to decision making and to comply with the Council's statutory requirements.

15 **ANNUAL TIMETABLE OF MEETINGS 2021/22**

DECISION: That the following Council and Annual General Meeting dates, as set out in the Timetable of Meetings 2021/22, be confirmed:-

Ordinary Meetings of the Council

7th June 2021

26th July 2021

11th October 2021

13th December 2021

21st February 2022

28th March 2022

Annual General Meeting

25th April 2022

All meetings to start at 7.15pm.

The meeting commenced at 6.30pm and closed at 8.10pm.

Councillor Mrs S Wilson
(Chairman)