

Minutes

Annual Meeting of the Council

21st May 2007



Present:

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

The Chairman welcomed all Councillors and members of the public and press to the meeting. He drew their attention to the evacuation procedure in case of an emergency and of the need for Members to use the microphones. He then went on to present a certificate to all retiring Councillors and he thanked each Councillor for their service to the Council and the citizens of the District.

The Chief Executive, then thanked the Chairman for the way in which he had represented the District and presented him with a signed citation and an album recording the events of his year in office.

The outgoing Chairman, Councillor David Finch, thanked all Members for their support and good conduct at meetings during the past year. He commented that over his 12 years as a Councillor he had been very fortunate in meeting many of the nicest people throughout the Braintree District. He had served under a number of different Leaders and two different Chief Executives. In his experience the standards of behaviour by Councillors and officers at Braintree were among the very highest standards in the country and standards to be proud of.

Councillor Finch thanked the Civic Team of Donna Walton, Angela Whybrew, Linda Parish and his chauffeur David Blute who he presented with a gift. He went on to thank the Vice Chairman, Councillor Mrs Beryl Gage for her support during his 12 months as Chairman. He concluded by wishing the whole Council good luck for the future.

Graham Butland responded by thanking Councillor Finch on behalf of the Conservative Group for his contribution to the Civic Life of the Council over the last 12 months.

Councillor Dr Evans, thanked the Chairman on behalf of the Labour Group. He highlighted the Chairman's good humour and firm but fair approach. Councillor Michael Gage spoke on behalf of the Halstead Residents Association, Councillor Abbott spoke on behalf of the Green Group and Councillor Rice spoke on behalf of the Liberal Democrat Group each expressing their appreciation to the Chairman.

1 ELECTION OF CHAIRMAN FOR THE YEAR 2007/08

DECISION: That Councillor Lady Newton be elected Chairman of the Council for the year 2007/08.

Councillor Lady Newton then received the Chairman's Chain of Office and signed the Declaration of Acceptance of Office.

On taking her seat, the Chairman thanked Members for their support in installing her to this important Office. Although she had not sought the office of Chairman, Councillor Lady Newton stated that it would be an honour to represent the District. She would use her many years experience of building relationships with the statutory, voluntary and business sectors and look towards building on the excellent reputation of the Council. In particular, Councillor Lady Newton highlighted the "can do" reputation of the Council and its reputation for listening. She looked forward to receiving Members' support over the coming year.

2 APPOINTMENT OF VICE-CHAIRMAN FOR THE YEAR 2007/08

DECISION: That Councillor Mrs M E Galione be appointed Vice-Chairman of the Council for the year 2007/08.

Councillor Mrs Galione then took her seat and signed the Declaration of Acceptance of Office.

The Vice-Chairman expressed her thanks to Members for their support.

3 DECLARATIONS OF INTEREST

INFORMATION: There were no declarations of interest

4 ANNOUNCEMENTS FROM THE CHAIRMAN

INFORMATION: Councillor Lady Newton advised Council that she had no announcements.

5 ANNOUNCEMENT OF THE LEADER OF THE COUNCIL

The Chairman of the Council advised Council that, as set out in the Constitution, the Leader of the majority Group, Councillor Graham Butland, was the Leader of the Council for the year 2007/08. She then invited the Leader to announce his Cabinet.

6 LEADER'S STATEMENT

(1) Announcement of Cabinet and Deputy Portfolio Holders

Councillor Butland announced that his Cabinet would be as follows:-

Portfolio	Portfolio Holder	Deputy Portfolio Holder
Leader	Graham Butland	Nigel McCrea
Deputy Leader and Portfolio Holder for Enterprise and Infrastructure	Nigel Harley	Tim Wilkinson
Portfolio Holder for Environment and Sustainability	Roger Walters	Robert Mitchell
Portfolio Holder for Public Protection & Healthy Living	Wendy Schmitt	Bill Rose
Portfolio Holder for Resources and Performance	Michael Lager	John McKee
Portfolio Holder for Community Support and Engagement	Joanne Beavis	Elizabeth Edey

In announcing his Cabinet Councillor Butland referred to the fact that the smaller Cabinet reflected the fact that the Council would lose the Housing function in November and that in order to support a smaller Cabinet he was re-naming the role of Lead Member to be that of Deputy Portfolio Holder.

(2) Leader's Statement

The Leader of the Council, Councillor Graham Butland, relayed his congratulations to all Councillors on their election to the Council for the next four-year term. He expressed his commitment to continue the improvements to the Braintree District for the benefit of its citizens. He acknowledged the huge responsibility that the Conservative Group on the Council had with a large majority but expressed his desire to be as inclusive as possible and as such gave a commitment to continue with the good relationship that had existed between the political groups in the past. He gave a commitment to continue with Group Leaders meetings if the three Group Leaders Councillors Dr Evans, M Gage and Abbott wished these to continue.

Councillor Butland expressed his intention that all major issues be debated by the whole Council and that he and colleagues on the Cabinet would listen to all views. This he hoped would ensure that his Group would not abuse its power and this in turn would help to maintain the trust of the electorate.

The Leader went on to highlight some of the major challenges that lie ahead for the Council. He referred to the new legislation and the increased focus on the role of the Councillor as a champion of the Community. He referred to the Local Development Framework and the need to ensure that Braintree was able to influence the major activity taking place or about to take place in neighbouring Districts and the need to build on existing partnerships with the County Council and other District Councils in Essex. The need to also look to build relations with the Police and other agencies that would lead to a real "one stop shop" approach to service delivery. He also referred to the need to rationalise the use of Council buildings and the fact that the transfer of housing and this function moving out of Causeway House would lead to other opportunities for the use of these premises.

7 REVISED MODEL CODE OF CONDUCT

The Chairman of the Standards Committee explained that the Government had introduced the new Code and it made practical sense to adopt the new Code at the earliest opportunity. He explained the main differences between the new and the old Code and pointed out that if this is adopted all Members would have to complete a new Register of Interests form within 28 days of the meeting.

DECISION:

- (1) That the revised Model Code of Conduct for elected and co-opted Members be adopted in place of the existing Code of Conduct and that the ten General Principles of Public Life also be adopted as a non-enforceable annex to it.
- (2) That delegated authority be granted to the Head of Law and Governance in consultation with the Monitoring Officer to put into place the appropriate processes to enable Members with interests that are prejudicial to make representations in accordance with paragraph 12 (2) of the revised Code of Conduct.

8 NOTICE OF MOTION

Consideration was given to a Motion, the full details of which are attached as an appendix to the minutes, concerning an amendment to the decision making structure that would have the effect of

- Renaming the District Development Committee the Planning Committee and transferring the powers to determine Planning Applications from the three Area Committees to the new Planning Committee; and
- Renaming the three Area Committees as Local Committees, each meeting bi-monthly.

The Motion was proposed by Councillor Butland, seconded by Councillor Harley and signed by Councillors Lager, Mrs Scattergood, Mrs Schmitt and Wilkinson.

In presenting the Motion, Councillor Butland explained how planning applications currently dominated the Area Committee agendas at the expense of everything else and he highlighted the new Local Government Bill and the increasing focus being placed on the role of the local Councillor as a Community Leader. He felt that the role of the Councillor and the Area Committee was a very important part of this enhanced role. To ensure that the new local committees could act independently he was allocating a budget of £300,000 initially to be divided on a pro-rata basis based on the number of Members on each Committee.

Councillor Butland explained that he hoped that by inviting the Chairmen of the Local Committees to Cabinet there would be a two-way process of communication between the Cabinet and the Local Committees.

He explained his thoughts on the role of Community Champions, but wanted to discuss this further with Group Leaders.

Councillor Butland explained that the other side to the equation was the role of the district wide Planning Committee that would meet fortnightly and with a consistent Membership it should improve both the speed and the quality of decisions and free up the role of Ward Members to go and represent their Ward without the weight attached to being a Member of the Committee.

In response, a number of Members welcomed the development of Local Committees, but expressed concerns about the loss of planning from the Area Committees. They requested re-consideration and consultation on this matter. Amongst other issues, those Members speaking against the Motion were concerned that the single Planning Committee would not benefit from local knowledge of local Members making decisions at local venues ensuring that the Area Committees were more open and accessible.

In response, the Leader and other Members felt that the Council was district wide, the same rules did not apply to Licensing and there was duplication by referencing issues up to the District Development Committee.

DECISION: That the Notice of Motion as set out in Appendix 1 be approved in full.

9 APPOINTMENT OF COMMITTEES/GROUPS/PANELS

The Leader of the Council moved the appointment of Committees/Groups/Panels as listed on Appendices 1, 2 and 3 attached to the agenda and as amended by the yellow sheet previously circulated to all Councillors.

DECISION: That the appointment of Members to the following Committees/Groups/Panels be confirmed:-

(1) Braintree Local Committee

Councillors M J Banthorpe, J Baugh, E Bishop, G Butland, Ms C J Denise, M Dunn, Mrs L Edey, A V E Everard, J H G Finbow, Ms L B Flint, E R Lynch, M Lynch, D Mann, T McArdle, J McKee, Lady Newton, D M Reid, D E A Rice, Mrs C Sandbrook, Mrs J W Schmitt, Mrs L Shepherd, Miss M Thorogood, S M Walsh, R G Walters, R N Wilkins and T S Wilkinson.

(2) Halstead Local Committee

Councillors Mrs J C Beavis, R J Bolton, J C Collar, Mrs B A Gage, M G Gage, N R H O Harley, D L Hume, N G McCrea, H J Messenger, J P O'Reilly-Cicconi, Mrs R O'Shea, Mrs J A Pell, Mrs W D Scattergood, A F Shelton, Mrs G A Spray and F Swallow.

(3) Witham Local Committee

Councillors J E Abbott, Miss L Barlow, D L Bebb, K E Bigden, J G J Elliott, Dr R L Evans, T J W Foster, Mrs M E Galione, J E B Gyford, Mrs S A Howell, P J Hughes, M C M Lager, S J Lambourne, A M Meyer, R G S Mitchell, Mrs J M Money, R Ramage and W Rose.

(4) Planning Committee

Councillors J E Abbott, J Baugh, K E Bigden, E Bishop, R J Bolton, J C Collar, A V E Everard, J H G Finbow, Ms L B Flint, T J W Foster, Mrs B A Gage, Mrs M E Galione, S J Lambourne, D Mann, Mrs J M Money, Lady Newton, J P O'Reilly-Cicconi, Mrs J A Pell, Mrs W D Scattergood, Mrs L Shepherd and Mrs G A Spray

(5) Licensing Committee

Councillors M J Banthorpe, K E Bigden, J C Collar, J G J Elliott, J H G Finbow, Mrs S Howell, P J Hughes, E R Lynch, M Lynch, T McArdle, A M Meyer, Mrs J A Pell, D E A Rice, A F Shelton and F Swallow.

(6) Overview and Scrutiny Committee

Councillors Ms C J Denise, M Dunn, Dr R L Evans, Ms L B Flint, M G Gage, J E B Gyford, A M Meyer, Mrs R O'Shea, R Ramage, Mrs C Sandbrook, A F Shelton and S Walsh.

(7) Local Development Framework Panel

Councillors Miss L Barlow, G Butland, N R H O Harley, M C M Lager, Lady Newton, N G McCrea, H J Messenger, Mrs W D Scattergood, Miss M Thorogood and R G Walters.

(8) Audit Committee

Councillors J Baugh, D L Hume, M Lynch, Mrs J M Money, D M Reid, Mrs C Sandbrook, F Swallow and R N Wilkins.

(9) Employment Appeals Panel

Councillors Dr R L Evans, M G Gage, Mrs C Sandbrook and reserves being Councillors Miss L Barlow, A V E Everard, D L Hume, E R Lynch and Mrs J W Schmitt.

(10) Standards Committee

Councillors J H G Finbow, J E B Gyford and J P O'Reilly-Cicconi

Independent Chairman is T French

W Fossick and S Goodfellow (Parish representatives)

T Jones, P Schwier and C Webb (other independent representatives)

AT THIS POINT IT WAS MOVED, SECONDED AND RESOLVED THAT THE MEETING OF THE COUNCIL BE ADJOURNED TO ENABLE THE ABOVE COMMITTEES, GROUPS AND PANELS TO MEET TO APPOINT THEIR RESPECTIVE CHAIRMEN AND VICE-CHAIRMEN.

Adjournment

Council Meeting Continued

10. APPOINTMENT OF /GROUPS/BOARDS/PANELS

DECISION: That the following Councillors be appointed to the Groups/Boards/Panels as listed below:-

(1) Economic Development Partnership Board

Councillors N R H O Harley, D Mann and T S Wilkinson

(2) Transport Partnership Board

Councillors D Bebb, J H G Finbow, N R H O Harley and S M Walsh

(3) Cultural Partnership Board

Councillors J G J Elliott, A V E Everard, Mrs M E Galione, D L Hume, S J Lambourne and Mrs G A Spray.

(4) PACT (Partners and Communities Together)

Councillor Mrs J C Beavis and G Butland.

It was noted that as the Environment Partnership Board and Housing Partnership Board had not met for the last two years no appointments would be made.

11 APPOINTMENT OF REPRESENTATIVES TO SERVE ON EXTERNAL ORGANISATIONS

INFORMATION: Members were requested to consider appointing representatives to a list of organisations where appointments are required to be made by the Council. Details of the Council's existing policy with regard to appointments to external organisations were listed on the Agenda.

DECISION: That appointments be made to the following organisations for the Civic Year 2007/08:-

<u>Name of Organisation</u>	<u>Name of Representative(s)</u>
East of England Regional Assembly	Councillor G Butland
Local Government Association General Assembly	Councillor G Butland
Local Government Association Rural Commission	Councillor Mrs W D Scattergood
Local Government Association Urban Commission	Councillor M C M Lager
Council for the Protection of Rural Essex	Councillor J H G Finbow
East Anglia Tourist Board Regional Tourism Council	Councillor N R H O Harley
Eastern Orchestral Board	Councillor S J Lambourne
Stansted Airport Consultative Committee	Councillor N R H O Harley
Braintree District Arts Council	Councillors A V E Everard and Mrs M E Galione
Braintree District Local Compact Steering Group	Councillor Mrs E Edey
Braintree Police and Community Consultative Group	Councillors A M Meyer, W Rose and Mrs J W Schmitt

Eastern Arts Board Local Government Forum
(Eastern Region)

Councillor J G J Elliott

Museums in Essex Committee

Councillor Mrs S Howell

Homestart Braintree and Witham

Councillor Mrs M E
Galione

Greenfields Community Housing Shadow Board

Councillors M J
Banthorpe, D Mann and
A F Shelton

12 ANNUAL TIMETABLE OF MEETINGS 2007/08

DECISION: That the timetable of Council meetings as set out on the Council agenda and the full timetable for 2007/08 be circulated to all Councillors later this week.

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

Lady Newton

(Chairman)

Appendix 1 to the Council AGM Minutes – 21st May 2007-06-05

Motion prepared by Councillor G. Butland, seconded by Councillor N. Harley and supported by Councillors M. Lager, W. Schmitt, T. Wilkinson and W. Scattergood.

That:

1. Planning Committee

With immediate effect the District Development Committee is renamed the Planning Committee consisting of 21 Members. With effect from 6th June 2007 the Planning Committee shall have delegated authority to act on behalf of the Council on:

- (a) The Council's town and country planning and development control functions as detailed in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
- (b) determination of all applications for planning permission, listed building consent and associated matters;
- (c) authorisation of all enforcement actions under town and country planning and allied legislation;
- (d) the making of orders for the creation, diversion and extinguishment of public rights of way, authority to confirm unopposed orders for the same and authority to decide not to confirm an order, authorisation of enforcement and other actions in relation to the protection of public rights, presentation of obstructions or damage to the highway and any other matters as may from time to time require determination by the Committee;
- (e) all other matters currently delegated to the District Development Committee where not covered by or inconsistent with (a) to (d) above.

2. Local Committee

- (a) That with effect from 6th June the Area Committees be called Local Committees.
- (b) With effect from 6th June 2007, the terms of reference of the Area Committees be amended to exclude any of the matters covered by 1(a) to (d) above.
- (c) The cycle of Local Committee meetings be changed so that, in future, each meets once every eight weeks.

Note: The effect of the above, means that the first meeting of the Planning Committee (previously the District Development Committee) and Area Committees will take place under the current terms of reference of the District Development Committee and Area Committees, respectively. With effect from 6th June, the new Planning Committee and Local Committees will come into being under the revised terms of reference.

3. Changes to the Constitution

Authority be granted to the Head of Law and Governance to make the changes to the Constitution that are necessary or consequent upon adoption of this motion.

4. Cabinet

The current designation of Lead Member be changed to Cabinet Deputy.

5. Member Champions

That the Council appoints Member Champions from Councillors who are not Members of the Cabinet or deputies (see Appendix 2 attached).

6. Timetable

That the timetable of meetings be reviewed on the following basis and amendments made where practical:

Council every eight weeks, plus AGM
Cabinet every eight weeks
Planning Committee every two weeks
Local Committee every eight weeks
Timings for all other committee meetings remain unchanged

Note: The current timetable of meetings will be amended to accommodate the cycles proposed above as far as possible.

7. Special Responsibility Allowance

That a report on any amendment to the current scheme of special responsibility allowance be considered by a future Council meeting.

8. Overall Decision-Making Structure

The overall decision-making structure is set out in Appendix 3 for Member information.

Appointment of Champions

At its discretion, the Council may, from time to time, designate Champions from amongst Councillors who are not Members of the Cabinet.

Term of Office

Councillors who are designated as Champions shall hold office until:

- (a) they resign from office;
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
- (c) they are no longer Councillors; or
- (d) until the commencement of the next Annual Meeting of the Council, except that the Council may remove from office at its discretion.

Role and Functions

To act as a positive focus for the local community at elected member level in respect of the relevant section of the community or range of activities designated by the Council so as to ensure that full consideration is given to the impact of Council activities and decisions upon the section of the community or range of activities.

Key Tasks

- (a) To make contact with local organisations concerned with the designated section of the community or range of activities and to establish effective and regular consultation arrangements with those organisations.
- (b) To represent the views of such organisations to officers, the Council, the Cabinet, Overview and Scrutiny and other Committees, on all relevant aspects of the Council's activities.
- (c) To act as an advocate on behalf of the relevant section of the community or range of activities within the Council as an organisation and to the wider community.
- (d) To become familiar with the needs and priorities of the relevant section of the community, or range of activities concerned, and to weigh up interests expressed in order to provide sound advice on the implications of alternative courses of action.
- (e) To feedback decisions of the Council and to explain the Council's position on specific issues of concern to relevant organisations and to individuals involved.
- (f) To publish an annual report on work undertaken over each year for consideration by the Council.

