

Minutes

Local Government Reform Cabinet Sub Group

26th April 2010

Present:

Members	Present
Councillor Mrs J C Beavis	Yes
Councillor G Butland	Yes
Councillor Dr R L Evans	Yes
Councillor M G Gage	Yes
Councillor E R Lynch	Yes
Councillor N G McCrea	Yes
Councillor J McKee	Yes

Action by:

21 **DECLARATIONS OF INTEREST**

INFORMATION: There were no declarations of interest.

22 **MINUTES**

DECISION: That the minutes of the meeting of the Group held on 25th November 2009 be approved as a correct record and signed by the Chairman.

23 **SCHEME OF DELEGATION FOR OFFICERS**

The Assistant Chief Executive/Monitoring Officer presented a report (Version 2) proposing a new scheme of delegation for officers. This will replace the current scheme contained in Part 3 of the Constitution if approved by the Council AGM on 10th May 2010. Members also received proposed amendments put forward by Service Unit Managers, for consideration.

The current scheme comprises of specific powers of delegation for the Chief Executive, Directors and Chief Officers, whereas the proposed simplified system will identify the delegated function and show where accountability rests at senior officer level for that delegation. It is envisaged that Directors will have a dedicated system within their own service area to ensure the delegation process is kept up to date. Sub-Section A to Sub-Section C of the report contained details of the responsibilities of the Directors under

- the Chief Executive
- Corporate Director – Finance & Resources (assisted by relevant Heads of Service within their directorate)
- Corporate Director – Environment & Community (assisted by relevant Heads of Service within their directorate)

- Service Director – Economy and Planning (assisted by relevant Heads of Service within their directorate)
- Assistant Chief Executive.

Members noted the content of specific legislation quotes in the proposed scheme, and were advised of the additional planning amendments within the General Scheme (Sub-Section B) to update the development codes and simplify the process.

The following issues were discussed

- the use of delegation and sensitive, contentious issues, i.e. applications at gambling premises
- that officers will not exercise delegated powers on determining telecommunication issues (telephone masts)
- for changes under the licensing function to be reviewed by the Licensing Committee, including registration of licensing applications on the website. Concern was expressed that if these were determined under delegated powers this information would not have been seen by the public/Ward Members
- that all licensing applications should be provided to the relevant Ward Member.

Councillor McCrea raised two issues regarding (i) planning applications for wind turbines being treated the same as telecoms issues, and requested a relevant reference within Item 3.3(a) of Sub-Section C2; and (ii) the issue of Appeals (Item 5, also of C2) 'except where the Council/Planning Committee has decided against officers recommendations'. This had previously been a difficult, sensitive area of the appeals process and needs to be revisited and a suitable level of support provided from appropriate officers to members.

The Monitoring Officer and the Member Services Manager agreed to obtain legal advice in relation to these two aspects of the planning delegation.

Sharon Lowe/Alastair Peace

Consideration was given to the separate paper of 'Amendments Proposed by Officers'. Members requested that the descriptors for Environmental Health (C1.11a Regulatory Services) should remain, and for the bracket clause containing 'control of dogs and health and safety' to be reworded to allow more importance for health and safety. The Chairman also considered that Councillors are not consulted for the category covering naming/numbering of streets.

At the close of this item it was noted that further changes in the scheme will need to be considered when regulations on public health issues are introduced.

DECISION:

1. That the scheme of delegation for officers as set out in the Appendix to the report be approved subject to the amendments contained above, including issues raised regarding
 - (i) wind turbines – subject to any legal impediment, and
 - (ii) appropriate officer support for Members at the appeal stage of the planning application process to defend the Council's decision – subject to any legal impediment.
2. That the Monitoring Officer be authorised to make any consequential amendments to the Constitution as a result of approving a revised scheme of delegation.

The Assistant Chief Executive/Monitoring Officer introduced the report on proposals for a scheme to deal with petitions that is a new requirement under 'The Local Democracy, Economic Development and Construction Act 2009'. The new scheme will replace and extend the Council's current Petitions Procedure Rules if approved by the Council AGM on 10th May 2010. Details of the Council's Petitions scheme will be published on the website, and an E-package has been purchased – that will be implemented within two months – that allows petitions to be lodged via the internet.

The procedure for dealing with petitions under the new scheme was discussed, including various scenarios, the timescale of the process, and the rights of the petitioner. It was noted that the Council had recently received a petition comprising of over 2,000 signatures that could be dealt with by the new Petitions scheme.

The Group continued to discuss the threshold of signatures required to instigate the petitions process, especially the lower threshold of 20 signatures for an Ordinary Petition. Some Members considered this too low in relation to the higher threshold of 1,000 signatures for a debate by Council or 500 signatures for calling officers to account. However, it was agreed that as the current limit stands at 20 signatures and the Council has no significant problem with dealing with these the opportunity for small groups of people to bring a petition to the Council should remain. It was proposed that the scheme is reviewed in 12 months time.

DECISION:

1. That the Petitions Scheme as set out in the Appendix of the report be approved as follows
 - To agree the threshold for signatures at
 - 'Ordinary' petitions – 20 signatures
 - Petitions requiring debate – 1,000 signatures
 - Petitions to hold Council employees to account – 500 signatures
 - To agree that petitions should only be considered from people who live, work or study in the Braintree District
 - To agree that signatures are only taken account of if the person provides a valid address where they live, work or study within the Braintree District
 - To delegate to the Monitoring Officer the authority to reject petitions which they consider to be vexatious, abusive or otherwise inappropriate
 - To agree that in extreme cases, after advice, that the Chief Executive, Corporate Directors and the Assistant Chief Executive could be called to give evidence for petitions holding senior officers to account.
2. That the Monitoring Officer be authorised to make any consequential amendments to the Constitution following the approval of the Petitions Scheme.

3. That the Petitions Scheme be reviewed in 12 months.

The meeting commenced at 5.00pm and closed at 6.02pm.

G BUTLAND

(Chairman)