

Annual General Meeting of the Council AGENDA



THIS MEETING IS OPEN TO THE PUBLIC

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Date: Monday, 25th April 2016

Time: 7.15pm

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

Membership:

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

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

Invitees: Mr D Dyson, Mr D Johnson and Ms F Coulson, Independent Remuneration Panel
Mr A French and Mr K Stubbings, Independent Persons

N BEACH
Chief Executive

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Please let us have your comments setting out the following information:

Meeting AttendedDate of Meeting.....

Comments.....

.....

.....

.....

Contact details.....

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

demse@braintree.gov.uk

INFORMATION FOR MEMBERS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest:-

Any member with a Disclosable Pecuniary Interest or other Pecuniary Interest to indicate in accordance with the Code of Conduct. Such Member 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.

1 Apologies for Absence

2 Chairman's Charities 2015/16

The Chairman to present cheques to her nominated Charities for the Civic Year 2015/16.

Essex Dementia Care

Young Carers (Crossroads)

Southview School, Witham

3 Chairman's address to Council

Councillor Lyn Walters, 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 2016/17

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 2016/17

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 18th April 2016 (to follow).

- 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** **6 - 16**
- 12 Consequential Amendments in Relation to the Leader's Scheme of Delegation** **17 - 20**
- 13 Appointments to Committees of Council** **21 - 26**

To consider the Political balance and appoint Members to the Committees of Council.
- 14 Independent Remuneration Panel (IRP)**
To note the current membership of the IRP comprises of D Dyson, D Johnson and F Coulson. (The IRP may compromise of up to 5 Independent Members).
- 15 Independent Persons**
To note that A French and K Stubbings are the Council's Independent Persons further to The Localism Act 2011.
- 16 Appointment to Outside Bodies for the Civic Year of 2016/17** **27 - 30**

To note the appointments of representatives to the organisations where appointments are required by the Council.

17 Annual Timetable of Meetings 2016/17

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:-

27th June 2016

5th September 2016

17th October 2016

12th December 2016

22nd February 2017

27th March 2017

Special Meetings of Council for the Local Plan start at 7.15pm on:-

20th June 2016

28th November 2016 (Subject to consideration at the Council meeting being held on 18th April 2016)

The Annual General Meeting will be held on 24th April 2017.

LEADER’S ANNOUNCEMENTS – CABINET MEMBER PORTFOLIOS AND SCHEME OF DELEGATION AND APPOINTMENTS TO CABINET SUB COMMITTEES		Agenda No: 11
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor G Butland Leader of the Council	
Report prepared by:	Ian Hunt Head of Governance	
Background Papers:		Public Report
Constitution		Key Decision: No
Executive Summary:		
<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 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>		
Recommended Decision:		
<p>That Council notes the appointments and delegations set out in this report.</p>		
Purpose of Decision:		
<p>To note the Leader’s appointments to the Cabinet and his scheme of delegation.</p>		

Any Corporate implications in relation to the following should be explained in detail.

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

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.

OVERALL CORPORATE STRATEGY AND DIRECTION		
		Portfolio Areas:
Leader of the Council	Councillor Graham Butland	Overall Vision and Strategic Direction Strategic Partnerships Devolution Strategic Economic Growth Promotion of the District External Relations
ENVIRONMENT AND PLACE		
		Portfolio Areas:
Cabinet Member and Deputy Leader	Councillor Mrs Wendy Schmitt	Street Scene Maintenance & Management (street cleansing, markets, parks and open spaces, cemeteries, public conveniences and litter and fly-tipping enforcement) Waste Management (refuse, recycling and commercial waste) Highways Liaison and Car Parking Landscapes and Countryside Community Safety Emergency Planning Travellers
<i>Deputy Cabinet Member</i>	<i>Councillor Robert Mitchell</i>	Carbon and Energy Management to address Climate Change Public Protection Functions (licensing, environmental health and building control)

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

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

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 the officers to conclude any matter, process or transaction 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

To take decisions that promote the strategic objectives within their portfolio consistent with the Constitution and subject to the limitations below.

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 Bill Rose 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 Rose 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

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 Mrs J Beavis
Councillor G Butland (Chairman)
Councillor D Mann
Councillor Mrs J Pell
Councillor C Siddall
Councillor Mrs G Spray

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

Terms of Reference:

1. To regularly review the member development strategy to ensure that it continues to meet the needs of individual members and the Council.
2. To approve the methods of identifying and assessing member development needs.
3. To identify factors either within or outside the Council that may create training needs such as changes to service delivery mechanisms or legislation.
4. To identify the appropriate training required as relevant to the various roles undertaken by members.
5. To identify which member 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.
6. To recommend suitable and cost-effective development programmes including the annual member development plan.
7. To monitor how training and development is being carried out, and its effectiveness.
8. To monitor member involvement in the training and development provided and take relevant action, as required, to improve attendance.
9. To consider the annual report to cabinet advising on achievements and future priorities.
10. To monitor the use of resources required to support the member development programme.
11. To report to Cabinet as required.

Membership:

Councillor Mrs J Beavis (Chairman)

Councillor K Bowers

Councillor S Canning

Councillor Mrs J Pell

Councillor P Schwier

Councillor Mrs G Spray

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
Councillor J Elliott
Councillor D Mann
Councillor Mrs I Parker
Councillor F Ricci
Councillor Mrs G Spray (Chairman)
Councillor Mrs L Walters

Consequential amendments in relation to the Leader's Scheme of Delegation.		Agenda No: 12
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Graham Butland, Leader of the Council	
Report prepared by:	Ian Hunt, Head of Governance	
Background Papers:	Public Report	
Constitution	Key Decision: No	
Executive Summary:		
<p>Following the Leader’s announcement of their Cabinet Member Portfolios and Scheme of Delegation and Appointments to Cabinet Sub Committees at agenda item 11 there are a number of consequential amendments required. These are detailed in the report.</p> <p>The Leader having appointed Councillor B Rose as a Non-Voting Deputy Portfolio Holder wishes to ensure that he receives a special responsibility allowance in line with existing Deputy Portfolio Holders; having consulted the Independent Remuneration Panel they are content that the Leader’s suggestion is appropriate and support the proposal.</p>		
Recommended Decision:		
<div><div>1.</div><div>To approve the creation of an additional Member's Special Responsibility allowance for a Non-Voting Deputy Portfolio Holder.</div></div> <div><div>2.</div><div>To adopt the amendments to the Constitution as detailed in the body of the report.</div></div> <div><div>3.</div><div>To authorise the Head of Governance to incorporate the changes within the Constitution and make such typographic amendments as are necessary to do this.</div></div>		
Purpose of Decision:		
<p>To support the decisions of the Leader in their Cabinet Member Portfolios and Scheme of Delegation and Appointments to Cabinet Sub Committees and to ensure that the Constitution reflects this.</p>		

Any Corporate implications in relation to the following should be explained in detail.

Financial:	The creation of an additional Member's Special Responsibility allowance for a Non-Voting Deputy Portfolio Holder is outside of the existing Member Allowances budget, the additional cost of £4,635 will be met within the overall Council budget.
Legal:	There is a requirement for Members to have regard to the advice of the Independent Remuneration Panel prior to making changes to allowances.
Safeguarding:	There are no direct implications arising from this report.
Equalities/Diversity:	There are no direct implications arising from this report.
Customer Impact:	There are no direct implications arising from this report.
Environment and Climate Change:	There are no direct implications arising from this report.
Consultation/Community Engagement:	There are no direct implications arising from this report.
Risks:	By incorporating relevant provisions within the Constitution to reflect the appointment made by the Leader any risks around the creation of the new role are reduced.
Officer Contact:	Ian Hunt
Designation:	Head of Governance
Ext. No:	2629
E-mail:	ian.hunt@braintree.gov.uk

Consequential changes as a result of the Leader's Cabinet Member Portfolios and Scheme of Delegation and Appointments to Cabinet Sub Committees

1. Appointment of Councillor B Rose as Non-Voting Deputy Portfolio Holder:

- 1.1 The Leader is restricted by the legislation to a total executive cabinet of 10 members (including the Leader). In appointing a Non-Voting Deputy Portfolio Holder to assist in the work of the Cabinet and to deputise for the Portfolio Holder for Economic Development it is appropriate for the constitution to have an additional section to clarify the role. The following additional provision is recommended:

Article 6: Section 2.7: The Leader may from time to time appoint a Non-Voting Deputy Portfolio Holder; the Councillor may advise and support the work of the Cabinet and the Portfolio holder. They shall not have executive decision making powers and will not be able to vote at Cabinet meetings. Any Councillor appointed to a Non-Voting Deputy Portfolio Holder role serves until they either resign the role, cease to be a Councillor or the Leader notifies the Chief Executive that their appointment ceases.

- 1.2 The Leader proposes to Council that the appointment should carry the same allowance as a Deputy Portfolio Holder which is currently £4,635 per annum. This would represent an increase in the Member Allowances Budget and is currently unfunded. The increase could be met within the overall Council budget requirements.
- 1.3 In line with the requirement that Council must have regard to the views of the Independent Remuneration Panel in determining allowances the Panels views have been sought. Council is advised that the proposal is considered appropriate and that there is support for the proposal.
- 1.4 In light of this if Members support the proposal the Member Allowance Scheme would be amended to provide in Table 1:

Special Responsibility	Additional Allowance
<u>Non-Voting Deputy Portfolio Holder</u>	<u>£4,635</u>

2. Change to the Mi Community Scheme

- 2.1 Following the decision to change from the Mi Community Scheme to an individual Councillor led scheme, the Leader has reviewed the name and terms of reference of the Mi Community Scheme. This will be known as the Grants Panel.
- 2.2 There is a need for a consequential amendment to the Member Allowances Scheme to reflect this within table 1. The Chairman of the Mi Community Panel receives an allowance of £4,635, this would now be received by the Chairman of the Grants Panel.

2.3 The relevant provision within table 1 would therefore provide:

Special Responsibility	Additional Allowance
Chairman of the Mi Community Scheme <u>Grants Panel</u>	£4,635

Appointments to Committees of Council		Agenda No: 13
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Graham Butland Leader of the Council	
Report prepared by:	Ian Hunt Head of Governance	
Background Papers:	Public Report	
Constitution	Key Decision: No	
Executive Summary:		
<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>		
Recommended Decision:		
That the Council:-		
<ol style="list-style-type: none">1. Amends Article 7 section 2.1 to increase the size of the Overview and Scrutiny Committee from 12 to 13 members.2. That the Head of Governance be delegated authority to make any amendments to the Constitution to produce publication versions reflecting the decision above.3. Notes the political balance requirements;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; and5. That the schedule set out in Appendix A be adopted regarding the appointments to Committees6. 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.7. That the appointment of Chairman and Vice-Chairman of the Committees be as set out in Appendix B.		

Purpose of Decision:

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

Any Corporate implications in relation to the following should be explained in detail.

Financial:	None
Legal:	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.
Safeguarding:	None.
Equalities/Diversity:	None
Customer Impact:	None
Environment and Climate Change:	None
Consultation/Community Engagement:	Consultation with Group leaders as to the allocation of seats and membership of committees.
Risks:	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.
Officer Contact:	Ian Hunt
Designation:	Head of Governance
Ext. No:	2629
E-mail:	ian.hunt@braintree.gov.uk

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, there is a current by-election which leaves a single vacancy.
- 2.4 Therefore the membership of the Council for the purpose of the allocation of seats is broken down as follows:-
- 43 - Conservative Group
 - 2 - Labour Group
 - 2 - Halstead Residents Association
 - 1 - Green Member
 - 1 -Vacancy

3. Committee and Sub-Committee allocations

- 3.1 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.
- 3.2 The Conservative Group whilst permitted to appoint to all seats allocated to them from within the group, may appoint opposition Members over and above the requirements of the scheme, however this is at their discretion.

The Leader of the Council in considering the allocation of Committee membership proposes that Article 7 of the Constitution is amended in 2.1 to enable the Overview and Scrutiny Committee to have a total of 13 members rather than the current 12, it is recommended that the Constitution be amended to reflect this.

- 3.3 The following allocations meet the requirements of the proportionality rules:

Overview and Scrutiny Committee:

13 Members: 11 Conservative, 1 Labour, 1 Green

Planning Committee:

13 Members: 12 Conservative, 1 Labour

Licensing Committee:

13 Members: 12 Conservative, 1 Halstead Residents Association

Governance Committee:

7 Members: 6 Conservative, 1 Labour

Standards Sub Committee:

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

Appeals Committee:

3 Members (3 Substitutes): 2 Conservative, 1 Labour

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

- 3.4 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.
- 3.5 The Chairman and Vice Chairman of Committees and Sub-Committees are usually appointed from the majority group.
- 3.6 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.
- 3.7 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 R Bolton
 Councillor K Bowers
 Councillor Mrs L Bowers-Flint
 Councillor P Horner
 Councillor H Johnson
 Councillor S Kirby
 Councillor D Mann
 Councillor Lady Newton
 Councillor J O'Reilly-Cicconi
 Councillor Mrs I Parker
 Councillor Mrs W Scattergood
 Councillor P Schwier
 Councillor Mrs G Spray

Licensing Committee:

Councillor Mrs J Allen
 Councillor M Banthorpe
 Councillor J Baugh
 Councillor S Canning
 Councillor J Elliott
 Councillor J Goodman
 Councillor A Hensman
 Councillor H Johnson
 Councillor Mrs J Money
 Councillor Mrs J Pell
 Councillor R van Dulken
 Councillor Mrs L Walters
 Councillor Mrs S Wilson

Overview and Scrutiny Committee:

Councillor J Abbott
 Councillor C Bailey
 Councillor S Canning
 Councillor Mrs M Cunningham
 Councillor J Goodman
 Councillor P Horner
 Councillor D Hufton-Rees
 Councillor D Mann
 Councillor R Ramage
 Councillor F Ricci
 Councillor Miss V Santomauro
 Councillor P Schwier
 Councillor C Siddall

Governance Committee:

Councillor M Dunn
 Councillor J Elliott
 Councillor J Goodman
 Councillor D Hufton-Rees
 Councillor Miss V Santomauro
 Councillor Miss M Thorogood
 Councillor R van Dulken

Standards Sub Committee:

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

Appeals Committee:

Councillor Mrs A Kilmartin
 Councillor D Mann
 Councillor P Tattersley

Substitutes

Councillor R Bolton
 Councillor S Kirby
 Councillor D Mann

Substitutes

Councillor J Abbott
 Councillor B Rose
 Vacancy

CHAIRMAN AND VICE CHAIRMAN OF COMMITTEES AND PANELS

Planning Committee:

Chairman: Councillor Mrs W Scattergood

Vice Chairman: Councillor J O'Reilly-Cicconi

Licensing Committee:

Chairman: Councillor M Banthorpe

Vice Chairman: Councillor J Baugh

Overview & Scrutiny Committee:

Chairman: Councillor C Siddall

Vice Chairman: Councillor D Mann

Governance Committee:

Chairman: Councillor J Elliott

Vice Chairman: Councillor Miss V Santomauro

Appeals Panel:

Chairman: Councillor P Tattersley

Standards Sub Committee:

Chairman: Councillor J O'Reilly-Cicconi

ANNUAL GENERAL MEETING
25th April 2016



Appointment to Outside Bodies for the Civic Year of 2016/17		Agenda No: 16
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Graham Butland, Leader of the Council	
Report prepared by:	Ian Hunt, Head of Governance	
Background Papers:		Public Report
		Key Decision: No
Executive Summary:		
<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 2016/17 Civic Year only.</p>		
Recommended Decision:		
<p>That Full Council agrees to appoint Members in accordance with the schedule as set out in Appendix A.</p>		
Purpose of Decision:		
<p>Full Council discharges its functions in accordance with Article 4 of the Constitution.</p>		

Any Corporate implications in relation to the following should be explained in detail.

Financial:	<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>
Legal:	As set out in the report.
Safeguarding:	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.
Equalities/Diversity:	None arising out of this report.
Customer Impact:	None arising out of this report.
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	Appointments will be confirmed with the external bodies following the AGM.
Risks:	Should the Council decline to make an appointment, the Council will be unrepresented on the respective external body.
Officer Contact:	Ian Hunt
Designation:	Head of Governance
Ext. No:	2629
E-mail:	ian.hunt@braintree.gov.uk

Appointment to Outside Bodies for the Civic Year of 2016/17

Outside Body:	Proposed Appointment/s:
Braintree and Bocking Community Association	Councillor J Baugh Councillor R Ramage
Braintree District Access Group	Councillor Lady Newton Councillor Mrs L Bowers-Flint (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 R Bolton Councillor Mrs W Scattergood
Earls Colne Airfield Liaison Committee	Councillor Mrs G Spray
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
Greenfields Community Housing Board (GCHB)	To the 17 th July 2016: ¹ Councillor M Banthorpe Councillor D Mann From the 17th July 2016: Councillor Mrs L Bowers-Flint Councillor Lady Newton Councillor Miss M Thorogood
Maltings Lane Forum	Councillor Mrs J Money The successful candidate in the current by-election for the Witham South ward.

¹ Under the requirements of the GCHB constitution Directors can only be appointed for a maximum period of 9 consecutive years, both Councillor M Banthorpe and Councillor D Mann will reach this point on the 17th July 2016. Therefore it is necessary to change the appointment.

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

Members are advised that the appointment to the Braintree College – Colchester Institute’s Board, was ceased during the last municipal year due to changes in the organisation of the Board. The Institute therefore no longer seeks an appointment from the Council at this level, although there continues to be contact and communication over a wide range of issues.