



# Agenda

## Annual Council

Wednesday, 20 May 2015 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – 10)

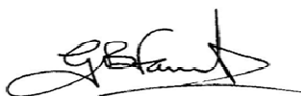
All Brentwood Borough Councillors are respectfully summoned to attend the above meeting to transact the business set out below.

Reports and appendices marked “to follow” will be produced and published as a supplement to the agenda when the outcome of the Brentwood Borough elections is known.

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Agenda Item	Item	Wards(s) Affected	Page No
1.	<b>Apologies for Absence</b>		
2.	<b>Receive any Declarations of Interest from Members and Officers</b>	All Wards	
3.	<b>Mayor's Announcements</b> The Mayor's Presentations to Civic Award Winners and Charities.	All Wards	
4.	<b>Election of Mayor for Municipal Year 2015/16</b> Vote of thanks to outgoing Mayor	All Wards	5 - 8
5.	<b>Appointment of a Deputy Mayor for Municipal Year 2015/16</b>	All Wards	9 - 12
6.	<b>Brentwood Borough Council Elections</b> The Chief Executive will report the results of the Borough elections.	All Wards	
7.	<b>Political Groups on the Council</b> The Chief Executive will report receipt of Notices served on him by Members under the provisions of the Local Government (Committee and Political Groups) Regulations 1990.	All Wards	13 - 16

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|------------|--|-------------------|
| <b>8.</b>  | <b>Elect a Leader and Deputy Leader of the Council</b>   | All Wards 17 - 20 |
| <b>9.</b>  | <b>Leader's Statement</b><br>To receive the Leader's statement and others under Council Procedure Rule 6.<br><br><i>The annual meeting of Council may receive:</i><br><br><i>(i) an address from the Leader of the Council for up to 15 minutes;</i><br><i>(ii) a response from the Leader of the main Opposition Group for up to 10 minutes;</i><br><i>(iii) a response from each of the leaders of the other political groups for up to 5 minutes per speaker;</i><br><i>(iv) a response from any member who is not a member of a political group for up to 3 minutes.</i> |                   |
| <b>10.</b> | <b>Committees and their Terms of Reference</b><br><i>(Appendix A to follow).</i>   | All Wards 21 - 24 |
| <b>11.</b> | <b>Political Balance, Allocation of Committee Seats and Committee Appointments</b><br><i>(Appendices A, B and C to follow).</i>  | All Wards 25 - 30 |
| <b>12.</b> | <b>Committee Calendar for 2015/2016</b><br><i>(Appendix A to follow).</i>  | All Wards 31 - 34 |
| <b>13.</b> | <b>Appointment of Representatives on Outside Organisations</b><br><i>(Appendix A to follow).</i>   | All Wards 35 - 38 |
| <b>14.</b> | <b>Members Allowances 2015/2016</b><br><i>(Appendix A to follow).</i>  | All Wards 39 - 44 |
| <b>15.</b> | <b>Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 - Dismissal Advisory Panel</b>   | All Wards 45 - 52 |
| <b>16.</b> | <b>Appointment of Chief Executive and Designation as Head of Paid Service</b>  | All Wards 53 - 56 |
| <b>17.</b> | <b>Appointment of Electoral Registration Officer and Returning Officer</b>   | All Wards 57 - 60 |
| <b>18.</b> | <b>Urgent Business</b><br>An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.  |                   |



Chief Executive  
Town Hall  
Brentwood, Essex  
05.05.2015

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**Information for Members**

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**Substitutes**

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

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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**Rights to Attend and Speak**

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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**Point of Order/ Personal explanation/ Point of Information**

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**Point of Order**

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

**Personal Explanation**

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

**Point of Information or clarification**

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

## Information for Members of the Public

### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

### **Webcasts**

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

### **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

### **modern.gov app**

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

### **Access**

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

**20 May 2015**

**Annual Council**

**Election of Mayor for Municipal Year 2015/16**

**Report of:** *Ben Bix, Corporate and Democratic Services Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 The Council is required to elect a Mayor at its Annual Meeting from amongst its membership to serve for the Municipal Year 2015/16 and until their successor is entitled to act in that office.

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

- 2.1 To elect a Mayor for the Municipal Year 2015/16 and until their successor is entitled to act in that office.**

## **3. Introduction and Background**

- 3.1 The Mayor is elected by the Council to continue in office for one Municipal Year and until their successor is entitled to act in that office. The Mayor is the First Citizen of the Borough, a Member of the Council and its Civic and Ceremonial head. The Mayor will represent and promote the Borough at events both within and outside the Borough.
- 3.2 The Mayor is Chair of the meetings of the Council in accordance with Council Procedure Rules.
- 3.3 The Mayor will invite nominations for the election of Mayor for the Municipal Year 2015/16.
- 3.4 Once the election has taken place during the Annual Meeting, the newly elected Mayor will duly take the Declaration of Acceptance of Oath.

Following the declaration, the meeting will be adjourned to allow the newly elected Mayor to robe.

- 3.5 On the return of the Mayoral Party, the Mayor will make announcements including which charities the Mayor has chosen to work with during the Mayoral year.
- 3.6 The Mayor is accompanied to events by a Mayoress or a Consort. The Mayoress or Consort is recognised by the Council as such. A Mayoress or Consort will be announced.
- 3.7 After the Mayor's Mayoress or Consort has been announced, the outgoing Consort will invest the incoming Mayoress or Consort with the badge of office.
- 3.8 A vote of thanks to the outgoing Mayor will be proposed. Other Members will be invited to speak on the vote of thanks. The Past Mayor will then be presented with the Past Mayor's badge and with gifts from officers.

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

- 4.1 The law requires that the Mayor (being Chairman of the Council) shall be elected annually by the Council from amongst its Members and that the election of the Mayor shall be the first item of business transacted at the meeting of Annual Council.

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

- 5.1 It is a statutory duty.

#### **6. Consultation**

- 6.1 Group Leaders will be consulted post the Borough Election, 7 May 2015.

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

- 7.1 This underpins the corporate priority of *A Modern Council* as the role of Mayor includes upholding and promoting the Constitution and so improving governance arrangements.

#### **8. Implications**

**Financial Implications**

**Name & Title: Chris Leslie, Finance Director**

**Tel & Email: 01277 312 542 [christopher.leslie@brentwood.gov.uk](mailto:christopher.leslie@brentwood.gov.uk)**

- 8.1 There are no direct financial implications arising from the election of a Mayor. For the purpose of enabling the Mayor to meet the expense of their office, the Council may pay such allowance as the Council think reasonable. Item 14 of the Agenda deals with allowances.

**Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 [christopher.potter@brentwood.gov.uk](mailto:christopher.potter@brentwood.gov.uk)**

- 8.2 The Council is required annually to elect a Mayor (being Chairman of the Council) in accordance with Sections 3, and 4 of the Local Government Act 1972.

**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**

None.

**Report Author Contact Details:**

**Name:** Ben Bix, Corporate and Democratic Services Manager

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**20 May 2015**

## **Annual Council**

### **Appointment of a Deputy Mayor for Municipal Year 2015/16**

**Report of:** *Ben Bix, Corporate and Democratic Services Manager*

**Wards Affected:** *All Wards*

**This report is:** *Public*

#### **1. Executive Summary**

1.1 The Council is required to appoint a Deputy Mayor from amongst its membership to serve for the Municipal Year 2015/16.

1.2 The Deputy Mayor is appointed by the Council to continue in office for one Municipal Year and hold office until immediately after the election of the Mayor at the next Annual Meeting.

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

**2.1 To appoint a Deputy Mayor for the Municipal Year 2015/16 and until immediately after the election of the Mayor at the next Annual Meeting.**

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

3.1 The Deputy Mayor will support the Mayor in their role during their term of office. Subject to any standing orders made by the Council, anything authorised or required to be done by, to or before the Mayor may be done by, to or before the Deputy Mayor.

3.2 The Mayor will invite nominations for the appointment of Deputy Mayor for the Municipal Year 2015/16.

3.3 Once Annual Council has made the appointment of Deputy Mayor, the newly appointed Deputy Mayor duly takes the Declaration of Acceptance of Oath.

- 3.4 The Deputy Mayor is accompanied to events by a Deputy Mayoress or Consort. The Deputy Mayoress or Consort is recognised by the Council as such. A Deputy Mayoress or Consort will be announced.
- 3.5 After the Deputy Mayor's Deputy Mayoress or Consort has been announced, the outgoing Consort will invest the incoming Consort with the badge of office.

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

- 4.1 Section 5 of the Local Government Act 1972 requires the appointment of a Deputy Mayor (being Vice-Chairman of the Council).

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

- 5.1 It is a statutory duty.

#### **6. Consultation**

- 6.1 Group Leaders will be consulted post the Borough Election, 7 May 2015.

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

- 7.1 This report underpins the corporate priority of *A Modern Council* as the role of Deputy Mayor assists to uphold and promote the Constitution and so deliver improvements in governance arrangements.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 8.1 There are no direct financial implications arising from the appointment of a Deputy Mayor. For the purpose of enabling the Deputy Mayor to meet the expenses of their office, the Council may pay such allowance as the Council think fit. Agenda Item 14 deals with allowances.

##### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

8.2 The Council is required annually to appoint a Deputy Mayor (being the Vice-Chairman of the Council) in accordance with Section 5 of the Local Government Act 1972.

**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**

None

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**20 May 2015**

**Annual Council**

**Political Groups on the Council**

**Report of:** *Graham Farrant, Chief Executive*

**Wards Affected:** *All Wards*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 The Constitution under Council Procedure Rule 2.1 (h) provides that the Chief Executive will report receipt of Notices served on him by Members under the provisions of the Local Government (Committees and Political Groups) Regulations 1990 to the Annual Meeting of the Council.

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

- 2.1 That Annual Council note the Notices of Political Groups served on the Chief Executive.**

## **3. Introduction and Background**

- 3.1 A 'political group' is one which has been constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and consists of at least two Members. It is therefore separate from the concept of a political party (though it may well consist of members of the same political persuasion).
- 3.2 If the membership of a political group drops below two, the particular political group ceases to exist (Regulation 8(2)). A Member may cease to be a member of a particular political group if they are no longer a councillor (Reg.10). Members may apply to join an existing political group (Reg.9).

- 3.3 The reason why political groups are almost invariably formed is that where political balance is required as regards the seat allocation on council bodies then regard is to be had to political groups (not political parties).
- 3.4 The calculation of the proportionate allocation of seats subject to the political balance rules is based upon political groups and this is clearly significant as regards the control of power on those council bodies.
- 3.5 Notices relating to political groups (including changes as to the name of the group, its membership, the name of the Group Leader and the name of a Deputy Group Leader) are required to be in the prescribed written form and delivered to the proper officer of the Council.
- 3.6 Changes in political groups can therefore affect the calculation of the political balance on particular Council bodies.

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

- 4.1 The Council must comply with The Local Government (Committees and Political Groups) Regulations 1990 as amended.

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

- 5.1 To comply with The Local Government (Committees and Political Groups) Regulations 1990 as amended.

#### **6. Consultation**

- 6.1 Officers will consult with Members post the Borough Elections on May 7 2015.

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

- 7.1 None.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 8.1 There are no direct financial implications.

## **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

- 8.2 The Local Government (Committees and Political Groups) Regulations 1990 as amended deal, amongst other things, with political groups.
- 8.3 Regulation 7 of The Local Government (Committees and Political Groups) Regulations 1990 states that ‘The members of an authority are to be treated as divided into different political groups when there is at least one political group in existence constituted in accordance with regulation 8’.
- 8.4 Regulation 8 (1) provides that ‘A political group shall be treated as constituted when there is delivered to the proper officer a notice in writing which – (a) is signed by two or more members of the authority who wish to be treated as a political group; and (b) complies with the provisions of paragraph (3).’
- 8.5 Regulation 8(3) states that ‘A notice under paragraph (1) shall state (a) that the members of the authority who have signed it wish to be treated as a political group; (b) the name of the group; and (c) the name of one member of the group who has signed the notice and who is to act as its leader.’
- 8.6 Regulation 8(4) provides that ‘A notice under paragraph (1) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader in relation to these Regulations (“the representative”).’
- 8.7 Regulation 9 states that ‘Subject to regulations 11 and 12, a member of the authority is to be treated as a member of a political group if –
- (a) he has signed a notice in accordance with regulation 8; or
  - (b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or representative of the group or by a majority of the members of the group, stating that he wishes to join the group.’
- 8.8 The requirements relating to political balance are contained in sections 15-17 and Schedule 1 to the Local Government and Housing Act 1989.

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

8.9 None.

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

9.1 Notices received, and duly minuted, at past Annual Council meetings are available on the Council's website.

**10. Appendices to this report**

None

**Report Author Contact Details:**

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**20 May 2015**

**Annual Council**

**Election of the Leader and Deputy Leader of the Council**

**Report of:** *Ben Bix, 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 (i) provides that the Annual Meeting of Council will consider the election from its Members a Leader and Deputy Leader of the Council.
- 1.2 The Mayor will invite nominations for the election of Leader and Deputy Leader for the Municipal Year 2015/16.

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

- 2.1 That a Leader of the Council be elected**
- 2.2 That a Deputy Leader of the Council be elected**

## **3. Introduction and Background**

- 3.1 Article 4 (2) (k) of the Constitution reserves to full Council the election from its Members of a Leader and Deputy Leader of the Council. The election of a Leader and Deputy Leader under Council Procedure Rule 2.1 (i) is considered at the Annual Meeting.

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

- 4.1 Annual Council must comply with the Constitution.

## **5. Reasons for Recommendation**

- 5.1 To comply with Article 4 of the Constitution.

## **6. Consultation**

- 6.1 Group Leaders will be consulted post the Borough Elections on 7 May 2015.

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

- 7.1 None

## **8. Implications**

### **Financial Implications**

**Name & Title: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 8.1 There are no direct financial implications arising from this report, save for the respective Allowances as agreed under item 14 of this agenda.

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

- 8.2 The election of a Leader and Deputy Leader in an authority operating a Committee System form of governance such as Brentwood, **does not** confer on those Members any functions for the purposes of the Local Government Act 2000.

- 8.3 Under the Committee System, no single councillor has any delegated power to discharge any function of the Council (other than as regards their own ward budget under section 236 of the Local Government and Public Involvement in Health Act 2007) nor can any such delegated power be granted to a single councillor.

**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)

9.1 None

**10. Appendices to this report**

None.

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**20 May 2015**

**Annual Council**

**Committees and Their Terms of Reference**

**Report of:** *Christopher Potter, Monitoring Officer and Head of Support Services*

**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 (to follow) be appointed for the Municipal Year 2015/16.**
- 2.2 That the size of the Committees listed in Appendix A (to follow) be agreed.**
- 2.3 That the Terms of Reference of the Committees listed in Appendix A (to follow) be agreed.**
- 2.4 That the Council's Monitoring Officer be authorised to make the 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 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 The Committee Structure has been subject to change in recent years.

2013/14	2014/15
Strategy and Policy Board	Finance and Resources Committee
Community Services Committee	Housing Committee
Performance and Resources Committee	Environment Committee
Overview and Scrutiny Committee	Asset and Enterprise Committee
Planning and Development Committee	Community Committee
Licensing Committee (and Licensing Sub Committee)	Business and Town Centres Committee
Audit Committee	Planning and Development Committee
	Licensing Committee (and Licensing Sub Committee)
	Audit and Scrutiny Committee

4.2 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2014/15.

4.3 The proposed Committees for 2015/16 (including their suggested/required size and terms of reference) will be circulated after the Borough Elections. Additionally, the Constitution requires the Council to appoint a Staff Appointments Committee and a Dismissal Appeals Committee. There is also a requirement to have an advisory Committee in respect of the dismissal of the three statutory officers.

## 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 The Chief Executive will consult with Group Leaders post the Borough Elections, 7 May 2015.

## 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: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 8.1 The cost of servicing the governance arrangements at the Council will be met from existing resources.

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

- 8.2 As set out in the body of the report.

**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 2015/16 and Their Terms of Reference (To follow)

### **Report Author Contact Details:**

**Name:** Christopher Potter, Monitoring Officer and Head of Support Services

**Telephone:** 01277 312860

**E-mail:** christopher.potter@brentwood.gov.uk



**20 May 2015**

## **Annual Council**

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

**Report of:** *Jean Sharp, Governance and Member Support Officer*

**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 (to follow) be approved;**

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

**2.3 That the Chairs and Vice-Chairs of Committees as set out in Appendix C (to follow) 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):

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

**37**

- 3.7 The political balance of the Council will be set out in Appendix A after the Borough Elections on 7 May 2015.
- 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:

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

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 (to follow) 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 will seek 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 will be set out in Appendices B and C (to follow).

## **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 post the Borough Election, 7 May 2015.

## **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: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

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

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

8.2 As set out in the report.

**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**

Appendices to follow.

### **Report Author Contact Details:**

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**20 May 2015**

**Annual Council**

**Committee Calendar for 2015/2016**

**Report of:** *Ben Bix, 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.

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

- 2.1 That the Calendar of Meetings attached as Appendix A (to follow) for 2015/16 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 2015/16 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 (to follow) 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 Officers will seek the views of Group Leaders.

## **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 2013-16.

## **8. Implications**

### **Financial Implications**

**Name & Title: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 8.1 The cost of the governance arrangements at the Council can be met from existing budgets. However, any increase in the number of meetings will have an impact on the officer support structure.

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

- 8.2 There are no specific legal implications arising from this report.

**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 2015/16 (to follow)

**Report Author Contact Details:**

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**20 May 2015**

## **Annual Council**

### **Appointment of Representatives on Outside Organisations**

**Report of:** *Graham Farrant, Chief Executive*

**Wards Affected:** *All Wards*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 Councillors are appointed to a number of outside organisations by Annual Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come about either through the Authority initiating the appointment, or an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative is appointed.
- 1.2 The list of nominations for representatives on outside organisations is presented at the Annual Council meeting each year for Members' approval.

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

- 2.1 That the list of outside bodies for 2015/16 attached as Appendix A be approved (to follow).**
- 2.2 That the list of nominated representatives attached as Appendix A be approved (to follow).**

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

- 3.1 The Council will need to be satisfied, and remain satisfied throughout the year, that the list of outside bodies only contains bodies upon which the Council could properly or would wish to nominate representatives and to be represented.

- 3.2 The list of nominations for representatives on the relevant outside organisations are presented at the Annual Council meeting each year for Members' approval.
- 3.3 The choice of nominations put forward by the relevant Group Leaders are made in the light of the need to avoid conflicts of interest (including how any such nomination if successful would impact on the particular Member's other duties such as being a member of any committee of the Council upon which they have been nominated to serve and are serving). No nomination for a role should be put forward where a conflict of interest is likely to arise to a significant degree.
- 3.4 The capacity upon which a successful nominee is to serve needs to be borne in mind and the implications fully understood, from their personal viewpoint, that of the Council and that of the particular organisation.
- 3.5 Members who serve on outside bodies must exercise independent judgment in the interests of the organisation in which they are involved.
- 3.6 Where a Member is serving on the outside body in a representative capacity (i.e. representing the Council), this should be made plain to that body and the Member, whilst being aware that they have a commitment to representing the Council on the outside organisation, must also be aware that it is their responsibility to decide what view to take on any question before the outside organisation. Serving on an outside body is distinct from merely being an invited guest to observe.
- 3.7 Where a Member is acting as a Trustee, Director or member of a Management Committee of an outside body, the Member must act in accordance with that body's interests, and not those of the Council or even the council tax payers at large.
- 3.8 Whilst there could, in exceptional circumstances, be a situation in which a representative on an outside body may find themselves unable to adequately carry out their responsibilities properly, both as a member of the Council and as a member of the outside body, there are advantages to having members carefully appointed to relevant outside organisations..

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

- 4.1 Councillors are appointed to a number of outside organisations by the Annual Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come about either

through the Authority initiating the appointment, an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative is appointed.

- 4.2 The Council's Partnership Policy encourages effective partnership working wherever appropriate to help deliver the Council's goals and overcome constraints. The Policy aims to ensure that the Council's time is spent productively and effectively. When a Councillor is appointed to an outside organisation, they act on behalf of that organisation, and may participate fully in the activities.
- 4.3 The list of nominations for representatives on outside organisations is presented at the Annual Council meeting each year for Members' approval. A full review was undertaken in February 2014.

## **5. Consultation**

- 5.1 A full consultation took place in 2014 with outside organisations and Council representatives. Details of outside organisations and their nominated Councillor representatives are published on the Council's website.

## **6. References to Corporate Plan**

- 6.1 Member representation on outside organisations relates directly to Priority 2 – Localism in the Council's Corporate Plan:

*"We believe that through bringing communities together and working effectively in collaboration with a range of groups and organisations we can better ensure the future wellbeing of our borough. We will work with local businesses, community groups and the voluntary sector to develop projects that will enhance and support the local community".*

## **7. Implications**

### **Financial Implications**

**Name & Title: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 7.1 There are no financial implications.

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

- 7.2 Those appointed to serve on outside bodies will need to remain alert and exercise careful judgment to avoid conflicts of interest (actual and perceived). The concept of bias or perceived bias is wider than the Members' Code of Conduct.
- 7.3 The Members' Code of Conduct applies whenever a Member (a) conducts the business of the Authority, or (b) acts as a representative of the Authority.
- 7.4 When a Member acts as a representative of the Authority (a) on another relevant authority, the Member must, when acting for that other authority comply with that other authority's code of conduct; or (b) on any other body, the Member must, when acting for that other body, comply with the Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

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

- 7.5 None except that Members acting as outside representatives would wish to ensure that such outside bodies adequately protect them from risk, including personal liability, through for example proper insurance arrangements.

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

- 8.1 None

**9. Appendices to this report**

- Appendix A – List of outside bodies (to follow)

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**E-mail:** christopher.potter@brentwood.gov.uk

**20 May 2015**

**Annual Council**

**Members Allowances 2015/16**

*Report of:* Independent Remuneration Panel

*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 IRP have reviewed the current scheme and have made recommendations for the 2015/16 Municipal Year.

1.2 The Members' Allowance Scheme is Part 6 of the Council's Constitution.

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

**2.1 That the report of the Independent Remuneration Panel be noted**

**2.2 That the revised Members Allowances at Appendix A (to follow) be agreed.**

## **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 its 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 be reimbursed, as required, and only with the advance agreement of the Chief Executive.

3.4 The Independent Remuneration Panel 2015/16 comprised

- Mr Michael Hawkins
- Mr Noel Otley
- Mr John Boylin

3.5 The deliberations of the IRP were informed by:

- The views of the Group Leaders (2014-15)
- The Council's changes in Committee structure 2013 and 2014
- Benchmarking information from Shire Districts in Essex and the 'CiPFA family group' of authorities with similar characteristics to Brentwood
- Desktop research
- The recommended 2.2% increase for employees (effective 1 January 2015 for the period 1 April 2014 to 31 March 2016) provided by the terms and conditions of the National Joint Council for Local Government Services (NJC)
- Previous reports and recommendations from the IRP

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

4.1 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 the previous three 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 in 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.

4.2 Additional factors considered by the IRP in preparing its report to Annual Council 2015 included:

- The potential impact on Local Authorities in Essex of proposals for devolution
- Consideration of the Commercialisation of Council Services and proposals for a Local Authority Trading Company by the Asset and Enterprise Committee in September 2014
- Budget pressures on the Council

4.3 The options considered by the IRP included:

Option	Analysis
That members allowances for 2015/16 remain unchanged	<ul style="list-style-type: none"> <li>• Members allowances had increased by 1% in 2014/15. This was the first increase since 2011/12</li> <li>• New Committee arrangements had been adopted in 2013 and in 2014</li> </ul>
That members allowances for 2015/16 be reduced	<ul style="list-style-type: none"> <li>• An overall reduction in the cost of Members Allowances of £8306.65 had been agreed in 2013/14.</li> </ul>
That members allowances for 2015/16 be increased	<ul style="list-style-type: none"> <li>• Governance arrangements had changed in 2013 and 2014</li> <li>• The IRP informed Officers that a 1% increase in Members Allowances should be assumed within the Medium Term Financial Plan</li> <li>• The recommended 2.2 % increase for <i>employees</i> effective from 1 January 2015 (for the period 1 April 2014 – 31 March 2016) provided by the terms and conditions of the National Joint Council for Local Government Services (NJC) which equated to a 1% increase per year.</li> </ul>

## **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 informal discussions with Officers in February and sought the views of Group Leaders in March 2015.

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

- 7.1 The priority area of *A Modern Council* provided for the Council to improve its governance arrangements leading to faster, more effective decision making. The IRP examined the changes to governance arrangements in preparation of its recommendations.

## **8. Implications**

### **Financial Implications**

**Name & Title: Christopher Leslie, Finance Director**

**Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk**

- 8.1 The total budget for Members Allowances in 2014/15 was £295,260. A 1% increase on the total from 2014/15 represents £2,950. The Medium Term Financial Plan allows for such an increase.

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk**

- 8.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) obliges the Council to have regard to the recommendations of the Independent Remuneration Panel which are required to be set out in a report to the Council.

8.3 The Council may or may not decide to accept such recommendations, and a Member may elect in writing to the proper officer to forgo all or any part of their entitlement to allowances.

**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)

9.1 Annual reports of the Independent Remuneration Panel to Brentwood Borough Council 2009, 2010, 2011, 2012, 2013 and 2014 are publicly available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk)

**10. Appendices to this report**

- Appendix A – Schedule of proposed Members Allowances for 2015/16 (to follow)

**Report Author Contact Details:**

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**20 May 2015**

## **Annual Council**

### **Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 – Dismissal Advisory Panel**

**Report of:** *David Lawson – Head of Legal Services*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 The purpose of this report is to revise Part 3.1 and Part 4.7 of the Constitution so as to establish an advisory committee reflecting the new mandatory standing orders. These amend the procedure to be followed for dismissing a statutory officer of the Council i.e. the Head of Paid Service, the Chief Finance Officer (Section 151 Officer) and the Monitoring Officer (the relevant officers).
- 1.2 The requirement imposed on the Council to appoint a “designated independent person” before it could dismiss or discipline its Head of Paid Service, Chief Finance Officer (Section 151 Officer), or Monitoring Officer, has been replaced with a new requirement to appoint an independent Panel as and when required for the purposes of advising the Council on matters relating to the dismissal of one or more of the relevant officers. The Panel must have at least two members, being independent persons who have been appointed for the purposes of the members’ conduct regime under section 28(7) of the Localism Act 2011.

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

- 2.1 That the Council’s Constitution be revised as set out in Appendix A hereto with immediate effect.**
- 2.2 That the current allowance paid to an independent person shall incorporate the duties under the Dismissal Advisory Panel.**

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

- 3.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 come into force on 11 May 2015 and the Council is

required to incorporate in its standing orders the amendments relating to dismissal procedure concerning the relevant officers.

- 3.2 According to the Department for Communities and Local Government, these Regulations are designed to 'simplify and localise the disciplinary process for the most senior officers of a council i.e. the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. They remove the requirement that a Designated Independent Person be appointed to investigate and make a binding recommendation on disciplinary action against these senior staff'.
- 3.3 An independent panel replaces the Designated Independent Person process, and a relevant officer may not be dismissed by the full Council unless the procedure laid down in these Regulations is complied with.
- 3.4 The Department for Communities and Local Government accepted after consultation the continuing need for the relevant officers to have additional statutory protection as they discharge statutory responsibilities to their Councils and discharge these responsibilities in a political environment.
- 3.5 The rationale therefore behind the specific but changed statutory protection afforded to the Head of Paid Service, the Chief Finance Officer ('Section 151 Officer', and the Monitoring Officer is that such officers, in the proper exercise of their statutory duties, are required to 'speak truth to power' in the public interest without fear or favour. This is required even where, for example, such advice would be potentially unpopular and may represent clear dissent from any prevailing political leadership's views.
- 3.6 The public interest requires professional advice to be given even if there is a danger of such advice being wrongly misconstrued (e.g. as being undermining, disloyal, insubordinate or politically motivated). Such advice does not of course have to be accepted by Members if there is good reason not to do so.
- 3.7 If however such officers omit, in whole or part, to properly exercise their statutory duties due to risk of detriment, the interests of the Council and the public are not served, and the public pay the cost. The limited statutory protection is thus designed to be in everyone's interests, and relevant officers can still be legitimately held to account where it is appropriate in the public interest.

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

- 4.1 The Council is required to amend its Constitution including its standing orders.
- 4.2 The Council must appoint a Panel (meeting as and when required) being a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council.
- 4.3 The Panel must consist of at least two independent persons being persons appointed under section 28(7) of the Localism Act 2011 and, where there are fewer than two such persons, the Panel may consist of such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- 4.4 The Council is not required to appoint more than two relevant independent persons to the Panel but may do so. Currently, the Council has three independent persons – all of whom have confirmed their willingness to serve on the Panel – namely Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh who were appointed by the Extraordinary Council on 7 April 2014 for a period terminating post the first Council after the 2016 municipal elections.
- 4.5 Subject to the requirement to have two relevant independent persons, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation.
- 4.6 Should any Panel be required to be appointed, the Council must appoint the Panel at least 20 working days before full Council holds its meeting at which full Council takes a vote on whether or not to approve dismissal, taking into account, in particular –
  - (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.

## **5. Reasons for Recommendation**

- 5.1 The Council is required to amend its Constitution including standing orders in the light of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 SI No. 881.

## **6. Consultation**

- 6.1 None.

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

7.1 This report underpins the Modern Council corporate priority.

## **8. Implications**

### **Financial Implications**

**Name & Title:** Christopher Leslie, Finance Director

**Tel & Email** 01277 312542 / christopher.leslie@brentwood.gov.uk

8.1 Under the 2015 Regulations any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowance or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011.

8.2 At the Extraordinary Council meeting held on 7 April 2014 Council agreed that three independent persons be appointed under the Localism Act 2011 and that an annual allowance of £500 be paid to an independent person on a pro-rata 12 month basis. These duties can be included in this existing allowance.

### **Legal Implications**

**Name & Title:** David Lawson, Head of Legal Services

**Tel & Email** 07875 397 764 / david.lawson@brentwood.gov.uk

8.3 The legal implications are set out in the body of this report except that the Council must also consider what consequential changes need to be agreed in relation to any relevant contracts of employment.

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

8.4 The implications regarding risk are apparent from the report in that the Council must follow the statutory process and exercise its powers reasonably and for a proper purpose.

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

9.1 Letter to Chief Executives from the Department of Communities and Local Government dated 25 March 2015



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

- Appendix A

### **Report Author Contact Details:**

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# Appendix A

## **Appendix A**

In Part 3.1 of the Constitution after 2.12 on page 38 add the following:-

### **'2.13 Dismissal Advisory Panel (to meet on demand) has the following functions:**

To advise the full Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

[NB. This is an independent Panel whose membership must include no less than two independent persons appointed under section 28(7) of the Localism Act 2011 and shall consist of three such independent persons].'

In Part 4.7 of the Constitution delete 7(a) and 7(b) on page 120 and renumber 7(c) to 7(b).

Insert a replacement 7(a) as follows:-

**'Dismissal.** The Council shall appoint a committee under section 102(4) of the Local Government Act 1972 known as the Dismissal Advisory Panel (the Panel) for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, Chief Finance Officer (Section 151 Officer) and the Monitoring Officer. Such officer(s) can only be dismissed by full Council. The Council must invite any independent person, being a person appointed under section 28(7) of the Localism Act 2011, appointed by the Council to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel. Where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council consider appropriate may be so invited. The Council is not required to appoint more than two such persons but may do so. Subject to this, the Council must appoint to the Panel such independent persons who have accepted an invitation issued in accordance with the above in accordance with the following priority order –

- (i) such an independent person who has been appointed by the Council and who is a local government elector in the register of electors for the Borough;
- (ii) such other independent person who has been appointed by the Council;
- (iii) such other independent person who has been appointed by another authority or authorities.

Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.

Such officer(s) may not be dismissed by the Council unless the Panel is duly appointed and a meeting of the Panel held at least 20 working days before full Council holds its meeting to take a vote on whether or not to approve the relevant dismissal. Before the taking of such a vote, full Council must take into account, in particular –

- (i) any advice, views or recommendations of the Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the relevant officer’.
- (iv) any professional advice from corporate human resources and legal officers

**20 May 2015**

**Annual Council**

**Appointment of a Chief Executive and Designation as Head of Paid Service**

**Report of:** *Graham Farrant, Chief Executive*

**Wards Affected:** *None*

**This report is:** *Public*

**1. Executive Summary**

- 1.1 To approve the appointment of a Chief Executive for Brentwood Borough Council and to designate an Officer of the Council as the Council's Head of Paid Service.

**2. Recommendation(s)**

- 2.1 To approve the appointment of (name to be advised) as Chief Executive and designate (name to be advised) as the Head of the Paid Service with effect on and from 1 June 2015, shared with (to be advised) Council which arrangement will be reviewed on a regular basis to determine the level of support required.**

**3. Introduction and Background**

- 3.1 The Chief Executive advised the Leader of the Council that he planned to resign from his post effective of 31 May 2015 following his appointment as Chief Executive of the Land Registry.
- 3.2 A recruitment process for a Chief Executive was instigated in accordance with the Council's Constitution and following initial discussion with Group Leaders.
- 3.3 The Staff Appointments Committee were assembled and held appropriate interviews, and will make a recommendation to the Council meeting of who should be appointed as Chief Executive and Head of the Paid Service.

- 3.4 Appointment and remuneration will be calculated on a pro-rata of Brentwood Borough Council's current Chief Executive salary of £105,000 (plus on-costs). The detailed proposal will be set out in the introduction to the item at the Council meeting

#### **4. Reasons for Recommendation**

- 4.1 Members should review and comment where appropriate on the proposal for filling the role of Chief Executive, either on a shared basis or full or part-time.

#### **5. Consultation**

- 5.1 The Staff Appointments Panel is a cross party panel to ensure that all political groups from Brentwood Borough Council are represented.

#### **6. References to Corporate Plan**

- 6.1 This report considers key strategic roles for the organisation which will play a key part in the delivery of Brentwood Borough Council's Corporate Plan.

#### **7. Implications**

##### **Financial Implications**

**Name & Title: Chris Leslie, Finance Director**

**Tel & Email: [christopher.leslie@brentwood.gov.uk](mailto:christopher.leslie@brentwood.gov.uk)**

- 7.1 The 2015/16 budget was set with a savings target of £100k for a Senior Management Restructure. The sharing of the Chief Executive role is a possible element in achieving this saving.

##### **Legal Implications**

**Name & Title: Christopher Potter**

**Tel & Email: [Christopher.potter@brentwood.gov.uk](mailto:Christopher.potter@brentwood.gov.uk)**

- 7.2 There are two clear and distinct concepts, namely the contractual appointment to the post of Chief Executive, and the designation of an officer of the Council as Head of Paid Service. It is usual for one individual to discharge both roles.

- 7.3 The Local Authorities (Standing Orders) Regulations 1993 as amended and the Local Authorities (Standing Orders) (England) Regulations 2001 as amended and Part 4.7 ('Staff Employment Procedure Rules') of

the Council's Constitution make clear that it is for full Council to determine any appointment to the contractual post of Chief Executive and to designate an officer of the Council as the Council's Head of Paid Service under section 4 of the Local Government and Housing Act 1989.

7.4 Members will need to consider the period for which such appointment and designation shall be operative.

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

8.1 Agenda Item 9 – Full Council 2 July 2014 (available to view at [www.brentwood.gov.uk](http://www.brentwood.gov.uk))

8.2 Agenda Item 8 – Ordinary Council 4 February 2015 (available to view at (<http://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=128&MId=286&Ver=4> )

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**20 May 2015**

**Annual Council**

## **Appointment of Electoral Registration Officer and Returning Officer**

**Report of:** *Christopher Potter, Monitoring Officer and Head of Support Services*

**Wards Affected:** *All*

**This report is:** *Public*

### **1. Executive Summary**

1.1 The Council must appoint a named individual to the roles of the Electoral Registration Officer and Returning Officer.

1.2 The purpose of this report is to make the appointments to these roles.

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

**2.1 That (name to be advised) be appointed as the Registration Officer under section 8 of the Representation of the People Act 1983.**

**2.2 That (name to be advised) be appointed as the Returning Officer under section 35 of the Representation of the People Act 1983.**

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

3.1 Over recent times there have been a number of appointments made to the roles of the Electoral Registration Officer and Returning Officer as a result of various changes in staffing at the Council.

3.2 The Council again needs to appoint to the roles of Electoral Registration Officer and Returning Officer in order for statutory duties to be undertaken.

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

4.1 Electoral Services is a crucial core service which operates throughout the year, and which amongst other things administers Borough Council

elections by thirds. Frequent changes in appointments do nothing to assist with the continuity of, and development of, the service.

- 4.2 The Council is a relatively small Borough Council and has traditionally appointed its Chief Executive/Managing Director as Electoral Registration Officer and Returning Officer, though this has not always been the case, and does not necessarily need to be the case.
- 4.3 Any person appointed to the roles should preferably had experience of undertaking senior duties in a range of elections. Experience of managing Electoral Services would be advantageous but not essential.
- 4.4 The Council is required under section 8(2) of the Representation of the People Act 1983 to appoint an officer of the Council to be registration officer for any constituency or part of a constituency coterminous with or situated in the Borough known as the Electoral Registration Officer.
- 4.5 The Electoral Registration Officer is the person with statutory responsibility amongst other things for the creation and maintenance of the register of electors and the absent voters list. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices.
- 4.6 The Council is required under section 35(1) of the Representation of the People Act 1983 to appoint an officer of the Council to be the returning officer for local elections i.e. county, borough and parish elections.
- 4.7 The returning officer for local elections may by writing under his hand appoint one or more persons to discharge all or any of his functions
- 4.8 Under section 28(1) of the Representation of the People Act 1983 the duties of the returning officer for a parliamentary election registration officer is discharged as acting returning officer by the registration officer.
- 4.9 An acting returning officer has power to appoint deputies to discharge all or any of those duties (see Section 28(5) of the Representation of the People Act 1983).
- 4.10 The Council therefore needs to formally appoint to these posts of Registration Officer and Returning Officer (for local elections), and it is recommended that an officer be duly appointed.

## **5. Reasons for Recommendation**

- 5.1 The appointments are legally required in order that the Council can continue to meet its statutory responsibilities in respect of electoral administration following the departure from the Council of Graham Farrant, the Chief Executive, when he takes up his new post on 1 June 2015.

## **6. Consultation**

- 6.1 None.

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

- 7.1 None.

## **8. Implications**

### **Financial Implications**

**Name & Title:** Chris Leslie, Finance Director

**Tel & Email:** 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 None arising from this report.

### **Legal Implications**

**Name & Title:** Christopher Potter, Monitoring Officer and Head of Support Services

**Tel & Email:** 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2 The Representation of the People Act 1983 requires appointments to be made. Under Chapter 3 of the Council's Constitution, electoral matters are reserved to full Council (see Part 3.1, rule 1.2(i) on page 27).

**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 except that frequent changes in personnel may increase the risk of impairment in the quality of service delivery.

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

9.1 None.

**10. Appendices to this report**

None.

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Ordinary Council Terms of Reference**

### **Powers and Duties of the Council Matters reserved to meetings of Council**

#### **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 Strategy and Policy Board and its Committees. It also agrees the membership of the Board and Committees/Sub Committees.

#### **The Council is responsible for:**

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Council policies and strategies which form the policy framework;
- (c) agreeing and approving the budget;
- (d) 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;
- (e) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (f) adopting a members' allowances scheme under Part 6;
- (g) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (h) confirming the appointment of the Head of Paid Service; Monitoring Officer; and Section 151 Officer;

- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (j) all other matters which by law must be reserved to Council;
- (k) to designate the leader of the largest political group as the Leader of the Council;
- (l) adoption of the Code of Conduct for Members;
- (m) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000; and
- (n) determination of other matters appropriately referred to Council.