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Agenda Supplement

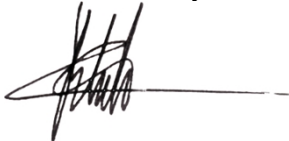
Dear Councillor

ANNUAL COUNCIL - WEDNESDAY, 17TH MAY, 2023

I am now able to enclose, for consideration on Wednesday, 17th May, 2023 meeting of the Annual Council, the following reports that were unavailable when the agenda was printed.

- | Agenda No | Item |
|------------------|---|
| 10. | <u>Committees and their Terms of Reference (Pages 3 - 26)</u> |
| 11. | <u>Political Balance, Allocation of Committee Seats and Committee Appointments (Pages 27 - 42)</u> |
| 12. | <u>Committee Calendar for 2023-24 (Pages 43 - 46)</u>
Appendix A to be tabled at the meeting. |
| 13. | <u>Members Allowances 2023-24 (Pages 47 - 62)</u> |
| 14. | <u>Appointment of Independent Persons for Purpose of the Localism Act 2011 (Pages 63 - 66)</u> |
| 15. | <u>Appointment of Monitoring Officer (Pages 67 - 70)</u> |

Yours sincerely



Chief Executive

Encs

17/05/23

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ANNUAL COUNCIL

17th MAY 2023

REPORT TITLE:	Committees and their Terms of Reference 2023/2024
REPORT OF:	Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer

REPORT SUMMARY

The Council operates a committee system form of local government governance and there are a number of statutory provisions relating to committees.

The Constitution under Council Procedure Rule 2.1 (k) provides that the Annual Meeting of Council considers the establishment of committees, their size and terms of reference for such Committees. Certain matters are laid down by law and the Council has no discretion in its considerations.

RECOMMENDATIONS

Members are asked:

- R1. That the Committees listed in Appendix A be appointed for the Municipal Year 2023/2024.**
- R2. That the size of the Committees listed in Appendix A be agreed.**
- R3. That the Terms of Reference of the Committees listed in Appendix A be agreed.**
- R4. That the Council's Monitoring Officer be authorised to make any necessary changes to the Constitution.**

SUPPORT ING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

2.0 OTHER OPTIONS CONSIDERED

Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2023/2024.

The proposed Committees for 2023/2024 (including their suggested/required size and terms of reference) are appended to this report.

3.0 BACKGROUND INFORMATION

As stated above, the Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.

The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.

Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.

Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.

Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).

Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge

the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.

Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.

Although the Licensing Sub-Committee is set up by the Planning and Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

4.0 ENGAGEMENT/CONSULTATION

None

5.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2023/2024.

6.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

The recommendations set out within this report are lawful and within the Council's powers and duties. The Council operates a committee system form of governance within an existing legal framework. The Council's Constitution provides that the Annual Meeting will establish a committee for the purposes of the Licensing Act 2003 and such other committees as may be necessary for the proper discharge of the Council's functions, including their size and terms of reference.

7.0 EQUALITY IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

8.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

There are no direct environment and climate implications.

REPORT AUTHOR:

Name:	Zoey Foakes
Title:	Governance & Member Support Officer
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APPENDICES

Appendix A: Committees and their Terms of Reference 2023/2024

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Council	18.05.2022
Annual Council	19.05.2021

Appendix A

The following Committees are established under all Council powers:-

- (1) **Audit and Scrutiny Committee – 9 Members of the Council**
- (2) **Housing, Health and Community Committee – 9 Members of the Council**
- (3) **Dismissals Advisory Panel – 3 Independent Persons**
- (4) **Dismissal Appeals Committee – 9 Members of the Council**
- (5) **Emergency Committee – 10 Members of the Council**
- (6) **Green and Clean Committee – 9 Members of the Council**
- (7) **Planning Committee – 12 Members of the Council**
- (8) **Licensing Committee – the same Members of the Council appointed to the Planning Committee**
- (9) **Finance, Assets, Investment and Recovery Committee – 9 Members of the Council**
- (10) **Staff Appointments Committee – 9 Members of the Council**

The Terms of Reference of the above are set out as follows:-

CHAPTER 3 - POWERS AND DELEGATIONS

PART 3.1 - POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

1. Matters Reserved to meetings of Council

1.1 Council

The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 37 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

1.2 Functions of the Council

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;

- (c) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;
- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving of the Council's Corporate Plan;
- (m) approving or adopting the Council policies and strategies which form the policy framework;
- (n) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (o) confirming the appointment or dismissal of the Chief Executive; Monitoring Officer; and Section 151 Officer;
- (p) to consider reports on cross cutting matters not expressly delegated to another committee;
- (q) all other matters which by law must be reserved to Council;

2. General Powers of Committees

This scheme of delegation sets out the functions of the Council to be discharged by its committees and sub-committees and includes the terms of reference of statutory and non-statutory bodies set up by the Council.

Each committee or sub-committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;

- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the committee;

2.1 Finance, Assets, Investment and Recovery Committee

The committee shall consider all matters of policy and strategic importance to the Council including matters referred to it by other Committees and/or Chief Officers.

The function within the remit of the Finance, Assets, Investment and Recovery Committee include all financial matters relating to the budget, (and for avoidance of doubt, being the superior Committee on all such matters including capital, revenue and the Housing Revenue Account (HRA) except where the law otherwise requires), and without prejudice to the generality of this, include the specific functions which are set out below.

Policy

Generally to review and oversee the co-ordination and governance of all functions of the Council. To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

Finance

- 1) Financial Services
- 2) Contracts, commissioning, procurement
- 3) Legal services
- 4) Health and safety at work (in so far as it relates to the Council as an employer)
- 5) Corporate communications and media protocols
- 6) Corporate and Democratic services
- 7) Human Resources
- 8) Information Communication Technology
- 9) Revenues and Benefits

- 10) Customer Services
 - 11) Assets (strategically)
-
- 2. Overall responsibility for monitoring Council performance.
 - 3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.
 - 4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
 - 5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
 - 6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.
 - 7. To approve the write off of any outstanding debt owed to the Council above the delegated limit of £5,000.
 - 8. To determine capital grant applications.
 - 9. To make recommendations on the allocation and use of resources to achieve the council's priorities.
 - 10. To manage and monitor the Council approved budgets and allocation of resources.
 - 11. To provide the lead on partnership working including the joint delivery of services.
 - 12. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
 - 13. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following-

The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.

- (c) Promoting the use of Council owned assets by the local community and other interested parties.
 - (d) To manage any lands or property of the Council;
 - (e) To include properties within the council's Asset Management Portfolio including Halls etc.
 - (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
 - (g) To review the corporate Asset Management Plan annually.
 - (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
 - (i) Disposal of land surplus to the requirements of a council function.
 - (j) Appropriation of land surplus for the requirements of another Council function.
 - (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.
 - (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
 - (m) To receive updates reports on the Asset Development Programme and the work of the Asset Development Programme and Project Board.
 - (n) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
 - (o) To agree and monitor the governance arrangements for any commercial and/or partnership arrangement with the Council.
 - (p) Promoting a culture of entrepreneurialism and building the required skills and capacity.
 - (q) To consider and approve business cases and commercial business plans for commercial activity.
14. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countrywide or regional economic development initiatives.
 - (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
 - (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
 - (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
 - (e) To develop and deliver a Borough wide initiative on apprenticeships.
 - (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
 - (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
 - (h) To maintain a special interest in promoting employment in the Borough.
 - (i) To promote and encourage tourism and heritage.
 - (j) Parking (off street parking provision in Council owned/leased off-street parking places).
 - (k) Any matters relating to Crossrail.
15. To consider a report from the Monitoring Officer at the beginning of the Municipal Year, for the Committee to appoint the membership of the Constitution Working Group, in order for the Monitoring Officer to consult with such Members on the regular review of the Constitution documentation in accordance with Article 12 of the Constitution during the year.
16. To review and facilitate the transformation of delivery of services.

Transformation

- (a) To approve and facilitate the transformation of delivery of services.

Projects

- (a) To identify, monitor and oversee the implementation of those Corporate Projects that have been agreed by the committee to be major.

Scrutiny

- (a) To advise the Audit & Scrutiny Committee of any matters that require scrutiny in accordance with the Audit and Scrutiny Procedure Rules.
 - (b) To receive requests and determine on matters that require scrutiny from any Committee in accordance with the Audit and Scrutiny Procedure Rules.
17. To consider any requests for sponsorship and use of the Council's Coats of Arms and logos.

2.2 Green and Clean Committee

The functions within the remit of the Green and Clean Committee are set out below:

1. Waste management, refuse collection and recycling
2. Environmental improvement schemes
3. The quality of the public realm, including street services and grounds maintenance
4. Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage
5. Public conveniences
6. Cemeteries and closed churchyards
7. Environmental Health
8. Environmental nuisance and pollution controls
9. Other miscellaneous powers enforced by Environmental Health
10. Unlawful incursions
11. Operational facilities management (including maintenance) of the Town Hall and the Depot

12. Oversee and monitor the enforcement activities of the Council
13. Community Safety (including Community Safety Partnership) and CCTV
14. To implement working parties as required

2.3 Housing, Health & Community Committee

The functions within the remit of the Housing, Health & Community are set out below:

1. Community and Localism Initiatives including Assets of Community Value
2. The Voluntary Sector and community partnerships
3. Leisure and cultural initiatives
4. Parish Council Liaison
5. Health and Wellbeing
6. Grants to organisations/voluntary organisations.
7. Parks, open spaces, countryside, allotments
8. Affordable housing
9. Housing strategy and investment programme where the Finance, Assets, Investment & Recovery Committee does not decide to exercise such functions as the superior Committee.
10. The Housing Revenue Account Business Plan where the Finance, Assets, Investment & Recovery Committee does not decide to exercise such functions as the superior Committee
11. Housing standards, homelessness, homelessness prevention and advice
12. Housing needs assessment

13. Housing benefit - welfare aspects (was this going to (Finance, Assets, Investment & Recovery Committee)
14. Private sector housing and administration of housing grants
15. Tenancy Management and landlord functions
16. To make recommendations to Finance, Assets, Investment & Recovery Committee on the setting of rents for Council homes.
17. Food safety
18. Health & Safety
19. To take the lead on community leadership and consultation with stakeholders.
20. To implement working parties as required.

2.4 Audit and Scrutiny Committee

The Audit and Scrutiny Committee provides advice to the Council and the committees on the effectiveness of the arrangements for the proper administration of the Council's financial affairs, including all relevant strategies and plans.

It also acts as the Council's Overview and Scrutiny Committee with all the powers under Part 3 of the Local Authorities (Committee System) (England) Regulations 2012, and discharges the functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).

Without prejudice to the generality of the above, the terms of reference include those matters set out below.

Audit Activity

- (a) To approve the Annual Internal Audit risk based plan of work.
- (b) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance, risk management and internal control arrangements.

- (c) To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (d) To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (e) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (f) To consider the arrangements for the appointment of the Council's Internal and External Auditors.

Regulatory Framework

- 1) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 2) To monitor the effective development and operation of risk management and corporate governance in the Council.
- 3) To monitor Council policies and strategies on an Annual basis
 - Whistleblowing
 - Money Laundering
 - Anti-Fraud and Corruption
 - Insurance and Risk Management
 - Emergency Planning
 - Business Continuity
- 4) To monitor the corporate complaints process.
- 5) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 6) To consider the Council's compliance with its own and other published standards and controls.
- 7) To monitor the Council processes in relation to
 - Freedom of Information
 - Member Enquires
- 8) To monitor the Council's Data Quality arrangements.

- 9) To monitor the Council's Member's Training arrangements.
- 10) Standard Board sub-committee

Accounts

- 1) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2) To review the Council's Annual Governance Statement.
- 3) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Scrutiny Activity

- 1) Responsible to scrutinise any matters as identified and agreed by the Finance, Assets, Investment & Recovery Committee as set out in the Audit and Scrutiny Procedure rules.
- 2) To report to the Finance, Assets, Investment & Recovery Committee or the appropriate committee on the progress of any matters that have been requested and to make relevant recommendations as required.
- 3) To establish working groups as appropriate (in line with agreed protocols) to undertake the scrutiny of any matters requested by the Finance, Assets, Investment & Recovery Committee, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.
- 4) Responsibility for the monitoring of Council service performance, including Performance Indicators and, Formal Complaints, making reports if required to any committee, or subcommittee, any officer of the Local Authority, or any joint committee on which the Local Authority is represented, or any sub-committee of such a committee.
- 5) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Local Authority.
- 6) To deal with those issues raised through the 'Councillor Call for Action' scheme in line with agreed protocols and procedures.
- 7) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

- 8) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions.

2.5 Planning Committee

Planning

- (a) Town and Country Planning Act 1990 and any related legislation including: -
- (i) determination of planning applications;
 - (ii) enforcement of planning control;
 - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990:-
- (i) determination of applications for Listed Buildings and Conservation Area consent;
 - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities:-
- (i) To guide the Council in setting its policy objectives and priorities.
 - (ii) To carry out the duties and powers of the Council under current legislation;
 - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
 - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
 - (v) To consider and approve relevant service plans;
 - (vi) To comply with the standing orders and financial regulations of the Council;
 - (vii) To operate within the budget allocated to the committee by the Council.
 - (viii) To determine fees and charges relevant to the committee;
- To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance
- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

2.6 Licensing Committee

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including:-
 - i. Trading Requirements
 - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
 - iii. Animal Welfare and Security
 - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
 - v. Sex establishments (including Sex Entertainment Venues (SEV))
 - vi. Pavement Permits
 - vii. Charitable Collections
 - viii. Camping, Caravan Sites and Mobile Homes
 - ix. Scrap Metal
 - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.

2.7 Emergency Committee (to meet on demand in an emergency situations)

- (a) To enable the Council to function in emergency situations when fewer Councillors and /or Officers are available to attend meetings.
- (b) There will be no informal meetings of the Emergency Committee called.

- (c) The Committee will be convened, as required, as part of the Borough Council's Major Incidents and Emergency Planning process.
- (d) The decision to convene the Committee will be made by the Chief Executive through consultation with the Leader and after the Monitoring Officer has assessed the appropriateness of taking a particular report to the Committee. The decision will be recorded on the agenda. Only decisions that cannot be deferred will be taken to the Committee.
- (e) The Agenda will include a Statement of Purpose for the Committee being convened and will record reasons why the decision being sought could not be deferred, there will be a clear statement of what the Committee will be discussing.
- (f) Equally a proposal to stand down the Committee will be brought by the Chief Executive through consultation with the Leader to each Committee, and after obtaining such advice as necessary from the Monitoring Officer or their deputy as appropriate, such proposal to stand down the Committee will be decided by a majority vote of members at the meeting. All members of the council will also have the ability to influence the decision to stand down the committee. This can be undertaken by at least a third of councillors writing to the Chief Executive and the Monitoring Officer requesting the committee stands down. If this action is taken, then the reinstatement of the full committee structure will take place or an extraordinary council meeting can be called to debate any other emergency governance models required to enable the council to function lawfully.
- (g) Once the Committee is convened it can take on the role of the delegations afforded to the following:
 - (i) Council emergency functions only:
 - (ii) Finance, Assets, Investment and Recovery
 - (iii) Green and Clean
 - (i) Housing, Health & Community
 - (ii) Planning/ Licensing
 - (iii) Audit & Scrutiny Committee – ONLY with regard to the development of any emergency budget that may be required or to sign off the Annual Accounts if this could not be bought to Audit & Scrutiny Committee.
- (h) The intention, where possible, is to still undertake Planning/Licensing and Audit & Scrutiny Committees separately when required and appropriate. This will be decided by the Chief Executive through consultation with the Leader, and Monitoring Officer. These powers can be in full or in part.

- (i) All members sitting on the Committee will have the appropriate Planning /Licensing Training prior to the consideration of any item, relating to planning and licensing, being presented at this committee.
- (j) The Committee will only undertake decisions that relate to the budgetary function of the Council and if there is a statutory reason that an urgent decision is needed and the Audit & Scrutiny Committee cannot be convened for whatever reason.
- (k) Any decisions made by the Emergency Committee may be subject to the scrutiny of the Audit & Scrutiny Committee when it is next convened.
- (l) Officer delegations will remain as per the Constitution.
- (m) The Committee will also meet as required and consider the immediate strategic issues for the Borough Council arising from the incident, having received reports from the Chief Executive.
- (n) The Emergency Committee may authorise action affecting any of the Borough Council's functions if the urgency of the situation demands this. Subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of Full Council.
- (o) The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular communications on the incident and the action being taken.
 - (i) Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media if required in consultation with the Councils' communications manager.
 - (ii) The Committee should consider the longer-term implications arising from the incident and the impact these may have on the Borough Council.
 - (iii) Emergency Committee may not change the decisions made at the meeting of Extraordinary Council on 29 April 2020.
 - (iv) The minutes to any Emergency Committee will be published no later than three working days after the meeting.

Membership

- (a) The Committee shall consist of 10 named Members of the Borough Council, to include:
 - (i) Chair of Finance, Assets, Investment and Recovery

- (ii) Vice-Chairman of Finance, Assets, Investment & Recovery
 - (iii) The Chairman of the Housing, Health & Community Committee
 - (iv) The Chairman of the Green & Clean Committee
 - (v) The Leaders of all groups
 - (vi) Other named members to achieve a political balance
- (b) If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.
- (c) Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee. Substitutes for this committee will be submitted in writing by Group Leaders to the Chief Executive and Monitoring Officer ahead of the first meeting and updated for future meetings where necessary.

Quorum

- (a) The minimum number of members to transact any business shall be one third (3) of the committee.

2.7 Staff Appointments Committee (to meet on demand) has the following functions:

- (a) To appoint the following designated officers:

Chief Executive
 Section 151 Finance Officer
 Monitoring Officer

and such other posts as may be determined from time to time by Group Leaders in consultation with the Chief Executive.

- (b) To comply with the requirements set out in Chapter 4 of the Constitution (Staff Employment Procedure Rules).
- (c) To agree, review and amend to salary and grading structures for chief officer posts in line with the agreed remuneration policy.

2.8 Dismissal Appeals Committee (to meet on demand) has the following functions:

- (a) To consider and determine any appeal by the Chief Executive, Section 151 Officer or Monitoring Officer against dismissal.
- (b) To consider and determine any allegation or issue of misconduct, incapability or breakdown in trust against the Chief Executive, Section 151 Finance Officer, Monitoring Officer or a Deputy Monitoring Officer.

2.9 Dismissal Advisory Panel (to meet on demand) has the following functions:

- (a) To advise full Council on matters relating to the dismissal of the Chief Executive, the Chief Finance Officer and the Monitoring Officer

NB. This Panel comprises three independent persons who are not Members of the Council.

Extract from Part 4.1 – Council Procedure Rules

18. **Size**

Committee	Membership	Quorum
Finance, Assets, Investment & Recovery	9	3
Green & Clean	9	3
Housing, Health & Community	9	3
Planning/Licensing	12	4
Audit and Scrutiny	9	3
Staff appointments*	9	3
Dismissal appeals of statutory officers*	9	3
Emergency*	10	3

* These committees meet on demand.

20. **Appointments and Substitutes**

20.1 Following Annual Council, the Chief Executive on the nomination of Group Leaders, or in their absence, Deputy Group Leaders, appoints and removes members of committees and sub-committees.

20.2 A substitute Member may attend a particular meeting of the committee, and will have full powers of the committee Member, provided that the Member is a specified nominated substitute for that Member of the particular political group and in a list agreed by full Council. In the event that the absent committee Member is a non-aligned Member, the specified substitute for the Member can be any Member of the Council.

20.3 The names of substitutes shall be announced at the start of the meeting by the Chair. The substitution shall be for the whole meeting and cease at the end of the meeting.

- 20.4 Substitutes for regulatory committees must be drawn from Members who have received training in regulatory decision making. If a casual vacancy occurs on a regulatory committee it will not be filled until the nominated member has been trained.
- 20.5 All Members are entitled to attend the training provided for members of regulatory committees.

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ANNUAL COUNCIL

17th MAY 2023

REPORT TITLE:	Political Balance, Allocation of Committee Seats and Committee Appointments
REPORT OF:	Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer

REPORT SUMMARY

The Council is required to:

- a) approve the allocation of seats on Committees
- b) receive the nominations from political groups to Committees
- c) by convention, appoint Chairs and Vice-Chairs of Committees

RECOMMENDATIONS

Members are asked:

- R1. That the allocation of seats as set out in Appendix A be approved;**
- R2. That the nominations from the political groups to Committees as set out in Appendix B be approved;**
- R3. That the Chairs and Vice-Chairs of Committees as set out in Appendix B be appointed.**

SUPPORT ING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

The Council is required to make appointments to those Committees that have been established by Agenda Item 10 for the effective discharge of its functions.

2.0 OTHER OPTIONS CONSIDERED

The number of seats on Committees that will be allocated amongst the political groups represented on the Council is shown in Appendix A.

Each of the political groups are entitled to the specified number of seats in Appendix A. This is based on their percentage representation on the Council as a whole.

The calculation to determine the entitlement of political groups to seats on Committees is as follows:

$$\frac{\% \text{ from table 1 (Appendix A)}}{100} \times \text{Number of Committee seats available}$$

The strict entitlement to seats is shown in Appendix A.

Each of the political groups are only entitled to their proportion of seats and once this entitlement has been reached, any remaining seats may then be filled by those Councillors not belonging to a political group. Councillors who are not members of a political group have no legal entitlement to an allocation of seats on a committee. However, in the spirit of the Act they should be given their fair representation.

Appendix A shows a rounded allocation of seats to each political group. This is then manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed their entitlement.

Officers have sought nominations from Group Leaders to the places on committees to which their respective groups are entitled. Agreement from Group Leaders on the allocation of any additional seats will be sought.

The nominations of political groups to seats on committees and nominations for Chair and Vice Chair positions are set out in Appendix B.

3.0 BACKGROUND INFORMATION

Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 as amended when two or more Councillors duly notify the Chief Executive as Proper Officer of their wish to be treated as a political group.

Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the allocation of seats on Committees of the Council between the political groups.

The following statutory principles apply to the allocation of seats:

- a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
- b) That the majority of seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- c) That subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
- d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.

The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

Any non-aligned members are to be appointed to available seats on committees by the Council.

Political proportionality

The political balance of the Council is calculated using the formula below (to two decimal places):

$$\frac{\text{Number of Group Members} \times 100}{37}$$

The political balance of the Council is set out in Appendix A.

To calculate political proportionality, the Council must have agreed the number of seats on each Committee and the total number of seats available on all Committees.

Councillors that are not members of political groups have no entitlement to an allocation of seats on Committees. Political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by Councillors not belonging to a political group. Such Councillors are called 'non-aligned'.

The Local Government Association Independent Group state that non-aligned Councillors are entitled to fair representation. Political groups are not entitled to exceed their share and non-aligned Councillors (or single party Councillors) cannot be excluded. For example, in an authority of 37 Councillors with one non-aligned Councillor, the Council must make 1/37 of the places available as required in accordance with the Council's statutory duty under section 16(2A) of the Local Government and Housing Act 1989.

4.0 ENGAGEMENT/CONSULTATION

Group Leaders have been consulted.

5.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2023/2024. The cost of servicing committees will be met through existing budgets.

6.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

The Council has statutory obligations within an existing legal framework to review and determine the allocation of seats on committees of the Council between the political groups and appoint nominees to those seats.

The Council's Constitution provides that the Annual Meeting will note the allocation of seats on committees to members of political groups and to members who are not in any political group, appoint members to those allocated seats in accordance with nominations from the political group leaders and to the remaining committee seats from among those members who are not in any political group.

7.0 EQUALITY IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

There are no direct environment and climate implications

REPORT AUTHOR:	Name:	Zoey Foakes
	Title:	Governance & Member Support Officer
	Phone:	01277 312 733
	Email:	zoey.foakes@brentwood.gov.uk

APPENDICES

Appendix A - Allocation of seats

Appendix B - Nominations from the political groups to Committees & Nominations for
Chairs and Vice-Chairs of Committees

BACKGROUND PAPERS

None.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Council	18.05.2022
Annual Council	19.05.2021

Brentwood Borough Council POLITICAL BALANCE 2023/2024

The Political Balance of the Council is:

POLITICAL GROUP	NO. OF MEMBERS	=	%	POLITICAL GROUP	NO. OF MEMBERS	NO. OF SEATS ON ORDINARY COMMITTEES
CONSERVATIVE	18	=	48.64	CONSERVATIVE	18	32 (32.10)
BRENTWOOD JOINT ADMINISTRATION	19	=	51.35	BRENTWOOD JOINT ADMINISTRATION	19	34 (33.89)
TOTALS	37		100			66

PROPOSAL:

	A & S C (9)*	C E & E C (9)**	DAC+ (9)	H C ++ (9)	P & LC# (12)	P, R & ED C ## (9)	SAC~ (9)	Total	TARGET Total 66
CON	4 (4.37)	4 (4.37)	4 (4.37)	4 (4.37)	6 (5.83)	4 (4.37)	4 (4.37)	30* (32.05)	32 (32.10)
BJA	5 (4.62)	5 (4.62)	5 (4.62)	5 (4.62)	6 (6.16)	5 (4.62)	5 (4.62)	36* (33.88)	34 (33.89)
	9	9	9	9	12	9	9	66	66

* These numbers are different to the overall target total in order to observe s.15 (b) of the Local Government and Housing Act 1989 which requires that a majority group on the council has the majority of seats on each committee.

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NOMINATIONS TO SEAT ALLOCATIONS & APPOINTMENTS

(Council must give effect to the wishes of the political groups as regards the nominations for the seats allocated to those political groups).

Audit & Scrutiny Committee (9)	Brentwood Joint Administration Group (5)	Conservative Group (4)
Chair*:	Cllr Darryl Sankey	[REDACTED]
Vice-Chair**:	Cllr Dominic Naylor	[REDACTED]
[REDACTED]	Cllr Alison Fulcher	Cllr Lesley Wagland
[REDACTED]	Cllr Nicky Cuthbert	Cllr Roger Hirst
[REDACTED]	Cllr Ben Rigby	Cllr Garry White
[REDACTED]	[REDACTED]	Cllr Fiona Marsh
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute	Cllr Steve Mayo	Cllr Chrissy Gelderbloem
Approved Substitute	Cllr Martin Cuthbert	Cllr Thomas Heard
Approved Substitute	Cllr Mark Haig	[REDACTED]

Green & Clean Committee (9)	Brentwood Joint Administration Group (5)	Conservative Group (4)
Chair*:	Cllr Barry Aspinell	[REDACTED]
Vice-Chair**:	Cllr Alison Fulcher	[REDACTED]
[REDACTED]	Cllr Tim Barrett	Cllr Keith Barber
[REDACTED]	Cllr Dominic Naylor	Cllr Will Russell
[REDACTED]	Cllr David Worsfold	Cllr Mark Reed
[REDACTED]	[REDACTED]	Cllr Andy Wiles
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute	Cllr Gareth Barrett	Cllr Roger McCheyne
Approved Substitute	Cllr Hugh Gorton	Cllr Jan Pound
Approved Substitute	Cllr Brenner Munden	[REDACTED]

Housing, Health & Community Committee (9)	Brentwood Joint Administration Group (5)	Conservative Group (4)
Chair*:	Cllr Tim Barrett	[REDACTED]
Vice-Chair**:	Cllr Vicky Davies	[REDACTED]
[REDACTED]	Cllr Steve Mayo	Cllr Will Russell
[REDACTED]	Cllr David Kendall	Cllr Mellissa Slade
[REDACTED]	Cllr Darryl Sankey	Cllr Olivia Francois
[REDACTED]	[REDACTED]	Cllr Jan Pound
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute	Cllr Gareth Barrett	Cllr Mark Reed
Approved Substitute	Cllr Ben Rigby	Cllr Cliff Poppy
Approved Substitute	Cllr Dominic Naylor	[REDACTED]

Dismissals Committee (9)	Brentwood Joint Administration Group (5)	Conservative Group (4)
Chair*:	Cllr Jay Laplain	[REDACTED]
Vice-Chair**:	Cllr Martin Cuthbert	[REDACTED]
[REDACTED]	Cllr Philip Mynott	Cllr Roger Hirst
[REDACTED]	Cllr Mark Haigh	Cllr Lesley Wagland
[REDACTED]	Cllr Ben Rigby	Cllr Fiona Marsh
[REDACTED]	[REDACTED]	Cllr Sheila Murphy
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute	Cllr Alison Fulcher	Cllr Mellissa Slade
Approved Substitute	Cllr Steve Mayo	Cllr Mark Reed
Approved Substitute	Cllr Mark Lewis	[REDACTED]

Planning/Licensing Committee (12)	Brentwood Joint Administration Group (6)	Conservative Group (6)
Chair*:	Cllr Phillip Mynott	[REDACTED]
Vice-Chair**:	Cllr Martin Cuthbert	[REDACTED]
[REDACTED]	Cllr Tim Barrett	Cllr Thomas Bridge
[REDACTED]	Cllr Jay Laplain	Cllr Roger McCheyne
[REDACTED]	Cllr Hugh Gorton	Cllr Chrissy Gelderbloem
[REDACTED]	Cllr Brenner Munden	Cllr Olivia Francois
[REDACTED]	[REDACTED]	Cllr Sheila Murphy
[REDACTED]	[REDACTED]	Cllr Thomas Heard
Approved Substitute	Cllr Gareth Barrett	Cllr Keith Barber
Approved Substitute	Cllr Darryl Sankey	Cllr Fiona Marsh
Approved Substitute	Cllr Nicky Cuthbert	Cllr Roger Hirst

Finance, Assets, Investment and Recovery Committee (9)	Brentwood Joint Administration Group (5)	Conservative Group (4)
Chair*:	Cllr David Kendall	[REDACTED]
Vice-Chair**:	Cllr Mark Lewis	[REDACTED]
[REDACTED]	Cllr Gareth Barrett	Cllr Cliff Poppy
[REDACTED]	Cllr Jay Laplain	Cllr Keith Parker
[REDACTED]	Cllr David Worsfold	Cllr Thomas Bridge
[REDACTED]	[REDACTED]	Cllr Keith Barber
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute	Cllr Tim Barrett	Cllr Will Russell
Approved Substitute	Cllr Phillip Mynott	Cllr Sheila Murphy
Approved Substitute	Cllr Barry Aspinell	[REDACTED]

Staff Appointments Committee (9)	Brentwood Joint Administration Group (5)	Conservative Group (4)
Chair*:	Cllr Vicky Davies	[REDACTED]
Vice-Chair**:	Cllr Nicky Cuthbert	[REDACTED]
[REDACTED]	Cllr Hugh Gorton	Cllr Keith Parker
[REDACTED]	Cllr Barry Aspinell	Cllr Cliff Poppy
[REDACTED]	Cllr Darryl Sankey	Cllr Chrissy Gelderbloem
[REDACTED]	[REDACTED]	Cllr Garry White
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute	Cllr David Kendall	Cllr Thomas Bridge
Approved Substitute	Cllr David Worsfold	Cllr Jan Pound
Approved Substitute	Cllr Dominic Naylor	[REDACTED]

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ANNUAL COUNCIL

17th MAY 2023

REPORT TITLE:	Committee Calendar for 2023/2024
REPORT OF:	Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer

REPORT SUMMARY

The Constitution under Council Procedure Rule 2.1 (r) provides that the Annual Meeting of Council will consider an item of business to agree the date, time and place of ordinary meetings of Council (and its Committees) for the coming Municipal Year.

A Calendar of Meetings, subject to Agenda Item 10 has been prepared.

RECOMMENDATIONS

Members are asked to:

- R1. That the Calendar of Meetings attached as Appendix A for 2023/2024 be approved.**

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

The Calendar of Meetings enables effective and efficient decision making throughout the Municipal Year.

2.0 OTHER OPTIONS CONSIDERED

As required by Schedule 12 of the Local Government Act 1972, a notice is published on the notice board at the Town Hall informing the public of the meetings of the Council and its Committees.

If changes are made to the public notice by the Proper Officer, the notice will be updated and information fully publicised on the Council's website.

Appendix A provides a schedule of meetings to deliver the Committee arrangements consequential to Agenda Item 10.

3.0 BACKGROUND INFORMATION

Members agree the date, time and place of ordinary meetings of the Council and its committees for the 2023-2024 Municipal Year at the Annual Meeting of Council.

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

The cost of the governance arrangements at the Council can be met from existing budgets within the Medium Term Financial Plan 2020/2021. However, any increase in the number of meetings will have an impact on the officer support structure.

5.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

The Council's Constitution provides that the Annual Meeting will consider and agree the timetable for ordinary meetings of Council for the current municipal year.

6.0 ENGAGEMENT/CONSULTATION

None.

7.0 EQUALITY IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics.

Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

8.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name & Title: Phil Drane, Director - Place
Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

There are no direct environment and climate implications.

REPORT AUTHOR:

Name:	Zoey Foakes
Title:	Governance & Member Support Officer
Phone:	01277 312 733
Email:	zoey.foakes@brentwood.gov.uk

APPENDICES

Appendix A – Calendar of Meetings 2023/2024

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Council	18.05.2022
Annual Council	19.05.2021

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ANNUAL COUNCIL

17th MAY 2023

REPORT TITLE:	Members Allowances 2023/24
REPORT OF:	Tim Willis, Director – Resources & Section 151 Officer

REPORT SUMMARY

The Council operates a Members' Allowances Scheme which is reviewed annually by the Independent Remuneration Panel (IRP). The Members' Allowance Scheme is Chapter 6 of the Council's Constitution, the IRP have reviewed the current scheme and have made recommendations for the 2023/24 Municipal Year and is attached in Appendix A.

The recommendation is for all allowances to stay the same. Although, the IRP report had recommended that member allowances for 2023/24 be increased by 2% (rounded down to the nearest £100) for the basic allowance only. Other allowances were recommended to be remain unchanged.

RECOMMENDATIONS

Members are asked:

R1. That the report of the Independent Remuneration Panel at Appendix A be noted.

R2. That the Members Allowances at Appendix C be agreed, and delegated authority is given to the Monitoring Officer to amend the constitution.

SUPPORT ING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

The Local Authorities (members Allowances) (England) Regulations 2003 require that before Council can determine its Members Allowances for the forthcoming Municipal Year, it must consider a report from the Independent Remuneration Panel.

2.0 OTHER OPTIONS CONSIDERED

The IRP held a meeting on the 12th December 2022 to discuss the Member's Allowance Scheme which is reviewed annually and set out in Chapter 6 of the constitution.

The meeting was held in November so any proposals can be in line with the budget cycle.

The analysis of options by the IRP is set out in detail in Sections 10 to 13 of their report as attached at Appendix A.

The IRP were mindful of the function which Councillors perform in protecting and enhancing local democracy by providing representation on issues of local concern and ensuring that the Council remains accountable to the community which it serves. Accordingly, the IRP followed the same principles as in previous years:

- the need for Councillors to come from a wide range of backgrounds
- the necessity to ensure some recompense for the time and effort spent in serving the community, whilst recognising that the work of Councillors should include a substantial voluntary contribution
- recognition of the time and resource demands of training and development, as well as other activities: and
- whilst recognising that individual Members could choose not to take their allowance in whole or part, the IRP were keen to ensure that the scheme should encourage and support local democracy by ensuring that personal financial constraints would not be a bar to office.

Additional factors considered by the IRP in preparing its report to Annual Council 2023 included:

- Budget pressures on the Council and the need for affordability.
- The impact of the cost of living and inflation on the Council and its staff and Members.
- Increasing responsibilities of Local Government
- The Rochford/Brentwood Partnership

Various options were discussed, keeping in mind the principles above. The key options were for member allowances to:

- a. Remain unchanged
- b. Increase by 2% in line with provisional staff increases for 2023/24 (per the draft MTFP. The final MTFP included 4%)
- c. Increase by 7% in line with the average staff increases for 2022/23
- d. Increase basic allowances only by 2%, with other allowances remaining unchanged

It was agreed that the preferred option was a) Remain unchanged. The final proposed Member Allowances and Mayor and Deputy Mayor Allowances are included within Appendix C.

3.0 BACKGROUND INFORMATION

The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an Independent Remuneration Panel. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.

Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.

No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Head of Paid Services.

The timing and process of the IRP's annual review was discussed in 2017/18. It was agreed that it would be more productive and useful to undertake the review alongside the Council's budget setting process in order to enable Members to scrutinise and consider the IRP's recommendations as part of their budget deliberations and decisions. This timing and process was put into place during 2018/19 has continued since then.

The IRP reviewed parental leave and carers allowances and was subsequently included within the members allowance scheme in 2019/20.

Phone: 01277 312 500

Email: sam.wood@brentwood.gov.uk

APPENDICES

Appendix A: Report of the Independent Remuneration Panel re. 2023/24

Appendix B: Schedule of proposed 2% Members Allowances for 2023/24

Appendix C: Schedule of unchanged Members Allowances for 2023/24

BACKGROUND PAPERS

Annual reports of the Independent Remuneration Panel to Brentwood Borough Council are publicly available at www.brentwood.gov.uk

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Council	18.05.2022
Annual Council	19.05.2021

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Brentwood Borough Council

Members Allowances 2023/24

Report of the Independent Remuneration Panel

December 2022

Introduction

1. This report presents the findings of the Independent Remuneration Panel (IRP) and our recommendations for the scheme for 2023/24.

Background

2. The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an *Independent Remuneration Panel*. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.
3. Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.
4. No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Head of Paid Service.
5. The timing and process of the IRP's annual review was discussed in 2017/18. It was agreed that it would be more productive and useful to undertake the review alongside the Council's budget setting process in order to enable Members to scrutinise and consider the IRP's recommendations as part of their budget deliberations and decisions. This timing and process was put into place during 2018/19 and has continued since then.

The Independent Remuneration Panel

6. The Independent Remuneration Panel 2023/24 comprised of
 - Mr Michael Hawkins
 - Mr Steve Marsh
 - Mr John Boylin

Existing Scheme

7. In 2022/23 the member allowances were kept the same as they were in 2021/22.

Political Structure

8. The Council consists of 37 members.
9. The current committee structure of the council consists of the following:
 - Full Council
 - Planning & Licensing Committee
 - Audit & Scrutiny Committee
 - Policy, Resources and Economic Development Committee
 - Environment, Enforcement and Housing Committee
 - Community and Health Committee

Our Approach and considerations

10. The deliberations of the IRP were informed by:
 - The Council's current committee structure, and that there are currently no proposed changes to the structure for 2023.
 - Benchmarking information from Shire Districts in Essex.
 - Desktop research and contextual information regarding the Council's Medium Term Financial Plan.
 - Previous reports and recommendations from the IRP.
11. The IRP were mindful of the function which Councillors perform in protecting and enhancing local democracy by providing representation on issues of local concern and ensuring that the Council remains accountable to the community which it serves. Accordingly, the IRP followed the same principles as in previous years:
 - the need for Councillors to come from a wide range of backgrounds
 - the necessity to ensure some recompense for the time and effort spent in serving the community, whilst recognising that the work of Councillors should include a substantial voluntary contribution
 - recognition of the time and resource demands of training and development, as well as other activities: and
 - whilst recognising that individual Members could choose not to take their allowance in whole or part, the IRP were keen to ensure that the scheme should encourage and support local democracy by ensuring that personal financial constraints would not be a bar to office.

12. Additional factors considered by the IRP in preparing its report to Annual Council 2023 included:

- Budget pressures on the Council and the need for affordability.
- The cost-of-living crisis and levels of inflation
- Increasing demands of Central Government giving more responsibility to Local Government
- Additional level of complexity for Members with the introductions of the OneTeam partnership with Rochford DC.

13. The options considered by the IRP included:

Option	Analysis
That members allowances for 2023/24 remain unchanged.	<ul style="list-style-type: none"> • Members Allowances had increased by 1% in 2019/20, the first increase since 2014/15. • The Mayor and Deputy Mayor received an increase in 2019/20. • In 2021/22 members allowances were rounded down, along with the introduction of new SRAs for Chairs of Ordinary Council. • In 2022/23 there was no change to the allowances. • New Committee arrangements had last been adopted 2019. • There is currently proposed to be no change to the number of committees in 2023/24.
That members allowances for 2023/24 be increased (options of 2% and 7% were considered)	<ul style="list-style-type: none"> • Staff are receiving a pay increase of £1,925 in 2022/23. For Brentwood staff this amounts to an approx. average increase of 7%. • The draft MTFP included a 2% increase for staff for 2023/24 (since amended to 4%).
That members allowances for 2023/24 be increased by 2% (rounded down to the nearest £100) for basic allowances only.	<ul style="list-style-type: none"> • This would see an increase to the overall budget of £3,700. • Following discussions, this is the preferred option of the IRP.

Other Matters

It was noted that the Boundary Commission review means there will be an All-Out election in May 2024 and a move to 39 members (an increase from 37 currently). This will have an impact when setting 2024/25 budgets.

Recommendations

15. After careful consideration of all the information provided the Independent Remuneration Panel recommend the following, with the total being no more than £279,500.

- (i) That members allowances for 2023/24 are increased (basic allowance only) or kept (other allowances) as follows

<u>Members Allowances 2023-24</u>	Recommendation 2023-24
Basic Allowance	6,100
Leader	13,200
Deputy Leader	6,350
Leader of Main Opposition	5,350
Leader of Minority Opposition	2,650
Committee Chair(s)	3,550
Committee Vice(s)	950

- (ii) With Mayor allowances for 2023/24 being kept as follows

<u>Members Allowances 2023-24</u>	Recommendation 2023-24
Mayor	4,500
Ordinary Council Chair	1,750
Deputy Mayor	1,500
Ordinary Council Vice Chair	500

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Members Allowances 2023/2024	Only One SRA Permitted	Number	Allowances 2022 23	Proposed at 2% INCREASE (rounded down) on Basic only- Allowances 2023-24	Total Recommendation 2022-23	Total Recommendation 2023-24	Variance
Basic Allowance		37	6,000.00	6,100.00	222,000.00	225,700.00	3,700.00
Leader		1	13,200.00	13,200.00	13,200.00	13,200.00	0.00
Deputy Leader		1	6,350.00	6,350.00	6,350.00	6,350.00	0.00
Leader of Main Opposition		1	5,350.00	5,350.00	5,350.00	5,350.00	0.00
Leader of Minority Opposition	Chair of Housing, Health & Community Committee	1	2,650.00	2,650.00	2,650.00	0.00	-2,650.00
Chair of Ordinary Council		1	1,750.00	1,750.00	1,750.00	1,750.00	0.00
Vice Chair of Ordinary Council		1	500.00	500.00	500.00	500.00	0.00
Chair of Audit & Scrutiny Committee		1	3,550.00	3,550.00	3,550.00	3,550.00	0.00
Chair of Housing, Health & Community Committee	Leader of the Minority Oppostion	0	3,550.00	3,550.00	3,550.00	3,550.00	0.00
Chair of Green and Clean Committee	Leader of the Council	0	3,550.00	3,550.00	0.00	0.00	0.00
Chair of Planning and Licensing Committee		1	3,550.00	3,550.00	3,550.00	3,550.00	0.00
Chair of Finance, Assets, Investment and Recovery Committee		1	3,550.00	3,550.00	3,550.00	3,550.00	0.00
Vice Chair of Audit & Scrutiny Committee		1	950.00	950.00	950.00	950.00	0.00
Vice Chair of Housing, Health & Community Committee		1	950.00	950.00	950.00	950.00	0.00
Vice Chair of Green and Clean Committee		1	950.00	950.00	950.00	950.00	0.00
Vice Chair of Planning and Licensing Committee		1	950.00	950.00	950.00	950.00	0.00
Vice Chair of Finance, Asset, Investment and Recovery Committee		1	950.00	950.00	950.00	950.00	0.00
Sub-total					270,750.00	271,800.00	1,050.00
Mayor Duties		1	4,500.00	4,500.00	4,500.00	4,500.00	0.00
Deputy Mayor Duties		1	1,500.00	1,500.00	1,500.00	1,500.00	0.00
Contingency							0.00
Sub-total					6,000.00	6,000.00	0.00
Total					276,750.00	277,800.00	1,050.00
Total Member Allowance Budget					276,750.00	277,800.00	1,050.00

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Members Allowances 2023-24	Only One SRA Permitted	Number	Allowances 2022-23	Proposed at NO CHANGE - Allowances 2023-24	Total Recommendation 2022-23	Total Recommendation 2023-24	Variance
Basic Allowance		37	6,000.00	6,000.00	222,000.00	222,000.00	0.00
Leader		1	13,200.00	13,200.00	13,200.00	13,200.00	0.00
Deputy Leader		1	6,350.00	6,350.00	6,350.00	6,350.00	0.00
Leader of Main Opposition		1	5,350.00	5,350.00	5,350.00	5,350.00	0.00
Leader of Minority Opposition	Chair of Housing, Health & Community Committee	1	2,650.00	2,650.00	2,650.00	0.00	-2,650.00
Chair of Ordinary Council		1	1,750.00	1,750.00	1,750.00	1,750.00	0.00
Vice Chair of Ordinary Council		0	3,550.00	3,550.00	500.00	500.00	0.00
Chair of Audit & Scrutiny Committee		1	3,550.00	3,550.00	3,550.00	3,550.00	0.00
Chair of Housing, Health & Community Committee	Leader of the Minority Opposition	1	3,550.00	3,550.00	3,550.00	3,550.00	0.00
Chair of Green and Clean Committee	Leader of the Council	1	3,550.00	3,550.00	0.00	0.00	0.00
Chair of Planning and Licensing Committee		1	3,550.00	3,550.00	3,550.00	3,550.00	0.00
Chair of Finance, Assets, Investment and Recovery Committee		1	500.00	500.00	500.00	500.00	0.00
Vice Chair of Audit & Scrutiny Committee		0	950.00	950.00	0.00	0.00	0.00
Vice Chair of Housing, Health & Community Committee		1	950.00	950.00	950.00	950.00	0.00
Vice Chair of Green and Clean Committee		1	950.00	950.00	950.00	950.00	0.00
Vice Chair of Planning and Licensing Committee		1	950.00	950.00	950.00	950.00	0.00
Vice Chair of Finance, Asset, Investment and Recovery Committee		1	950.00	950.00	950.00	950.00	0.00
Sub-total					266,750.00	264,100.00	-2,650.00
Mayor Duties		1	4,500.00	4,500.00	4,500.00	4,500.00	0.00
Deputy Mayor Duties		1	1,500.00	1,500.00	1,500.00	1,500.00	0.00
Sub-total					6,000.00	6,000.00	0.00
Total					272,750.00	270,100.00	-2,650.00
Total Member Allowance Budget					272,750.00	270,100.00	-2,650.00

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ANNUAL COUNCIL

17th May 2023

REPORT TITLE:	Appointment of Independent Persons for Purpose of the Localism Act 2011
REPORT OF:	Claire Mayhew, Corporate Manager - Democratic Services & Deputy Monitoring Officer

REPORT SUMMARY

The Localism Act 2011 requires all principal authorities to have arrangements in place to consider allegations of breaches of the Councillors' Code of Conduct for that authority and the Codes of Conduct for its associated parish councils, and to make decisions on those allegations. In doing so, an authority must take account of the views of an Independent Person appointed by the authority. This report relates to a proposal that Brentwood Borough Council confirms the appointment of two Independent Persons to comply with the statutory requirements of the Localism Act 2011.

RECOMMENDATIONS

Members are asked to:

- R1. Appoint Mr Mike Hawkins and Mr Steve Marsh as Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011, for a period terminating at the first Council meeting after the 2025 municipal elections.**

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

It is a statutory requirement on Brentwood Borough Council as a principal Council to appoint Independent Persons for the purpose of the Localism Act 2011.

2.0 OTHER OPTIONS CONSIDERED

None – the Localism Act 2011 requires that formal appointments be made.

3.0 BACKGROUND INFORMATION

The Localism Act 2011 changed the arrangements for dealing with governance issues regarding the conduct of elected and co-opted Members. It required local authorities to adopt a Code of Conduct and establish a process for dealing with allegations that elected and co-opted members of the authority and its associated parish councils may have breached their Code of Conduct.

The Localism Act 2011 also requires the Council to appoint at least one Independent Person who must be consulted and their views taken into account on all complaints investigated and before a decision on any such complaint is made. The Council may consult with the independent person on other matters relating to an allegation and any Member subject to allegations can also seek the Independent Person's view.

To ensure independence, Independent Persons are not to have links to the Council, councillors or officers, or have been members, including co-opted membership.

In order to have the necessary capacity and to avoid potential conflicts of interests, the Council had previously agreed to an establishment of three Independent Persons; and to pay an annual allowance of £500 per person. The Independent Persons may also claim reasonable expenses for attendance, travel and subsistence.

Through a recruitment exercise, two applications were received for the Independent Persons' positions. It should be noted that the applications were from two of the current Independent Persons whose term of office was coming to an end.

The two applicants were interviewed by the Monitoring Officer and their appointment is proposed.

The Council will operate with two Independent Persons, with the third position remaining vacant, that will be re-advertised if required.

4.0 FINANCIAL IMPLICATIONS

Name/Title: Tim Willis, Director – Resources & S151 Officer

Tel/Email: 01277 312500/ tim.willis@brentwood.rochford.gov.uk

The proposed allowance is met by Existing budgets within Democratic Services and is included in the 2023/2024 budget.

5.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance and Monitoring Officer

Tel & Email: 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

The statutory requirements on the Council are set out in the body of the report.

8.0 ENGAGEMENT/CONSULTATION

It is a statutory requirement that Council approves the appointments.

9.0 EQUALITY IMPLICATIONS

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name/Title: Phil Drane, Director – Place

Tel/Email: 01277 312610/phil.drane@brentwood.rochford.gov.uk

There are no direct economic implications.

REPORT AUTHOR:	Name:	Zoey Foakes
	Title:	Governance & Member Support Officer
	Phone:	01277 312 733
	Email:	zoey.foakes@brentwood.gov.uk

APPENDICES

None.

BACKGROUND PAPERS

Localism Act 2011 and Secretary of State for Local Government and Communities Guidance.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Council	19 May 2021
Annual Council	16 May 2018
Annual Council	18 May 2016



ANNUAL COUNCIL

17th MAY 2023

REPORT TITLE:	Appointment of Monitoring Officer
REPORT OF:	Jonathan Stephenson, Chief Executive

REPORT SUMMARY

This report seeks the Council's approval of the appointment of the Monitoring Officer.

All Councils are required to appoint a Monitoring Officer pursuant to s.5 of the Local Government and Housing Act 1989. At Brentwood Borough Council, this role is usually aligned with the Director of People and Governance post. Following two rounds of external recruitment, the Council has been unable to make a permanent appointment to this post and the interim Monitoring Officer will be leaving at the end of May 2023. The Head of Paid Service has, therefore, offered an interim acting up opportunity to the managers within the People and Governance directorate.

Following an expressions of interest process Claire Mayhew, the current Deputy Monitoring Officer, is recommended to Council for the Monitoring Officer role.

RECOMMENDATIONS

That the appointment as Monitoring Officer of Claire Mayhew be confirmed.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

The Council is legally required to appoint a Monitoring Officer. The roles is currently being filled by an interim appointment which will end on 31 May 2023. Therefore, the Council needs to make a new appointment at the Annual Council meeting to ensure that there is a successor in place.

2.0 OTHER OPTIONS CONSIDERED

2.1 Doing nothing is not an option as the Council would be without a Monitoring from 31 May 2023.

2.2 A further recruitment exercise has been considered, however it is unlikely that a successful candidate would be found in the current challenging recruitment market so close to the previous advertising campaign.

2.3 A further interim appointment has been considered, however for continuity reasons and to help develop our own staff, we consider an acting up approach to be more suitable at this time.

3.0 BACKGROUND INFORMATION

3.1 The Council must appoint a Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989. Section 9.3 of Article 9 of the Constitution sets out the Functions of the Monitoring Officer as follows:

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Proper officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant reports and background papers are made publicly available as soon as possible.

(d) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all members.

(e) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

(f) The statutory duty of the Monitoring Officer shall be performed personally or, where he/she is unable to act owing to absence or illness, personally by such member of their staff as he/she has for the time being nominated as his/her deputy for the purposes of s5 Local Government and Housing Act 1989.

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

The Monitoring Officer is awarded a statutory officer fee of £5,000 per annum. This will be funded from existing budgets.

5.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

The Council must appoint a Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989. The proposed postholder is not restricted from holding this statutory role.

6.0 ENGAGEMENT/CONSULTATION

6.1 This appointment has been recommended in consultation with the political group leaders.

7.0 EQUALITY IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

The expressions of interest process has been conducted in line with HR policies and the Council's equalities duty. There is no requirement for a further equalities impact assessment.

8.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name & Title: Phil Drane, Director - Place
Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

There are no environment and climate implications arising from this report.

REPORT AUTHOR: **Name:** Zoey Foakes
 Title: Governance & Member Support Officer
 Phone: 01277 312 733
 Email: zoey.foakes@brentwood.gov.uk

APPENDICES

None

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Ordinary Council	7.12.2022
Ordinary Council	27.7.2022
Ordinary Council	22.01.2020