

# Public Document Pack



## SUPPLEMENTARY AGENDA 2

Dear Councillor

### **ANNUAL COUNCIL - WEDNESDAY, 15TH MAY, 2019**

I am now able to enclose, for consideration on Wednesday, 15th May, 2019 meeting of the Annual Council, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
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| 10. | <u>Committees and their Terms of Reference</u> (Pages 3 - 22)   |
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| 12. | <u>Committee Calendar for 2019-2020</u> (Pages 39 - 44)   |
| 13. | <u>Members Remuneration Report 2019-2020</u> (Pages 45 - 64)  |

Yours sincerely



Chief Executive

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15/05/19

**15 May 2019**

**Annual Council**

**Committees and their Terms of Reference**

*Report of:* Claire Mayhew, Corporate and Democratic Services Manager

*Wards Affected:* All Wards

*This report is:* Public

## **1. Executive Summary**

- 1.1 The Council operates a committee system form of local government governance and there are a number of statutory provisions relating to committees.
- 1.2 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.

## **2. Recommendation(s)**

- 2.1 That the Committees listed in Appendix A be appointed for the Municipal Year 2019/20.**
- 2.2 That the size of the Committees listed in Appendix A be agreed.**
- 2.3 That the Terms of Reference of the Committees listed in Appendix A be agreed.**
- 2.4 That the Council's Monitoring Officer be authorised to make any necessary changes to the Constitution.**

### **3. Introduction and Background**

- 3.1 As stated above, the Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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).
- 3.6 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.
- 3.7 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.
- 3.8 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. Issue, Options and Analysis of Options**

- 4.1 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2019/2020.
- 4.2 The proposed Committees for 2019/2020 (including their suggested/required size and terms of reference) are appended to this report.

#### **5. Reasons for Recommendation**

- 5.1 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.

#### **6. Consultation**

- 6.1 None.

#### **7. References to Corporate Plan**

- 7.1 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge those functions in a timely, open and transparent way to deliver the Corporate Plan.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer**

**Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1 The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2019/2020.

##### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 8.2 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.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None.

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None.

**10. Appendices to this report**

Appendix A: Committees 2019/2020 and their Terms of Reference.

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## Appendix A

The following Committees are established under all Council powers:-

- (1) Audit and Scrutiny Committee – 9 Members of the Council
- (2) Community and Health Committee – 9 Members of the Council
- (3) Dismissal Appeals Committee – 9 Members of the Council
- (4) Environment, Enforcement and Housing Committee – 9 Members of the Council
- (5) Planning and Licensing Committee – 12 Members of the Council
- (6) Policy, Resources and Economic Development Committee – 9 Members of the Council
- (7) Staff Appointments Committee – 9 Members of the Council
- (8) Dismissals Advisory Panel – 3 Independent Persons

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 the making of a virement or payment from the Council's reserves for values exceeding £200,000;
- (m) approving of the Council's Corporate Plan;
- (n) approving or adopting the Council policies and strategies which form the policy framework;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) confirming the appointment or dismissal of the Chief Executive; Monitoring Officer; and Section 151 Officer;
- (q) to consider reports on cross cutting matters not expressly delegated to another committee;
- (r) 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 Policy, Resources and Economic Development 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 Policy, Resources and Economic Development 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 countryside 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 the Audit and Scrutiny Committee in accordance with the Audit and Scrutiny Procedure Rules.
- (c) 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 Environment, Enforcement and Housing Committee**

The functions within the remit of the Environment, Enforcement and Housing 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) Unlawful incursions
- 8) Affordable housing
- 9) Housing strategy and investment programme where the Policy, Resources and Economic Development Committee does not decide to exercise such functions as the superior Committee
- 10) The Housing Revenue Account Business Plan where the Policy, Resources and Economic Development 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
- 14) Private sector housing and administration of housing grants
- 15) Tenancy Management and landlord functions

- 16) To make recommendations to Policy, Resources and Economic Development Committee on the setting of rents for Council homes.
- 17) Operational facilities management (including maintenance) of the Town Hall and the Depot
- 18) Oversee and monitor the enforcement activities of the Council
- 19) Community Safety (including Community Safety Partnership) and CCTV
- 20) To implement working parties as required

### **2.3 Community and Health Committee**

The functions within the remit of the Community and Health Committee 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) Environmental Health
- 9) Environmental nuisance and pollution controls
- 10) Other miscellaneous powers enforced by Environmental Health
- 11) Food safety and health and safety
2. To take the lead on community leadership and consultation with stakeholders.
3. 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
  - a. Whistleblowing
  - b. Money Laundering
  - c. Anti-Fraud and Corruption
  - d. Insurance and Risk Management
  - e. Emergency Planning
  - f. 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
  - a. Freedom of Information
  - b. Member Enquires
- 8) To monitor the Council's Data Quality arrangements.
- 9) To monitor the Council's Member's Training arrangements.

#### 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 Policy, Resources and Economic Development Committee as set out in the Audit and Scrutiny Procedure rules.
- 2) To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Development Committee for approval as set out in the Audit and Scrutiny rules.
- 3) To report to the Policy, Resources and Economic Development Committee or the appropriate committee on the progress of any matters that have been requested and to make relevant recommendations as required.
- 4) To establish working groups as appropriate (in line with agreed protocols) to undertake the scrutiny of any matters requested by the Policy, Resources and Economic Development Committee, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.



- 5) 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.
- 6) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Local Authority.
- 7) To deal with those issues raised through the 'Councillor Call for Action' scheme in line with agreed protocols and procedures.
- 8) 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.
- 9) 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 and Licensing 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.
  - (a) To guide the Council in setting its policy objectives and priorities.
  - (b) To carry out the duties and powers of the Council under current legislation;
  - (c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
  - (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;

- (e) To consider and approve relevant service plans;
- (f) To comply with the standing orders and financial regulations of the Council;
- (g) To operate within the budget allocated to the committee by the Council.
- (h) 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

### Licensing

- (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.

## **2.6 Licensing Sub-Committees**

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

### **Licensing Act 2003 and Gambling Act 2005**

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

### **Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:**

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

### **Scrap Metal Dealing**

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

### **Street Collections and House to House Collections**

- (a) Appeals against refusal to grant or renew a license.

## **Licensing of sex establishments**

- (a) Determination of all applications, revocations and appeals.

## **Street Trading**

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

## **Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis**

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

## **Animal Welfare and Security, except for the following:**

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

## **Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:**

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

## **Mobile Homes**

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.

## **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

<b>Committee</b>	<b>Membership</b>	<b>Quorum</b>
Policy, Projects and Resources	9	3
Environment and Enforcement	9	3
Community, Health and Housing	9	3
Planning and Licensing	12	4
Audit and Scrutiny	9	3
Regulatory and Governance	9	3
Staff Appointments*	9	3
Dismissal Appeals *	9	3

\* These committees meet on demand.

### 20. Appointments and Substitutes

- 20.1 Following Annual Council, the Chief Executives 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 that 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.

**15 May 2019**

**Annual Council**

**Political Balance, Allocation of Committee Seats and  
Committee Appointments**

**Report of:** *Claire Mayhew, Corporate and Democratic Services Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

**1. Executive Summary**

1.1 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

**2. Recommendation(s)**

**2.1 That the allocation of seats as set out in Appendix A be approved;**

**2.2 That the nominations from the political groups to Committees as set out in Appendix B be approved;**

**2.3 That the Chairs and Vice-Chairs of Committees as set out in Appendix B be appointed.**

**3. Introduction and Background**

3.1 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.

3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 Any non-aligned members are to be appointed to available seats on committees by the Council.

**Political proportionality**

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

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

- 3.7 The political balance of the Council is set out in Appendix A (to follow).
- 3.8 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.
- 3.9 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'.
- 3.10 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. Issue, Options and Analysis of Options**

- 4.1 The number of seats on Committees that will be allocated amongst the political groups represented on the Council is shown in Appendix A.
- 4.2 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.
- 4.3 The calculation to determine the entitlement of political groups to seats on Committees is as follows:

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

- 4.4 The strict entitlement to seats is shown in Appendix A.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 The nominations of political groups to seats on committees and nominations for Chair and Vice Chair positions are set out in Appendix B.

## **5. Reasons for Recommendation**

- 5.1 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.

## **6. Consultation**

- 6.1 Group Leaders will be consulted.

## **7. References to Corporate Plan**

- 7.1 The delivery of the Corporate Plan will be enabled by the appointment of the Committees of the Council to discharge its functions.

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer**

**Tel & Email: 01277 312829/ jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1 The cost of servicing committees will be met through existing budgets.

### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

- 8.2 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.
- 8.3 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.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 None.

**9 Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.4 None.

**10 Appendices to this report**

Appendix A - Allocation of seats

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

**Report Author Contact Details:**

**Name:** Claire Mayhew, Corporate and Democratic Services Manager  
**Telephone:** 01277 312741  
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## Brentwood Borough Council POLITICAL BALANCE – 15 May 2019

The Political Balance of the Council is:

POLITICAL GROUP	NO. OF MEMBERS	%	POLITICAL GROUP	NO. OF MEMBERS	NO. OF SEATS ON ORDINARY COMMITTEES
CONSERVATIVE	20	= 54.05	CONSERVATIVE	20	36 (35.67)
LIBERAL DEMOCRATS	13	= 35.14	LIBERAL DEMOCRATS	13	23 (23.19)
LABOUR	3	= 8.11	LABOUR	3	5 (5.35)
NON- ALIGNED	1	= 2.70	NON- ALIGNED	1	2 (1.78)
<b>TOTALS</b>	<b>37</b>	<b>100</b>			<b>66</b>

### PROPOSAL:

	A & S C (9)*	C & H C (9)**	DAC+ (9)	E, E& H C ++ (9)	P & LC# (12)	P, R & ED C ## (9)	SAC~ (9)	TOTAL 75
CON	5 (4.86)	5 (4.86)	5 (4.86)	5 (4.86)	6 (6.49)	5 (4.86)	5 (4.86)	36
LIB DEM	3 (3.16)	3 (3.16)	4 (3.16)	3 (3.16)	4 (4.22)	3 (3.16)	3 (3.16)	23
LAB	1 (0.73)	0 (0.73)	0 (0.73)	1 (0.73)	1 (0.97)	1 (0.73)	1 (0.73)	5
NON- AL.	0 (0.24)	1 (0.24)	0 (0.24)	0 (0.24)	1 (0.24)	0 (0.24)	0 (0.24)	2
	9	9	9	9	12	9	9	<b>66</b>

\*A & S C denotes Audit & Scrutiny Committee  
\*\*C & H C denotes Community and Health Committee  
+ D A C denotes Dismissal Appeals Committee (*Only meets on demand*)  
++ E, E & H C denotes Environment, Enforcement and Housing Committee  
# P & L C denotes Planning and Licensing Committee  
## P, R & ED C denotes Policy, Resources and Economic Development Committee  
~ S A C denotes Staff Appointments Committee (*Only meets on demand*)

## **Section 15 (5) principles**

Section 15 (5) of the Local Government and Housing Act 1989 states:-

'The principles mentioned in subsection (4) above, in relation to the seats on any body which fall to be filled by appointments made by any relevant authority or committee of a relevant authority, are –

- (a) that not all the seats on the body are allocated to the same political group;
- (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.'

Ordinary Committees do not include sub-committees or advisory committees or advisory sub-committees.

## 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).

<b>Audit &amp; Scrutiny Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr C Nolan			
Vice-Chair**:	Cllr S Tanner			
	Cllr K Parker	Cllr K Chilvers	Cllr Dr T Barrett	
	Cllr Mrs L McKinlay	Cllr D Naylor		
	Cllr R Hirst	Cllr M Haigh		
Approved Substitute	Cllr C Poppy	Cllr S Cloke	Cllr Morrissey	
Approved Substitute	Cllr T McLaren	Cllr Mrs A Fulcher		
Approved Substitute	Cllr T Bridge			

<b>Community &amp; Health Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (0)</b>	<b>Non-Aligned (1)</b>
Chair*:	Cllr C Poppy			
Vice-Chair**	Cllr Mrs C Tierney			
	Cllr Miss O Sanders ( <i>Lead Member for Health &amp; Wellbeing</i> )	Cllr Mrs V Davies		Cllr R Keeble
	Cllr M Reed	Cllr S Cloke		
	Cllr Mrs J Pound	Cllr Mrs A Fulcher		
Approved Substitute:	Cllr P Jakobsson	Cllr J Laplain		Cllr J Morrissey
Approved Substitute:	Cllr T Bridge	Cllr D Naylor		
Approved Substitute	Cllr Mrs M Pearson			



<b>Dismissals Appeal Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (0)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr C Hossack			
Vice-Chair**:	Cllr Mrs N Hones			
	Cllr J Tumbridge	Cllr B Aspinell		
	Cllr C Poppy	Cllr P Mynott		
	Cllr C Nolan	Cllr A Fryd		
		Cllr S Cloke		
Approved Substitute:	Cllr J Kerlake	Cllr M Haigh		
Approved Substitute:	Cllr Miss O Sanders	Cllr K Chilvers		
Approved Substitute:	Cllr Mrs C Tierney			

<b>Environment, Enforcement &amp; Housing Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair:	Cllr C Hossack			
Vice-Chair:	Cllr J Kerslake			
	Cllr T Bridge	Cllr D Naylor	Cllr Dr T Barrett	
	Cllr Mrs M Pearson	Cllr J Laplain		
	Cllr Mrs J Pound	Cllr N Clarke		
Approved Substitute:	Cllr Mrs N Hones	Cllr M Haigh	Cllr G Barrett	
Approved Substitute:	Cllr C Poppy	Cllr Mrs V Davies		
Approved Substitute:	Cllr J Cloke			

<b>Planning &amp; Licensing Committee (12)</b>	<b>Conservative (6)</b>	<b>Liberal Democrat (4)</b>	<b>Labour (1)</b>	<b>Non-Aligned (1)</b>
Chair*:	Cllr Miss O Sanders			
Vice-Chair**:	Cllr R McCheyne			
	Cllr P Jakobsson	Cllr P Mynott	Cllr J Morrissey	Cllr R Keeble
	Cllr T McLaren	Cllr A Fryd		
	Cllr Mrs C Tierney	Cllr K Chilvers		
	Cllr J Kerlake	Cllr M Haigh		
Approved Substitute:	Cllr S Tanner	Cllr J Laplain	Cllr Dr T Barrett	Cllr G Barrett
Approved Substitute:	Cllr T Bridge	Cllr Mrs V Davies		
Approved Substitute:	Cllr C Nolan			

<b>Policy, Resources and Economic Development Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr J Tumbridge			
Vice-Chair**:	Cllr Mrs N Hones			
	Cllr C Hossack	Cllr P Mynott	Cllr G Barrett	
	Cllr C Poppy	Cllr D Kendall		
	Cllr J Cloke ( <i>Lead Member for Highways &amp; Parking</i> )	Cllr M Lewis		
Approved Substitute:	Cllr R Hirst	Cllr B Aspinell	Cllr Dr T Barrett	
Approved Substitute:	Cllr T Bridge	Cllr S Cloke		
Approved Substitute:	Cllr M Reed			

<b>Staff Appointments Committee (9)</b>	<b>Conservative (5)</b>	<b>Liberal Democrat (3)</b>	<b>Labour (1)</b>	<b>Non-Aligned (0)</b>
Chair*:	Cllr C Hossack	[REDACTED]	[REDACTED]	[REDACTED]
Vice-Chair**:	Cllr Mrs N Hones	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Cllr J Tumbridge	Cllr B Aspinell	Cllr G Barrett	[REDACTED]
[REDACTED]	Cllr C Poppy	Cllr M Haigh	[REDACTED]	[REDACTED]
[REDACTED]	Cllr C Nolan	Cllr S Cloke	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Approved Substitute:	Cllr J Kerlake	Cllr A Fryd	Cllr J Morrissey	[REDACTED]
Approved Substitute:	Cllr Miss O Sanders	Cllr D Naylor	[REDACTED]	[REDACTED]
Approved Substitute:	Cllr Mrs C Tierney	[REDACTED]	[REDACTED]	[REDACTED]

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**15 May 2019**

**Annual Council**

**Committee Calendar for 2019/2020**

**Report of:** *Claire Mayhew, Corporate and Democratic Services Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 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.
- 1.2 A Calendar of Meetings, subject to Agenda Item 10 has been prepared.
- 1.3 It is intended that the meetings scheduled for June and July 2019 will be held at Ursuline Covent High School. Future meetings will be subject to whether the Council Chamber at the Town Hall is completed and ready to be used.

## **2. Recommendation(s)**

- 2.1 That the Calendar of Meetings attached as Appendix A for 2018/19 be approved.**

## **3. Introduction and Background**

- 3.1 Members agree the date, time and place of ordinary meetings of the Council and its committees for the 2019/2020 Municipal Year at the Annual Meeting of Council.

## **4. Issue, Options and Analysis of Options**

- 4.1 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.

4.2 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.

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

## **5. Reasons for Recommendation**

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

## **6. Consultation**

6.1 None.

## **7. References to Corporate Plan**

7.1 The governance arrangements at the Council should be such as to enable the delivery of the Corporate Plan 2016-19.

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer**

**Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

8.1 The cost of the governance arrangements at the Council can be met from existing budgets within the Medium Term Financial Plan 2019/2020. However, any increase in the number of meetings will have an impact on the officer support structure.

### **Legal Implications**

**Name & Title: Paula Harvey, Deputy Monitoring Officer**

**Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk**

8.2 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.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None.



**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None.

**10. Appendices to this report**

Appendix A – Calendar of Meetings 2019/2020

**Report Author Contact Details:**

**Name:** Claire Mayhew, Corporate and Democratic Services Manager

**Telephone:** 01277 312741

**E-mail:** [claire.mayhew@brentwood.gov.uk](mailto:claire.mayhew@brentwood.gov.uk)

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# Notice of Meetings 2019/2020

## LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

NOTICE IS HEREBY GIVEN that the following meetings, open to the Public and Press, will be held at the Ursuline Convent High School, Brentwood, Essex until further notice.

	Day	Time	May 2019	June 2019	July 2019	August 2019	September 2019	October 2019	November 2019	December 2019	January 2020	February 2020	March 2020	April 2020	May 2020
Annual Council	Wednesday	19:00	<b>15th</b>												<b>20th</b>
Ordinary Council	Wednesday	19:00		<b>26th</b>				<b>9th</b>		<b>11th</b>	<b>22nd</b>		<b>4<sup>th</sup> (Budget) 25<sup>th</sup> (if required)</b>		
Audit and Scrutiny Committee	Tuesday	19:00		<b>18th</b>	<b>30th (Signing of Accounts)</b>			<b>8th</b>			<b>28th (Budget)</b>		<b>3rd</b>		
Community and Health Committee	Tuesday	19:00			<b>2nd</b>		<b>17th</b>			<b>3rd</b>			<b>10th</b>		
Environment, Enforcement and Housing Committee	Tuesday	19:00		<b>25th</b>			<b>24th</b>			<b>10th</b>			<b>17th</b>		
Planning and Licensing Committee	Wednesday	19:00		<b>12th</b>	<b>17th</b>		<b>4th</b>	<b>16th</b>	<b>13th</b>	<b>18th</b>	<b>15th</b>	<b>19th</b>	<b>11th</b>		
Policy, Resources and Economic Development Committee	Wednesday	19:00			<b>10th</b>		<b>11th</b>		<b>27th</b>		<b>8th</b>	<b>12<sup>th</sup> (Budget)</b>	<b>18th</b>		

Dated this 15<sup>th</sup> May 2019

P. Ruck  
HEAD OF PAID SERVICES

(Proper Officer for the purposes of Part VA of the Act)



	2019 May	June	July	August	September	October	November	December	2020 January	February	March	April	May
1				School holidays	School holidays	Conservative Party Conference	School holidays		Bank Holiday				
2				School holidays	School holidays	Conservative Party Conference			School holidays				
3				School holidays					School holidays				
4	Bank Holiday			School holidays					School holidays				Bank Holiday
5				School holidays					School holidays				
6				School holidays					School holidays				
7				School holidays								School holidays	
8				School holidays								School holidays	
9				School holidays								School holidays	
10				School holidays								Bank Holiday	
11				School holidays								School holidays	
12				School holidays								School holidays	
13				School holidays								Bank Holiday	
14				School holidays	Liberal Democrats Conference							School holidays	
15				School holidays	Liberal Democrats Conference							School holidays	
16				School holidays	Liberal Democrats Conference							School holidays	
17				School holidays	Liberal Democrats Conference					School holidays		School holidays	
18				School holidays						School holidays			
19				School holidays						School holidays			
20				School holidays				School holidays		School holidays			
21				School holidays	Labour Party Conference			School holidays		School holidays			
22				School holidays	Labour Party Conference			School holidays					
23			School holidays	School holidays	Labour Party Conference			School holidays					
24			School holidays	School holidays	Labour Party Conference			School holidays					
25	School holidays		School holidays	School holidays	Labour Party Conference			Bank Holiday					Bank Holiday
26	School holidays		School holidays	School holidays				Bank Holiday					School holidays
27	School holidays		School holidays	School holidays				School holidays					School holidays
28	School holidays		School holidays	Bank Holiday		School holidays		School holidays					School holidays
29	School holidays		School holidays	School holidays	Conservative Party Conference	School holidays		School holidays					School holidays
30			School holidays	School holidays	Conservative Party Conference	School holidays		School holidays					
31			School holidays	School holidays	Conservative Party Conference	School holidays		School holidays					

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## Holiday Calendar 2019/2020

**15<sup>th</sup> May 2019**

**Annual Council**

**Members Remuneration Report 2019/20**

**Report of:** *Jacqueline Van Mellaerts – Interim Chief Finance Officer*

**Wards Affected:** *All Wards*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 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 2019/20 Municipal Year and is attached in Appendix A.
- 1.2 Following the IRP meeting held on 7<sup>th</sup> November, The IRP report has recommended to increase the Member Allowances by 1% which is also in line with Employees and has been included within the Council's MTFP 2019/20. The Mayor allowance was also considered and proposed to increase inline with the Mayor's Expenditure.
- 1.3 The IRP reviewed Parental Leave and Carer Allowance proposals to be included within the Members Allowance Scheme following a cross party meeting with group leaders.
- 1.4 The newly elected Leader of the Conservative Party asked for the IRP to be consulted to also increase the Deputy Mayor Allowance which was reviewed, and proposed increase agreed.

## **2. Recommendation(s)**

- 2.1 That the report of the Independent Remuneration Panel at Appendix A be noted.**
- 2.2 Following the IRP recommendation, the Members Allowances 2019/20 attached in Appendix B is approved.**

- 2.3 That the Mayor and Deputy Mayor allowances 2019/20 attached in Appendix B are approved.**
- 2.4 Following the IRP recommendation, the Member Parental Leave Policy included in the IRP report (Appendix 1) is approved.**
- 2.5 Following the IRP recommendation, the Member's Allowances Scheme includes Carers Allowance conditions as set out in the IRP report (Appendix 2) is approved.**
- 2.6 Delegated authority is given to Monitoring Officer to amend the constitution with the above amendments.**

### **3. Introduction and Background**

- 3.1 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.
- 3.2 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.
- 3.3 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.

### **4. Issue, Options and Analysis of Options**

- 4.1 The IRP held a meeting on the 7<sup>th</sup> November 2018 to discuss the Member's Allowance Scheme which is reviewed annually and set out in Chapter 6 of the constitution.
- 4.2 The meeting was held earlier than normal, so any proposals can be in line with the budget cycle.

- 4.3 The analysis of options by the IRP is set out in detail in Sections 10 to 20 of their report as attached at Appendix A.
- 4.4 It was discussed to Increase members Allowances by 1%, as they have not been increased since 2014/15. The increase is also in line with Employees for 2019/20 and has been included within the Council MTFP.
- 4.5 The Mayor Allowance was also discussed, as this continually reports not to be remunerated sufficiently to cover their expenses. It was decided to increase the Allowance in principle once the Mayor s Expenses had been reviewed.
- 4.6 Following the meeting, a report was presented to Policy, Projects and Resources Committee and was recommended a cross party meeting took place with group leaders to review a Parental Leave Policy for Elected Members.
- 4.7 This meeting took place in April. Group Leaders were presented with a draft Parental Leave Policy by officers and discussed the detail. Following this, it was decided to recommend proposals to adopt the Parental Leave Policy to the IRP for consideration along with proposals of including a Carer Allowance within the Member Scheme which the IRP had also discussed in November.
- 4.8 Officers drafted conditions for including a Carer Allowance within the Scheme and put forward these proposals to the Group Leaders and consulted further with the IRP.
- 4.9 Following the consultation, and the conditions slightly amended, the final Parental Leave Policy for Elected Members and Carer Allowance Conditions have been included within the IRP report (Attached as Appendix A) as Appendix 1 & 2 retrospectively.
- 4.10 Following recent conversations with the current Mayor, the IRP have been consulted that the Mayor's yearly expenditure is under remunerated. It was agreed that £4,500 is more reasonable. The IRP agreed that this will be continually monitored.
- 4.11 The newly elected Leader of the Conservative Party requested that the IRP were also consulted with the increase in Deputy Mayor Allowance by £500 so it was more in line with the Mayor's increase. The IRP have accepted this increase, but due to timing this is not included within their report.

- 4.12 The newly elected Leader of the Conservative Party has amended the Committee Structure for the Municipal Year 2019/20. The structure has been consulted with the IRP to inform them of the changes. There is no financial pressure with the new Committee Structure.
- 4.13 The final proposed Member Allowances and Mayor and Deputy Mayor Allowances are include within Appendix B

## **5. Reasons for Recommendation**

- 5.1 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.

## **6. Consultation**

- 6.1 The Independent Remuneration Panel held a meeting in November 2018 with Officers and the Group Leaders. The meeting was minuted and considered a series of contextual information which is set out within their report.

## **7. References to Corporate Plan**

None

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer**  
**Tel & Email: 01277 312829,**  
**Jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1 Following the meeting with the IRP on 7<sup>th</sup> November, it was agreed to increase Member Allowances by 1% which is also in line with Employees. As the meeting took place in November, this has been included within the Council's MTFP 2019/20, so this increase would not cause an additional pressure.
- 8.2 Parental Leave and Carers Allowance, may cause additional financial pressure, depending on how much it is utilised. A budget has not yet been provided, but they will be monitored through budget Monitoring and reported back to IRP and Members.



- 8.3 The Mayor's Expenditure was reviewed after the MTFP was agreed, and so the proposed increase of £1,000 has not been included within the budget and will present a small in year pressure on the Council's working balances. The IRP and Leader of Conservative Party have been notified.
- 8.4 The newly elected Leader of the Conservative Party has amended the Committee Structure, and therefore the make up of the Special responsibility allocations are slightly different. This has not affected the overall cost of the Members Allowances Scheme.
- 8.5 The newly elected Leader of the Conservative Party requested that the IRP were consulted with the increase in Deputy Mayor Allowance by £500. Previously a £500 contingency budget was set aside for the Mayor and Deputy Mayor duties. This has been underutilised, so it has been suggested to use this provision and provide it directly to the Deputy Mayor, so there is no further pressure.

#### **Legal Implications**

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- 8.6 The recommendations set out within this report are lawful and within the Council's powers and duties.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

#### **9. Background Papers**

- 9.1 Annual reports of the Independent Remuneration Panel to Brentwood Borough Council are publicly available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk)

#### **10. Appendices to this report**

- Appendix A – Report of the Independent Remuneration Panel 2019/20 (Including Appendix 1 & 2)
- Appendix B – Schedule of proposed Members Allowances for 2019/20.

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# **Brentwood Borough Council**

## **Members Allowances Scheme 2019/20**

### **Report of the Independent Remuneration Panel**

**Final**

April 2019

## **Introduction**

1. This report presents the findings of the Independent Remuneration Panel (IRP) and its recommendations for the scheme for 2019/20.

## **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 has been put into place during 2018/19.

## **The Independent Remuneration Panel**

6. The Independent Remuneration Panel met on 7<sup>th</sup> November 2018 to discuss the Members Allowance Scheme for 2019/20 and comprised of:
  - Mr Michael Hawkins
  - Mr Steve Marsh
  - Mr John Boylin (apologies received for meeting on 7.11.18)

## **Existing Scheme**

7. At the meeting of Annual Council on the 16<sup>th</sup> May 2018 it was resolved that revised Members Allowances be approved, being no more than £270,112.94.

## **Political Structure**

8. The Council consists of 37 members.
9. The current committee structure of the council consists of the following at the time of reviewing the Members Allowance Scheme.:
  - Full Council (Annual, Ordinary & Extraordinary)
  - Planning & Licensing Committee
  - Audit & Scrutiny Committee
  - Policy, Projects & Resources Committee
  - Environment & Enforcement Committee
  - Community, Health & Housing Committee
  - Regulatory & Governance Committee

## **Our Approach and considerations**

10. The deliberations of the IRP were informed by:
  - The Council's changes in Committee structure for 2018 and that there are currently no proposed changes to the structure for 2019.
  - 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 2019 included:

- Budget pressures on the Council and the need for affordability.

13. The options considered by the IRP included:

Option	Analysis
That members allowances for 2019/20 remain unchanged.	<ul style="list-style-type: none"> <li>• Members Allowances had increased by 1% in 2014/15, the first increase since 2011/12.</li> <li>• The Mayor and Deputy Mayor received an increase in 2018/19.</li> <li>• New Committee arrangements had been adopted in 2013, 2014, 2015, 2016, 2017 and 2018.</li> <li>• There is currently proposed to be no change to the number of committees in 2019/20.</li> </ul>
That members allowances for 2019/20 be increased in line with Employees.	<ul style="list-style-type: none"> <li>• Staff are receiving a 1% pay increase in 2018/19.</li> <li>• The MTFP includes a provisional 1% increase for staff for future years from 2019/20.</li> </ul>

### Other Matters

14. The IRP discussed the remuneration of members who sit on the Project Board of SAIL, and whether the duties and responsibilities that come with the Council's commercial activity require additional payment. After in depth discussion it was felt it would be useful to monitor how the venture grows in the future and to track the hours involved.

15. The Mayor's allowance was discussed in conjunction with the benchmarking information available. The Mayor is keeping track of expenses and the IRP

will review this information when available in order to decide whether to recommend an increase in the Mayor's allowance.

16. Maternity and Parental Leave arrangements are currently agreed at Party level. Discussion took place around the suggestion that a policy be formalised going forward and that a cross party meeting being arranged to put proposals forward to the IRP for consideration.
17. Carer's allowances were discussed. The IRP was in support of a policy being formulated around this and felt that Carer's allowance should be offered in order that attendance at Committee Business is possible for all members.
18. The IRP also discussed Out of Borough/Exceptional expenses and felt there was a case for more clarity being needed regarding what is considered "reasonable expenses" as set out in the Members Allowances Scheme.

#### **Following the meeting 7<sup>th</sup> November 2018**

19. The IRP were notified in April that recommendations were approved at Project, Policy and Resources Committee for a cross party meeting of group leaders to be arranged to discuss parental leave proposals.
20. This meeting took place on 16<sup>th</sup> April. Proposals of a Parental Leave Policy and Carers Allowance conditions were put forward to the IRP for consideration via email. After review and small amendments made, final proposals have been put forward as recommendations and are attached as appendices of this report.

## Recommendations

21. After careful consideration of all the information provided the Independent Remuneration Panel recommend the following:

- (i) That members allowances for 2019/20 are increased by 1% as follows:

<b><u>Members Allowances 2019/20</u></b>	<b>Recommendation 2019/20</b>
Basic Allowance	6,010.31
Leader	13,217.11
Deputy Leader	6,380.68
Leader of Main Opposition	5,371.94
Leader of Minority Opposition	2,685.51
Committee Chair(s)	3,581.29
Committee Vice(s)	976.82

- (ii) That Deputy Mayor allowance for 2019/20 also be increased by 1% to:

<b><u>Members Allowances 2019/20</u></b>	<b>Recommendation 2019/20</b>
Mayor	See (iii)
Deputy Mayor	1,010

- (iii) It was agreed in principle to increase the Mayor's allowance by £1,000, from £3,500 to £4,500 After the 1% has been applied. This is to be confirmed once the Mayor's expenses to date have been reviewed.
- (iv) That the policy set out in Appendix A regarding Parental Leave to be included within the Scheme.
- (v) That the conditions set out in Appendix B are included within the Scheme regarding Carer's allowances, to cover Committee Business.
- (vi) That the possibility of formulating clearer guidelines regarding what is included in "reasonable expenses" for exceptional or out of Borough expenses be taken forward and discussed at the next IRP.



- (vii) That the IRP keep the remuneration of the Project Board of SAIL as an agenda item for future meetings, and review again as the venture becomes more established.

**Parental Leave Policy for Elected Councillors of Brentwood Borough Council.**

**Introduction**

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors. These policies can therefore only currently be implemented on a voluntary basis and the policies below constitute best practice.

Legal advice has been taken on these policies, and they conform with current requirements.

**1. Leave Periods**

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52-week entitlement.
- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

- 1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months. Special and exceptional arrangements may be made in cases of prematurity.
- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council agrees to an extended leave of absence prior to the expiration of that six-month period. Such agreement must be obtained from the Head of Paid Service prior to the commencement of absence, the granting of such a request not to be unreasonably withheld. As an example being if the 6 month period ends just before purdah and thus the next Council meeting that could count, might be a further 2 months away, making a total (potentially) of 8 months from attending a meeting. This could be overcome by acknowledgment from the Head of Paid Service at the commencement of parental leave,
- 1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return. This will mean advising the Head of Paid Service of all relevant dates
- 1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
- 1.11 To ensure members remain updated with events in the Council. Keeping in Touch (KIT) sessions (not full days) during the leave period are recommended. There is an expectation for members to utilise at least 2 KIT sessions.
- 1.12 The Group leaders are responsible for making appropriate cover arrangements whilst a member is on leave.

## **2. Basic Allowance**

- 2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

## **3. Special Responsibility Allowances (SRA)**

- 3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

- 3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.
- 3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
- 3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

#### **4. Resigning from Office and Elections**

- 4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

## **CARERS ALLOWANCE**

### **Child Care**

The scheme provides for the reimbursement of expenditure incurred by members in providing child care arrangements for children for whom they have parental responsibility to facilitate their attendance at approved duties of the Council in accordance with the following requirements:

- that payment is made to someone other than a close relation;
- that payments for the care of the under 8's are restricted to payments to registered childminders and other statutory approved child care providers;
- that payments be restricted to the care of children up to their 15<sup>th</sup> birthday who normally reside with the member; or in respect of dependants where there is medical or social worker evidence that care is required.
- that no payments be made in respect of the care of children of compulsory school age during school hours except where the child is absent from school due to illness.

### **Care of Dependants**

The reimbursement of expenditure on professional care for an elderly, sick or disabled dependant relative normally residing with the member and requiring constant care, to facilitate attendance at approved duties, subject to payments being restricted to agencies or persons qualified to provide the care.

### **General Conditions**

The following conditions will apply to both types of allowance:

- that payments are made on the basis of the reimbursement of actual expenditure incurred up to a maximum of an hourly rate of the national minimum wage per hour for each hour of absence from home;
- Receipts will need to be provided to the Section 151 Officer and payments will be processed by the Council's payroll.
- that qualifying meetings be restricted to those that qualify as an "approved duty" for the member concerned;
- that neither the member nor the person being cared for receives an allowance for care from any other source.
- When there is more than one Member in a household, only one claim can be made in respect of each person cared for.
- The paid carer cannot be a member of the immediate family or household.

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<b>Members Allowances 2019-20</b>	<b>Number</b>	<b>Allowances 2018-19</b>	<b>Allowances 2019-20</b>	<b>Only One SRA Permitted</b>	<b>Total Recommendation 2018-19</b>	<b>Total Recommendation 2019-20</b>	<b>Variance</b>
Basic Allowance	37	5,950.80	6,010.31		220,179.60	222,381.40	2,201.80
Leader	1	13,086.25	13,217.11		13,086.25	13,217.11	130.86
Deputy Leader	1	6,317.50	6,380.68		6,317.50	6,380.68	63.18
Leader of Main Opposition	1	5,318.75	5,371.94		5,318.75	5,371.94	53.19
Leader of Minority Opposition	1	2,658.92	2,685.51		2,658.92	2,685.51	26.59
Chair of Audit & Scrutiny Committee	1	1,772.92	3,581.29		1,772.92	3,581.29	1,808.37
Chair of Regulatory & Governance Committee	1	1,772.92	0.00		1,772.92	0.00	-1,772.92
Chair of Community and Health Committee	1	3,545.83	3,581.29		3,545.83	3,581.29	35.46
Chair of Environment, Enforcement and Housing Committee	1	3,545.83	3,581.29	Leader of the Council	3,545.83	0.00	-3,545.83
Chair of Planning and Licensing Committee	1	3,545.83	3,581.29		3,545.83	3,581.29	35.46
Chair of Policy, Resources and Economic Development Committee	1	3,545.83	3,581.29		0.00	3,581.29	3,581.29
Vice Chair of Audit & Scrutiny Committee	1	483.57	976.82		483.57	976.82	493.25
Vice Chair of Regulatory & Governance Committee	1	483.57	0.00		483.57	0.00	-483.57
Vice Chair of Community and Health Committee	1	967.15	976.82		967.15	976.82	9.67
Vice Chair of Environment, Enforcement and Housing Committee	1	967.15	976.82		967.15	976.82	9.67
Vice Chair of Planning and Licensing Committee	1	967.15	976.82		967.15	976.82	9.67
Vice Chair of Policy, Resources and Economic Development Committee	1	967.15	976.82	Deputy Leader of the Council	0.00	0.00	0.00
<b>Sub-total</b>					<b>265,612.94</b>	<b>268,269.07</b>	<b>2,656.13</b>
Mayor	1	3,500.00	3,535.00		3,500.00	4,535.00	1,035.00
Deputy Mayor	1	1,000.00	1,010.00		1,000.00	1,510.00	510.00
<b>Grand Total</b>					<b>270,112.94</b>	<b>274,314.07</b>	<b>4,201.13</b>

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