



# Agenda

## Ordinary Council

Wednesday, 10 June 2015 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – 10)

Cllrs Reed (Chair), Mrs Hones (Vice-Chair), Aspinell, Barrell, Barrett, Carter, Chilvers, Clark, Cloke, Mrs Cohen, Mrs Coe, Mrs Davies, Faragher, Mrs Henwood, Hirst, Hossack, Mrs Hubbard, Keeble, Kendall, Kerslake, McCheyne, Mrs McKinlay, Morrissey, Mrs Murphy, Mynott, Newberry, Parker, Poppy, Ms Rowlands, Russell, Ms Sanders, Mrs Slade, Sleep, Mrs Squirrel, Tee, Trump and Wiles

Members are respectfully summoned to attend the above meeting to transact the business set out below.

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Agenda Item	Item	Wards(s) Affected	Page No
1.	<b>Apologies for Absence</b>		
2.	<b>Declarations of Interest</b>		
3.	<b>Mayors Announcements</b>		
4.	<b>Minutes of the previous meeting and Annual Council</b>		5 - 54
5.	<b>Members Allowances 2015/16</b>	All Wards	55 - 62
6.	<b>Notice of Motion</b> One notice of motion has been received.	All Wards	63 - 64
7.	<b>Budget 2015/16 Amendment Report</b>	All Wards	65 - 72

8. **Committees - Appointment of Substitute for Cllr Keeble**

All Wards 73 - 74

9. **Urgent Business**

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.

A handwritten signature in black ink, appearing to read 'P. L. Russell', with a large, sweeping underline.

Head of Paid Service

Town Hall  
Brentwood, Essex  
26.05.2015

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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.

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### **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.



## Minutes

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**Ordinary Council**  
**Tuesday, 24th March, 2015**

### **Attendance**

Cllr Mrs Davies (Mayor)	Cllr Le-Surf
Cllr Keeble (Deputy Mayor)	Cllr Lloyd
Cllr Aspinell	Cllr McCheyne
Cllr Baker	Cllr Mrs McKinlay
Cllr Barrett	Cllr Morrissey
Cllr Carter	Cllr Mrs Murphy
Cllr Chilvers	Cllr Mynott
Cllr Clark	Cllr Dr Naylor
Cllr Cloke	Cllr Newberry
Cllr Mrs Cohen	Cllr Parker
Cllr Mrs Coe	Cllr Quirk
Cllr Faragher	Cllr Reed
Cllr Mrs Henwood	Cllr Russell
Cllr Mrs Hones	Cllr Ms Sanders
Cllr Hossack	Cllr Sapwell
Cllr Mrs Hubbard	Cllr Sleep
Cllr Kendall	Cllr Mrs Squirrell
Cllr Kerlake	

### **Apologies**

Cllr Hirst	Cllr Tee
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### **Officers Present**

Philip Drane	- Planning Policy Team Leader
Graham Farrant	- Chief Executive
Gordon Glenday	- Head of Planning & Development
Chris Leslie	- Financial Services Manager
Roy Ormsby	- Head of Street Scene
Chris Potter	- Monitoring Officer & Head of Support Services
Philip Ruck	- Contracts & Corporate Projects Manager
Jean Sharp	- Governance and Member Support Officer

**506. Apologies for Absence**

Apologies for absence were received from Cllrs Hirst and Tee.

**507. Mayor's Announcements**

The Mayor proposed and it was agreed that Item 5 – Members' Questions on Chairs Reports be considered after Item 14 - Notices of Motion.

**508. Minutes of the previous meetings**

Members **RESOLVED** to approve as a true record the minutes of the Ordinary Council meetings held on 4 February 2015 and 4 March 2015.

**509. Questions from the Public**

No public questions were received.

**510. Memorials or Petitions**

Cllr Aspinell presented a petition relating to the land occupied by Hopefield Animal Sanctuary.

**511. Local Development Plan - Strategic Growth Consultation - Initial Findings**

Members were reminded that, as part of preparing its new Local Plan, the Council agreed to consult on Strategic Growth Options at the meeting of Ordinary Council on 10 December 2014.

The Strategic Growth Options Consultation took place for six weeks until 17 February 2015. A summary of some of the initial findings from representations input onto the Council's consultation software so far was presented to Members in order to share information as soon as possible.

**Cllr Mynott MOVED and Cllr Baker SECONDED the recommendation in the report and it was RESOLVED UNANIMOUSLY that Members note the initial findings so far and await more detailed analysis as part of Local Plan preparation in due course.**

**Reason for Decision**

The presentation of initial findings enabled information to be shared as soon as possible about some of the responses received and key themes that the Council needed to consider as part of the plan making process.

However, it was important to note that while initial findings gave an indication of comments received, these did not provide the final view and would require further input and analysis.

**512. Letter to the Secretary of State regarding the Brentwood Local Development Plan**

Members were aware that the public consultation on the Brentwood Local Development Plan (LDP) Strategic Growth Options had just been completed. A key element of the LDP was the assumption that around 3000 new homes may need to be provided on land currently designated as green belt. If it was proposed to de-designate parts of our green belt to meet future housing needs, Members would need assurances that this growth would be accompanied by the timely delivery of the necessary infrastructure to meet increasing demands for new physical and social infrastructure such as schools, roads, health-care and sports and leisure facilities.

It was therefore proposed to send a letter after the national elections to the incoming Secretary of State for Communities and Local Government seeking assurances that Brentwood's proposed housing growth could only be sustainable if the appropriate physical and social infrastructure was resourced and delivered in parallel with the housing development. A draft letter had been circulated to Members and was tabled at the Ordinary Council meeting for consideration.

**Cllr Mynott MOVED and Cllr Baker SECONDED the recommendation in the report and following a debate a recorded vote was requested in accordance with Rule 9.5 of the Council's Procedure Rules. Members voted as follows:**

**FOR: Cllrs Aspinell, Baker, Barrett, Carter, Chilvers, Clark, Mrs Cohen, Mrs Davies, Mrs Hubbard, Keeble, Kendall, Le-Surf, Lloyd, Morrissey, Mynott, Newberry, Quirk, Sapwell and Mrs Squirrell (19)**

**AGAINST: Cllrs Faragher, Mrs Hones, Kerslake, McCheyne, Mrs McKinlay, Mrs Murphy, Dr Naylor, Parker, Reed and Sleep (10)**

**ABSTAIN: Cllrs Cloke, Mrs Coe, Mrs Henwood, Hossack, Russell and Ms Sanders (6)**

**The MOTION was CARRIED and It was RESOLVED that Members agree to send the letter to the in-coming Secretary of State for Communities and Local Government.**

**Reason for Decision**

The letter to the Secretary of State for communities and Local Government will emphasize Brentwood Borough Council's concerns that future housing



growth needed to be accompanied by the funding and timely delivery of the appropriate physical and social infrastructure needed to facilitate the proposed growth.

#### **513. Constitution (Revision)**

Following discussions with the Leader of the Council and the Leader of the Main Opposition Group, it was **RESOLVED** by assent of the meeting that this item of business be deferred to a Council meeting early in the new municipal year.

#### **514. Modern Planning Service**

The report before Members included proposals for improved delivery of the Council's planning services. The proposals focused on the current system of delegation of decisions of planning applications and enforcement cases and set out an alternative process as explained in the appendices to the report.

**Cllr Baker MOVED and Cllr Lloyd SECONDED the recommendations in the report.**

**Cllr Mrs McKinlay MOVED and Cllr Mrs Hones SECONDED an AMENDMENT, the addition of '2.5 That the new process be reviewed after 3 months'.**

**Cllrs Baker and Lloyd did not accept the amendment. A vote was taken on a show of hands and the AMENDMENT was LOST.**

**Returning to the SUBSTANTIVE MOTION, following a discussion, a vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that:**

- 1. All planning decisions to be delegated to the Head of Planning except for those retained to the Planning and Development Control Committee, or referred to as set out in the revised delegation arrangements and call-in referral protocols.**
- 2. The replacement of the weekly list production by email alert of validated applications and method of call-in of planning applications by Ward Members, Parish Councils or Chair /Vice Chair to Committee.**
- 3. Enforcement issues be determined having regard to the Planning Enforcement Plan when adopted.**
- 4. Revised planning protocols, delegation arrangements and other Constitutional changes to implement the above be adopted.**



### Reason for Decision

The Council had a foundational basis for its Planning Service in historical constitutional arrangements, some of which dated back to 1982. The need for review and update was urgent, therefore, as there was increasing risk of challenge from working with such out-dated procedures.

The removal of the weekly list would enable Members to get involved with applications at a much earlier stage in their process and work positively with officers as they made their technical assessments. The removal of the weekly list would result in efficiency savings.

### **515. Planning and Building Control Fees and Charges Review**

The report before Members reviewed the Council's Planning and Building Control non- statutory fees and charges. The current fees and charges had been benchmarked against the rates charged in other Essex councils and some East London Boroughs to gauge how Brentwood's rates compared with similar services elsewhere in the area.

The evidence suggested that Brentwood was currently undercharging for the planning and building control services it provided. It was therefore proposed to increase the planning and building control fees and charges to a more appropriate level given the level of service currently offered. It was also proposed to review the planning and building control fees annually to ensure they reflected the services provided and prevalent market conditions in the development industry. It was important for the Council to undertake an annual review of fees and charges moving forward as Council budgets continued to reduce and the need to increase income external sources such as fees and charges became increasingly important.

The report did not propose to increase the photocopying charges for Planning and Building Control.

**Cllr Baker MOVED and Cllr Aspinell SECONDED the recommendations within the report and a vote was taken on a show of hands. It was RESOLVED UNANIMOUSLY that:**

- 1. The Council's Planning and Building Control non-statutory fees and charges be amended to the rates outlined in paragraph 4.3 of the report, with effect from 1 April 2015.**
- 2. An annual review and future revision where appropriate of all Planning and Building Control non-statutory fees and charges be delegated to the Head of Planning and Development after consultation with the Chair of the Planning and Development Committee.**
- 3. In relation to recovery of costs relating to the inspection and monitoring of Section 106 Agreements, standard clauses be**

Introduced to the Council Agreements where appropriate, with the agreement of the Head of Planning and Chair of Planning and Development.

### Reason for Decision

Brentwood Council's Planning Fees and Charges had not been reviewed since 2010 and so did not reflect the current costs of providing non-statutory planning services to developers. Neither did they consider the increasing budget constraints facing the public sector meaning that there was now a prerogative upon all Council services to generate income wherever possible to contribute to the provision of high quality services to residents and businesses.

### **516. Enforcement Plan Adoption Report**

The report before Members set out responses to the consultation Draft Enforcement Plan, including internal consultations. The Government had a fund for assistance with the costs of Legal injunctions under planning legislation whereby Local Authorities bidding for financial assistance must have an adopted enforcement plan for three months prior to bidding.

The Planning Enforcement Plan amended as agreed by the Planning and Development Control Committee was provided as a supplement to the agenda and this now included a scoring chart for assessing harm and expediency for taking Enforcement Action. New procedures were required for recording decisions taken under delegated powers under the Openness of Local Government Bodies Regulations when the effect of the decision affected the rights of an individual. The effect of such decisions had to be published and maintained on the website for six years subject to exceptions as to confidential or exempt information. Better use should be made of technology support as the weekly list was replaced.

**Cllr Baker MOVED and Cllr Aspinell SECONDED the recommendations within the report . Cllr Mrs McKinlay proposed the addition of 'and Ward Member' to recommendation 2.2 and Cllrs Baker and Aspinell accepted this amendment.**

**A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that:**

- 1. The Planning Enforcement Plan as amended by the Planning and Development Control Committee be adopted with effect from 1st April 2015**
- 2. All planning enforcement decisions be delegated to the Head of Planning and Development and in his absence the Team Leader of Development Management or and Planning Policy subject to the Enforcement Plan. Decisions to approve recommendations of any**

type of stop notice, injunction or prosecution action shall not be taken under delegated authority except after consultation with the Chair or Vice-Chair of the Planning and Development Control Committee and Ward Member and having regard to such advice as may be practicable and appropriate. A record of all enforcement decisions shall be made in accordance with statutory requirements

3. That a review of Enforcement Plan operation be considered annually by the Planning and Development Control Committee

#### Reason for Decision

To ensure the Council is eligible to access the Government's fund for assistance with the costs of Legal injunctions under planning legislation whereby Local Authorities bidding for financial assistance must have an adopted enforcement plan for three months prior to bidding.

#### **517. Assignment of Strategic Safeguarding Lead and Member Champion**

Members were reminded that at its 17 December 2014 meeting, the Community Committee considered a report on Safeguarding Policy and Procedures.

The recommendations included in the report were resolved unanimously by the Committee and for one of these agreement was needed by Full Council, as follows:

3. Members recommend that the Strategic Safeguarding Lead be assigned to the (Acting) Chief Executive and the Safeguarding Member Champion be allocated to the Leader of the Council, to be agreed at Ordinary Council.

Cllr Lloyd MOVED and Cllr Clark SECONDED the recommendation in the report and It was RESOLVED that the Council's Strategic Safeguarding Lead be assigned to the Chief Executive and the Safeguarding Member Champion be allocated to the Leader of the Council.

#### Reason for Decision

To ensure the Council's compliance with Section 10 and 11 of the Children's Act 2004 (and by implication sections 157 and 175 of the Education Act), and as part of the Southend, Essex and Thurrock (SET) procedures to work together to protect children, young people and vulnerable adults.

#### **518. Elections - Appointment of Registration Officer and Returning Officer**

Members were reminded that the Council must appoint a named individual to the roles of the Electoral Registration Officer and Returning Officer.



The purpose of the report was to make the appointments to these roles.

**Cllr Lloyd MOVED and Cllr Aspinell SECONDED the recommendations within the report. A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that:**

- 1. Graham Farrant be appointed as the Registration Officer under section 8 of the Representation of the People Act 1983.**
- 2. Graham Farrant be appointed as the Returning Officer under section 35 of the Representation of the People Act 1983.**

#### Reason for Decision

These appointments were legally required in order that the Council could continue to meet its statutory responsibilities in respect of electoral administration.

#### **519. Notices of Motion**

**Cllr Barrett had submitted the following Motion in accordance with the Council's procedure rules which was SECONDED by Cllr Kendall.**

**"The Council believes that giving blood saves and improves lives, and that without the support of the highly experienced Brentwood staff team many lives would not have been improved and saved. The Council further believes that this team at the Brentwood Blood Donor Centre are assets to the community that will be much missed by their donors and the wider population when the facility is lost.**

**That the Council (1) recognises the good work of the staff and the generosity of the thousands of donors who have used the Brentwood Blood Donor Centre (2) expresses its disappointment at the loss of this facility to the community and its regret upon the breaking up of a staff team who have supported hundreds of donors.**

**That the Council will seek, in recognition of the loss of the Centre, to engage with the National Blood Service to make sure appropriate facilities remain open to encourage blood donation and that through the Audit & Scrutiny Committee, the Council will seek to understand the impact on donors from the loss of this team and facility, alongside investigating the facilities proposed by the National Blood Service to replace this loss."**

**Following a discussion and vote on a show of hands the Motion was RESOLVED UNANIMOUSLY.**

### Reason for Decision

The Council supported the Motion.

#### **520. Members' Questions on Chairs' Reports**

No written questions had been received and Chairs responded to Members' oral questions.

Chris Leslie left the meeting.

#### **521. Urgent Business - Appointment of Chief Finance Officer (Section 151 Officer)**

The Mayor considered this matter urgent business to ensure the Council's compliance with Section 151 of the Local Government Act 1972.

A report had been tabled for Members' consideration.

The Council was required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs and must ensure that one of its officers had responsibility for the administration of those affairs.

Following the resignation of the Director of Strategy and Corporate Services ('the Section 151 Officer') on 4 March 2015, and the impending return at the end of March to the London Borough of Barking and Dagenham of Chris Leslie (whom the Section 151 Officer had appointed to act in her absence), there arose a need for the Council to formally appoint a person as its Chief Finance Officer/ Section 151 Officer.

Part VIII of the Local Government Finance Act 1988 described the qualifications required for appointment and the functions and duties of the role.

The role of Finance Director (Section 151 Officer) was advertised and suitable candidates were interviewed by a Panel of Members in accordance with Part 4.7 'Staff Employment Procedure Rules' of the Council's Constitution.

**Cllr Lloyd MOVED and Cllr Kendall SECONDED the recommendation in the report and the Chief Executive advised Members of name of the person the Panel proposed to appoint.**

**The vote was taken on a show of hands and it was RESOLVED that the Council appoints Chris Leslie as its Chief Finance Officer (Section 151 Officer) on and with effect from 24 March 2015.**

**Reason for decision**

The Council was required by Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs and must ensure that one of its officers had responsibility for the administration of those affairs.

The meeting ended at 10.50pm.

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## Minutes

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**Annual Council  
Wednesday, 20th May, 2015**

### **Attendance**

Cllr Mrs Davies (Chair)	Cllr Mrs McKinlay
Cllr Keeble (Deputy Chair)	Cllr Morrissey
Cllr Aspinell	Cllr Mrs Murphy
Cllr Barrett	Cllr Mynott
Cllr Carter	Cllr Newberry
Cllr Chilvers	Cllr Parker
Cllr Clark	Cllr Reed
Cllr Cloke	Cllr Russell
Cllr Mrs Coe	Cllr Ms Sanders
Cllr Mrs Cohen	Cllr Sleep
Cllr Faragher	Cllr Mrs Squirrell
Cllr Mrs Henwood	Cllr Tee
Cllr Hirst	Cllr Barrell
Cllr Mrs Hones	Cllr Poppy
Cllr Hossack	Cllr Rowlands
Cllr Mrs Hubbard	Cllr Slade
Cllr Kendall	Cllr Trump
Cllr Kerlake	Cllr Wiles
Cllr McCheyne	

### **Apologies**

Cllr Russell

### **Officers Present**

Ashley Culverwell	- Head of Borough Health Safety and Localism
Graham Farrant	- Chief Executive
Gordon Glenday	- Head of Planning & Development
Helen Gregory	- Interim Head of Housing
Chris Leslie	- Finance Director and Section 151 Officer
Roy Ormsby	- Head of Street Scene
Chris Potter	- Monitoring Officer & Head of Support Services
Philip Ruck	- Contracts & Corporate Projects Manager
Jean Sharp	- Governance and Member Support Officer
Steve Summers	- Head of Customer Services

**1. Apologies for Absence**

Apologies for absence were received from Cllr Russell, also Sir Trevor Brooking, Freeman of the Borough.

**2. Receive any Declarations of Interest from Members and Officers**

No declarations of interest were received.

**3. Mayor's Announcements**

The Mayor recounted highlights of her Mayoral Year and presented Civic Awards for Service to the Community to three winners: Wayne Banks, Wendy Garnett and Peter Salmon.

She also presented cheques to her chosen charities – Brentwood Talking Newspaper, Brentwood Community Print and St Francis Hospice, and also made a donation to the Visually Impaired Group.

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

Annual Council elected a Mayor to serve for the ensuing Municipal Year.

**Cllr Mrs McKinlay MOVED and Cllr Mrs Henwood SECONDED that Cllr Mark Reed should be Mayor and following a vote on a show of hands it was RESOLVED UNANIMOUSLY that Cllr Reed be installed as Mayor for the Municipal Year 2015/16.**

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

Annual Council appointed a Deputy Mayor to serve for the ensuing Municipal Year.

**Cllr Hirst MOVED and Cllr Reed SECONDED that Cllr Noelle Hones be appointed Deputy Mayor and it was RESOLVED UNANIMOUSLY that Cllr Mrs Hones be appointed as Deputy Mayor for the Municipal Year 2015/16.**

**6. Brentwood Borough Council Elections**

Members were advised of the results of the Brentwood Borough Council Elections which took place on 7 May 2015.

**7. Political Groups on the Council**

The Chief Executive advised Members that notices had been received from the Conservative, Liberal Democrat and Labour Groups indicating that they wished to be treated as a political group on the Council and listing the membership of their group.

**8. Leader of the Council**

Annual Council designated a Leader of the Council.

The Constitution stated that that it was the function of the Council to elect from its Members a Leader and Deputy Leader of the Council.

**Cllr Hirst MOVED and Cllr Kerslake SECONDED that Cllr Louise McKinlay be designated as Leader of the Council.**

**A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that Cllr Mrs McKinlay be designated Leader of the Council.**

**Cllr Mrs McKinlay MOVED and Cllr Kerslake SECONDED that Cllr Roger Hirst be designated as Deputy Leader of the Council.**

**A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that Cllr Hirst be designated Deputy Leader of the Council.**

**9. Leader's Statement**

Cllr Mrs McKinlay made her statement followed by statements being made by Cllr Aspinell and Cllr Barrett.

During Cllr Mrs McKinlay's statement she advised that a Motion had been submitted which had been signed by 19 Members in accordance with Rule 8.3.17 ( Motion to revisit a previous decision made in the past six months) of Part 4 of the Constitution and this related to a review of the budget decisions made at the 4 March 2015 Ordinary Council meeting. The Motion would be considered at the proposed 10 June 2015 Ordinary Council meeting.

**10. Committees and their Terms of Reference**

The Council was requested to formally establish those committees it considered necessary to fulfil its functions in the ensuing municipal year, in accordance with the requirements of both legislation and the Council's Constitution.

**Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED the recommendations in the report with an amendment to the ToR for the Audit, Scrutiny and Transformation Committee, ie that under the**



heading 'Transformation', the text be amended to 'To approve review and facilitate the transformation of delivery of services.'

Following a discussion a vote was taken on a show of hands and it was **RESOLVED** that:

1. The Committees listed in Appendix A be appointed for the Municipal Year 2015/16 and
  2. The size of the Committees listed in Appendix A be agreed, as follows:
    - (1) Audit, Scrutiny and Transformation 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) Economic Development Committee – 9 Members of the Council
    - (5) Environment and Housing Management Committee – 9 Members of the Council
    - (6) Planning and Licensing Committee – 12 Members of the Council
    - (7) Policy, Finance and Resources Committee – 9 Members of the Council
    - (8) Staff Appointments Committee – 9 Members of the Council
    - (9) Dismissals Advisory Panel – 3 Independent Persons
  3. The Terms of Reference of the Committees listed in Appendix A be agreed with the amendment for the Audit, Scrutiny and Transformation Committee ToR under 'Transformation', that the text be amended to 'To approve review and facilitate the transformation of delivery of services.'  
( For clarity the approved Terms of Reference are appended to these minutes).
  4. The Council's Monitoring Officer be authorised to make the necessary changes to the Constitution
11. **Political Balance, Allocation of Committee Seats and Committee Appointments**

The Council was required to make appointments to those Committees that were established by agenda Item 10 for the effective discharge of its functions. Members were asked 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

The Monitoring Officer updated the Council on committee nominations made by the Liberal Democrat Group.

There was a discussion regarding the appointment of nominated substitutes for committees and the Monitoring Officer advised that it was appropriate for this matter to be decided by the Council.

**Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED the recommendations with the addition of 2.4 and it was RESOLVED as follows:**

- 1. That the allocation of seats of seats set out in Appendix A to the report be approved.**
- 2. That the nominations from the political groups to Committees as set out in Appendix B to the report and as advised at the meeting be approved.**
- 3. That the Chairs and Vice-chairs of Committees as set out in Appendix C to the report be appointed.**
- 4. That the Council's Monitoring Officer be authorised to make the necessary changes to the Constitution.**

(For clarity, Appendices A, B and C are appended to these minutes).

## **12. Committee Calendar for 2015/2016**

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

**Cllr Mrs McKinlay MOVED, Cllr Hirst SECONDED and It was RESOLVED UNANIMOUSLY that the Calendar of Meetings shown as Appendix A to the report be approved.**

(For clarity the approved Calendar of Meetings is attached to these minutes).

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

Councillors were appointed to a number of outside organisations by Annual Council. Many of the outside organisations supported and advanced the broad objectives of the Authority. Representations came 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 was appointed.

The list of nominations for representatives on outside organisations was presented at the Annual Council meeting each year for Members' approval.

**Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED that the list of proposed Council representatives on outside organizations appended to the report as Appendix A be approved.**

**Following a discussion and vote regarding the appointment of a Headley Common Trustee and invitation extended to the Opposition Spokesperson to attend Tenants' Talkback meetings, Members RESOLVED:**

- 1. That the list of outside bodies for 2015/16 attached as Appendix A be approved**
- 2. That the list of nominated representatives attached as Appendix A be approved**

**(For clarity the approved list of representatives is attached to these minutes).**

**14. Members Allowances 2015/2016**

The Council operated a Members Allowances Scheme which was reviewed annually by the Independent Remuneration Panel (IRP). The IRP had reviewed the current scheme and had made recommendations for the 2015/16 Municipal Year.

In view of the approval earlier in the meeting of a revised Committee structure, Cllr Mrs McKinlay MOVED, Cllr Hirst SECONDED and it was RESOLVED to defer consideration of Members' Allowances for 2015/16 to the Ordinary Council meeting to take place on 10 June 2015.

**15. Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 - Dismissal Advisory Panel**

The purpose of the report before Members was 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 amended 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).

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, had 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 had been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011.



**Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED the recommendation in the report and it was RESOLVED UNANIMOUSLY that:**

- 1. The Council's Constitution be revised as set out in Appendix A to the report with immediate effect.**
  - 2. The current allowance paid to an independent person shall incorporate the duties under the Dismissal Advisory Panel.**
- 16. Appointment of Chief Executive and Designation as Head of Paid Service**

A revised report had been provided for Members' information.

The Chief Executive had 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.

A recruitment process for an interim Chief Executive and Head of Paid Service was instigated in accordance with the Council's Constitution and following initial discussion with Group Leaders.

A cross party panel was assembled and met on 20<sup>th</sup> May 2015 at 2.00pm to discuss with a prospective internal candidate the possibility of being designated as Head of the Paid Service for which a salary supplement would be paid.

**Cllr Mrs McKinlay MOVED, Cllr Hirst SECONDED and It was RESOLVED UNANIMOUSLY:**

- 1. To approve the designation of Mr. Phillip Ruck as the Head of the Paid Service with effect on and from 1 June 2015, which arrangements will be reviewed on a regular basis.**
- 2. That Mr Phillip Ruck be delegated the powers of the post of Chief Executive set out in the Constitution.**

Mr Farrant was thanked for the work he had undertaken during his term of office as Chief Executive of Brentwood Borough Council.

**17. Appointment of Electoral Registration Officer and Returning Officer**

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

**Cllr Mrs McKinlay MOVED and Cllr Hirst SECONDED and it was RESOLVED UNANIMOUSLY:**

- 1. That Phillip Ruck be appointed as the Registration Officer under section 8 of the Representation of the People Act 1983.**

**2. That Phillip Ruck be appointed as the Returning Officer under section 35 of the Representation of the People Act 1983.**

**18. Urgent Business**

There were no items of urgent business.

The meeting ended at 21.20 hrs.

## **Minute 10 – Committees and Their Terms of Reference**

The following Committees are established under all Council powers:-

- (1) Audit, Scrutiny and Transformation 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) Economic Development Committee – 9 Members of the Council**
- (5) Environment and Housing Management Committee – 9 Members of the Council**
- (6) Planning and Licensing Committee – 12 Members of the Council**
- (7) Policy, Finance and Resources Committee – 9 Members of the Council**
- (8) Staff Appointments Committee – 9 Members of the Council**
- (9) 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 Head of Paid Service; 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, Finance and Resources Committee**

1. The functions within the remit of the Policy, Finance and Resources Committee include all financial matters relating to the budget, (and for the 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**

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) Member Development



- 8) Data quality
  - 9) Human resources
  - 10) Information Communication Technology
  - 11) Revenues and Benefits
  - 12) Customer Services
  - 13) 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 making of a virement or payment from the Council's reserves with a maximum value of £200,000.
  8. To approve the write-off of any outstanding debt owed to the council above the delegated limit of £5,000.
  9. To determine capital grant applications.
  10. To make recommendations on the allocation and use of resources to achieve the Council's priorities.
  11. To manage and monitor the Council approved budgets;
  12. To provide the lead on partnership working including the joint delivery of services.
  13. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.



14. 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 (including by lease) surplus to the requirements of any Panel or Committee.
- (j) Appropriation of land surplus to the requirements of a committee.
- (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 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.
- (n) Promoting a culture of entrepreneurialism and building the required skills and capacity.
- (o) To consider, and approve, business cases and commercial business plans for commercial activity.

## **2.2 Economic Development Committee**

The functions within the remit of the Economic Development Committee are set out below:

1. To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countywide or regional economic development initiatives.
2. To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
3. To develop a climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
4. To encourage the growth of existing businesses in the Borough and access to the skills and training necessary to support them.
5. To develop and deliver a Borough wide initiative on apprenticeships
6. To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
7. To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
8. To maintain a special interest in promoting employment in the borough.
9. To promote and encourage tourism and heritage
10. Parking (off Street parking provision in Council owned/leased off-street parking places)
11. Crossrail

## **2.3 Environment and Housing Management Committee**

1. The functions within the remit of the Environment and Housing Management Committee (including the operational management of assets which for the sake of clarity also comprises maintenance) 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, Finance and Resources Committee does not decide to exercise such functions as the superior Committee
- 10) The Housing Revenue Account Business Plan where the Policy, Finance and Resources 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 Finance and Resources on the setting of rents for Council homes.
- 17) Operational facilities management (including maintenance) of the Town Hall and the Depot

#### **2.4 Community and Health Committee**

- 1. 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) Parish Council liaison
  - 4) Health and Wellbeing
  - 5) Grants to organisations/voluntary organisations.
  - 6) Parks, open spaces, countryside, allotments
  - 7) Environmental Health
  - 8) Environmental nuisance and pollution controls

- 9) Other miscellaneous powers enforced by Environmental Health
- 10) Food safety and health and safety
- 11) Community Safety and CCTV

2. To take the lead on community leadership and consultation with stakeholders.

## **2.5 Audit, Scrutiny and Transformation Committee**

The Audit, Scrutiny and Transformation 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, 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 maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- 2) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 3) To monitor the effective development and operation of risk management and corporate governance in the Council.

- 4) To monitor Council policies and strategies on  
Whistleblowing  
Money Laundering  
Anti-Fraud and Corruption  
Insurance and Risk Management  
Emergency Planning  
Business Continuity
- 5) To monitor the corporate complaints process.
- 6) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 7) To consider the Council's compliance with its own and other published standards and controls.

#### 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

- 1) To prepare the annual overview and scrutiny work programme taking into account items put forward by members and the Corporate Leadership Board ensuring that such items relate to the Council's functions and corporate priorities.
- 2) To propose 'place based' or local scrutiny for issues where a local investigative approach with a range of people or organisations is an appropriate way forward.
- 3) To manage scrutiny resources efficiently and effectively so that the outcomes of scrutiny are likely to lead to real improvements for the people of Brentwood.
- 4) To establish working groups (in line with agreed protocols) to undertake the work programme, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.
- 5) To receive reports and other evidence from organisations, individuals and partnerships which the committee or working groups considers relevant to their work.
- 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 make reports or recommendations to the Local Authority, any committee or sub-committee of the Local Authority, 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, with respect to the discharge of any functions of the Local Authority
- 9) To review matters of local community concern including partnerships and services provided by 'other' organisations such as the National Health Service and Essex County Council.
- 10) To make reports or recommendations to the Local Authority, any committee or sub-committee of the Local Authority, 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, on matters which affect the Borough of Brentwood or the inhabitants of the Borough of Brentwood.
- 11) 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
- 12) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions
- 13) To be responsible for scrutiny of the Council's strategic and budgetary framework and its implementation.
- 14) To report annually to Council on the progress of the work programme and to make relevant recommendations.

### Transformation

To review and facilitate the transformation of delivery of services.

## **2.6 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

## **2.7 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.

## **2.8 Staff Appointments Committee (to meet on demand) has the following functions:**

- (a) To appoint the following designated officers:

Head of Paid Service  
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 Head of Paid Service.

- (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.

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

- (a) To consider and determine any appeal by the Head of Paid Service, 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 Head of Paid Service, Section 151 Finance Officer, Monitoring Officer or a Deputy Monitoring Officer.

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

- (a) To advise full Council on matters relating to the dismissal of the Head of Paid Service, 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>
<b>Policy, Finance and Resources</b>	<b>9</b>	<b>3</b>
<b>Environment and Housing Management</b>	<b>9</b>	<b>3</b>
<b>Economic Development</b>	<b>9</b>	<b>3</b>
<b>Community and Health</b>	<b>9</b>	<b>3</b>
<b>Planning and Licensing</b>	<b>12</b>	<b>4</b>
<b>Audit, Scrutiny and Transformation</b>	<b>9</b>	<b>3</b>
<b>Staff Appointments*</b>	<b>9</b>	<b>3</b>
<b>Dismissal Appeals *</b>	<b>9</b>	<b>3</b>

\* These committees meet on demand.

**20. Appointments and Substitutes**

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



- 20.2 A substitute Member may attend a particular meeting of the committee, and will have full powers of the committee Member, provided that the Member is a specified nominated substitute for that Member of the particular political group and in a list agreed by full Council. In the event that the absent committee Member is a non-aligned Member, the specified substitute for 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.
- 20.3 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.
- 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.



**Minute 11 – Political Balance, Allocation of Committee Seats and Committee Appointments**

**Brentwood Borough Council  
POLITICAL BALANCE – 20 May 2015**

**APPENDIX A**

The Political Balance of the Council is:

POLITICAL GROUP	NO. OF MEMBERS	%
CONSERVATIVE	23 =	62.162
LIBERAL DEMOCRATS	11 =	29.729
LABOUR	2 =	5.405
NON-ALIGNED	1 =	2.702
<b>TOTALS</b>	<b>37</b>	<b>100</b>

POLITICAL GROUP	NO. OF MEMBERS	NO. OF SEATS ON ORDINARY COMMITTEES
CONSERVATIVE	23	47 (46.621)
LIBERAL DEMOCRATS	11	22 (22.297)
LABOUR	2	4 (4.054)
NON-ALIGNED	1	2 (2.702)
<b>TOTALS</b>		<b>75</b>

**PROPOSAL:**

	A.S& TC* (9)	C& HC** (9)	DAC** (9)	EDC** (9)	E&HM C+ (9)	P & LC++ (12)	P, F&R # (9)	SAC- (9)	TOTAL
CON	5	6	5	6	6	7	6	6	47
LIB DEM	3	3	3	3	3	3	2	2	22
LAB	1	0	0	0	0	1	1	1	4

NON-AL.	0	0	1	0	0	1	0	0	2
	9	9	9	9	9	12	9	9	75

\*AS&TC denotes Audit, Scrutiny and Transformation Committee

\*\*C & HC denotes Community & Health Committee

\*\*\* DAC denotes Dismissal Appeals Committee (*Only meets on demand*)

\*\*\*\*EDC denotes Economic Development Committee

+ E & HMC denotes Environment & Housing Management Committee

++ P & LC denotes Planning and Licensing Committee

# P, F&R denotes Policy, Finance & Resources Committee

~ SAC 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.



**APPENDIX B COMBINED WITH APPENDIX C**

**APPROVED SEAT ALLOCATIONS & APPOINTMENTS**

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

Audit, Scrutiny & Transformation Committee (9)	Conservative (5)	Liberal Democrat (3)	Labour (1)	Non-Aligned (0)
Chair*:	Cllr John Kerslake*	Cllr Graeme Clark	Cllr Gareth Barrett	
Vice-Chair**:	Cllr Sheila Murphy**	Cllr David Kendall		
	Cllr Noelle Hones	Cllr Philip Mynott		
	Cllr Melissa Slade			
	Cllr Will Trump			
Approved Substitute:	Cllr Roger McCheyne	Cllr Karen Chilvers	Cllr Julie Morrissey	
Approved Substitute:	Cllr Mark Reed	Cllr Joanne Squirmell		
Approved Substitute:	Cllr Tony Sleep			
Approved Substitute:	Cllr Andy Wiles			

Community & Health Committee (9)	Conservative (6)	Liberal Democrat (3)	Labour (0)	Non-Aligned (0)
Chair*	Cllr William Russell*	Cllr Karen Chilvers		
Vice-Chair**	Cllr Olivia Sanders**	Cllr Vicky Davies		
	Cllr Ann Coe	Cllr Jill Hubbard		
	Cllr Paul Faragher			
	Cllr Cliff Poppy			
	Cllr Andy Wiles			
Approved Substitute:	Cllr Chris Hossack	Cllr Ross Carter		
Approved Substitute:	Cllr John Kerslake	Cllr John Newberry		
Approved Substitute:	Cllr Shella Murphy			
Approved Substitute:	Cllr Louise Rowlands			

Dismissal Appeals Committee (9)	Conservative (5)	Liberal Democrat (3)	Labour (0)	Non-Aligned (1)
Chair:	Cllr Louise McKinlay	Cllr Karen Chilvers		Cllr Roger Keeble
Vice-Chair:	Cllr Roger Hirst	Cllr Liz Cohen		
	Cllr John Kerslake	Cllr Joanne Squirrell		
	Cllr Roger McCheyne			
	Cllr Keith Parker			
Approved Substitute:	Cllr Paul Faragher	Cllr Barry Aspinell		TBA
Approved Substitute:	Cllr Chris Hossack	Cllr Graeme Clark		
Approved Substitute:	Cllr Will Russell			
Approved Substitute:	Cllr Tony Sleep			

Economic Committee (9)	Development	Conservative (6)	Liberal Democrat (3)	Labour (0)	Non-Aligned (0)
	Chair*:	Cllr Keith Parker*	Cllr David Kendall		
	Vice-Chair**:	Cllr Louise Rowlands**	Cllr Phillip Mynott		
		Cllr Jon Cloke	Cllr John Newberry		
		Cllr Olivia Sanders			
		Cllr Mellissa Slade			
		Cllr David Tee			
	Approved Substitute:	Cllr Paul Barnell	Cllr Graeme Clark		
	Approved Substitute:	Cllr Paul Faragher	Cllr Joanne Squirrell		
	Approved Substitute:	Cllr Sheila Murphy			
	Approved Substitute:	Cllr Andy Wiles			



Environment & Housing Management Committee (9)	Conservative (6)	Liberal Democrat (3)	Labour (0)	Non-Aligned (0)
Chair*:	Cllr Chris Hossack*	Cllr Vicky Davies		
Vice-Chair**:	Cllr Clifford Poppy**	Cllr Jill Hubbard		
	Cllr Ann Coe	Cllr Joanne Squirrell		
	Cllr Madeline Henwood			
	Cllr Louise Rowlands			
	Cllr Tony Sleep			
Approved Substitute:	Cllr Paul Barrall	Cllr Ross Carter		
Approved Substitute:	Cllr Jon Cloke	Cllr John Newberry		
Approved Substitute:	Cllr Olivia Sanders			
Approved Substitute:	Cllr Mellissa Slade			

Planning & Licensing Committee (12)	Conservative (7)	Liberal Democrat (3)	Labour (1)	Non-Aligned (1)
Chair*:	Cllr Roger McCheyne*	Cllr Ross Carter	Cllr Julie Morrissey	Cllr Roger Keeble
Vice-Chair**:	Cllr William Trump**	Cllr Phillip Mynott		
	Cllr Paul Barrell	Cllr John Newberry		
	Cllr Jon Cloke			
	Cllr Sheila Murphy			
	Cllr Mark Reed			
	Cllr David Tee			
Approved Substitute:	Cllr Ann Coe	Cllr Karen Chilvers	Cllr Gareth Barrett	TBA
Approved Substitute:	Cllr Cliff Poppy	Cllr Jill Hubbard		
Approved Substitute:	Cllr Louise Rowlands			
Approved Substitute:	Cllr Andy Wiles			

Policy, Finance & Resources Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
Chair*	Cllr Louise McKinley*	Cllr Barry Aspinell	Cllr Gareth Barrett	
Vice-Chair**	Cllr Roger Hirst**	Cllr Graeme Clark		
	Cllr Paul Faragher			
	Cllr Chris Hossack			
	Cllr Keith Parker			
	Cllr Will Russell			
Approved Substitute:	Cllr Roger McCheyne	Cllr David Kendall	Cllr Julie Morrissey	
Approved Substitute:	Cllr Cliff Poppy	Cllr Philip Mynott		
Approved Substitute:	Cllr Tony Sleep			
Approved Substitute:	Cllr Will Trump			

Staff Committee (9)	Appointments	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
	Chair*:	Cllr Louise McKinlay*	Cllr Barry Aspinell	Cllr Julie Morrissey	
	Vice-Chair**:	Cllr Roger Hirst	Cllr Phillip Mynott		
		Cllr John Kerslake			
		Cllr Roger McChayne			
		Cllr Keith Parker			
		Cllr Paul Faragher			
	Approved Substitute:	Cllr Chris Hossack	Cllr Graeme Clark	Cllr Gareth Barrett	
	Approved Substitute:	Cllr Louise Rowlands	Cllr David Kendall		
	Approved Substitute:	Cllr Will Russell			
	Approved Substitute:	Cllr Tony Sleep			

**Minute 12 – Calendar of Meetings**

	Day	Time	May	June	July	August	September	October	November	December	January	February	March	April	May
Annual Council	Wednesday	19:00	20 <sup>th</sup>												18 <sup>th</sup>
Ordinary Council	Wednesday	19:00		10 <sup>th</sup>			16 <sup>th</sup>		18 <sup>th</sup>		27 <sup>th</sup>		2 <sup>nd</sup> (Budget)		
Audit, Scrutiny and Transformation Committee	Monday	19:00		29 <sup>th</sup>			29 <sup>th</sup>			7 <sup>th</sup>	25 <sup>th</sup> (Budget Saturday)		7 <sup>th</sup>		
Community and Health Committee	Monday	19:00		22 <sup>nd</sup>			14 <sup>th</sup>			14 <sup>th</sup>			14 <sup>th</sup>		
Economic Development Committee	Wednesday	19:00			1 <sup>st</sup>		2 <sup>nd</sup>			2 <sup>nd</sup>		3 <sup>rd</sup>			
Environment and Housing Management Committee	Wednesday	19:00		17 <sup>th</sup>			9 <sup>th</sup>			9 <sup>th</sup>			9 <sup>th</sup>		
Planning and Licensing Committee	Tuesday	19:00		23 <sup>rd</sup>	21 <sup>st</sup>		1 <sup>st</sup>	13 <sup>th</sup>	3 <sup>rd</sup>	1 <sup>st</sup>	5 <sup>th</sup>	2 <sup>nd</sup>	1 <sup>st</sup>	12 <sup>th</sup>	
Policy Finance and Resources Committee	Tuesday	19:00		30 <sup>th</sup>			15 <sup>th</sup>			15 <sup>th</sup>		16 <sup>th</sup> (Budget)	22 <sup>nd</sup>		





**Minute 13 - Outside Organisations**

<b>Organisation</b>	<b>Council Representatives for 2015/16</b>
Active Brentwood	Cllr Trump
Brentwood Access Group	Cllr Cloke
Brentwood and District Age Concern	Cllr Henwood Cllr Newberry (LD)
Brentwood Arts Council	Cllr. Mynott ( LD)
Brentwood Community Print	Cllr Tee Cllr Barrell
Brentwood Community Safety Partnership	Cllr Russell
Brentwood Community Transport	Cllr Parker
Brentwood Council for Voluntary Service	Cllr Tee Cllr Poppy
Brentwood Cricket Club	Cllr Faragher
Brentwood Football Club Management Committee	Cllr Russell Cllr Wiles Cllr Aspinell ( LD)
Brentwood For Growth	Cllr Parker Cllr Rowlands Cllr Kendall ( LD)
Brentwood Leisure Trust	Cllr Rowlands Cllr Sanders
Brentwood MIND	Cllr Newberry ( LD)
Brentwood Nighttime Action Group	Cllr Russell Cllr Slade Cllr Wiles Cllr Barrett ( Lab)
Brentwood Renaissance Group	Cllr Parker Cllr Rowlands Cllr Barrell Cllr Kendall ( LD) Cllr Barrett (Lab)
Brentwood Rugby Club Pavilion Management Committee	Cllr Barrell Cllr Parker Cllr Wiles
Brentwood Theatre Trust	Cllr Faragher Cllr Slade
Brentwood/Landkreis Roth Town Twinning Association	Cllr Barrett Cllr Reed (Mayor - President) Cllr Coe Cllr Hones (Deputy Mayor - Vice President) TBA (LD)

<b>Brentwood/Montbazon Town Twinning Association</b>	<b>Cllr Coe Cllr Reed (Mayor – President) Cllr Hones (Deputy Mayor – Vice President) Cllr Trump Cllr Murphy Cllr Davies ( LD)</b>
<b>Campaign to Protect Rural Essex – Advisory Council</b>	<b>Cllr Murphy Cllr Poppy</b>
<b>Citizens Advice Bureau</b>	<b>Cllr Henwood Graeme Clark (LD)</b>
<b>Conservators of Shenfield Common</b>	<b>Cllr Wiles Cllr Barrell Cllr Morrissey (Lab)</b>
<b>Crossroads Care</b>	<b>Cllr Poppy</b>
<b>East and West Horndon Village Hall</b>	<b>Cllr Murphy</b>
<b>ECC Local Highways Panel</b>	<b>Cllr Tee Cllr Cloke Cllr Parker Cllr Squirrel (LD) Cllr Chilvers ( LD)</b>
<b>Essex Community Foundation</b>	<b>Cllr Hirst</b>
<b>Essex Police and Crime Panel</b>	<b>Cllr Russell</b>
<b>Hartwood Golf Club</b>	<b>Cllr Faragher Cllr Sleep</b>
<b>Headley Common Trustees</b>	<b>Cllr Tee Cllr Barrell</b>
<b>Health and Safety Committee</b>	<b>Cllr Kerlake</b>
<b>Health and Wellbeing Board</b>	<b>Cllr Davies ( LD) Cllr Sanders</b>
<b>Herongate Village Hall Management Committee</b>	<b>Cllr Murphy</b>
<b>Howard Memorial Trust</b>	<b>Cllr Murphy</b>
<b>Hutton Charities</b>	<b>Cllr Hirst Cllr Kerlake</b>
<b>IAA Member Working Group</b>	<b>Cllr Poppy</b>
<b>Local Government Association</b>	<b>Cllr McKinlay ( Leader of the Council)</b>
<b>Mental Health Champion</b>	<b>Cllr Sanders</b>
<b>SNAP</b>	<b>Cllr Tee</b>
<b>South Essex Parking Partnership Representative</b>	<b>Cllr Cloke</b>
<b>South Weald Parish Hall Management Committee</b>	<b>Cllr Coe Cllr Russell</b>
<b>South West Essex Children's</b>	<b>Cllr Hubbard (LD)</b>

<b>Commissioning and Delivery Board</b>	
<b>Taxi Trade Consultative Group</b>	Cllr McCheyne Cllr Trump Cllr Newberry
<b>Tenant's Talkback</b>	Cllr Hossack ( Chair of relevant committee) Cllr Poppy ( Vice Chair of relevant committee) Cllr Mrs Davies (Opposition Spokesperson)
<b>Three Arch Bridge Community Hall</b>	Cllr Wiles Cllr Morrissey ( Lab)
<b>Youth Strategy Group</b>	Cllr Sanders





**10 June 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 after reviewing the committee arrangements made at Annual Council on 20 May 2015.
- 1.2 The Members' Allowance Scheme is Part 6 of the Council's Constitution and the Independent Remuneration Panel has recommended no change.

## **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 be agreed, being no more than £274,175.92.**

## **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) and the Leader of the Council (2015)
- The Council's changes in Committee structure 2013, 2014 and 2015
- 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, 2014 and 2015</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>

Option 1 was recommended i.e. remain unchanged.

## **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. The Panel also heard from the Leader of the Council in late May 2015. The Panel did not believe any further discussions were needed.

## **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 cost of Members' Allowances has reduced from the previous year resulting in a saving in 2015/16.

### **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

**Report Author Contact Details:**

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<b>Members Allowances 2015-16</b>						
	Number	Approved Allowances 2014-15	Recommendation 2015-16	Total Recommendation	Only One SRA Permitted	Total Allowances 2015/16
Basic Allowance	37	6,010.31	5,950.80	220,179.60		220,179.60
Leader	1	13,217.11	13,086.25	13,086.25		13,086.25
Deputy Leader	1	6,380.68	6,317.50	6,317.50		6,317.50
Leader of Main Opposition	1	5,318.75	5,318.75	5,318.75		5,318.75
Leader of Minority Opposition	1	2,658.92	2,658.92	2,658.92		2,658.92
Chair of Audit, Scrutiny and Transformation Committee	1	3,545.83	3,545.83	3,545.83		3,545.83
Chair of Community and Health Committee	1	3,545.83	3,545.83	3,545.83		3,545.83
Chair of Economic Development Committee	1	3,545.83	3,545.83	3,545.83		3,545.83
Chair of Environment and Housing Management Committee	1	3,545.83	3,545.83	3,545.83		3,545.83
Chair of Planning and Licensing Committee	1	3,545.83	3,545.83	3,545.83		3,545.83
Chair of Policy, Finance and Resources Committee	1	3,545.83	3,545.83	3,545.83	Leader of the Council	0.00
Vice Chair of Audit, Scrutiny and Transformation Committee	1	967.15	967.15	967.15		967.15
Vice Chair of Community and Health Committee	1	967.15	967.15	967.15		967.15
Vice Chair of Economic Development Committee	1	967.15	967.15	967.15		967.15
Vice Chair of Environment and Housing Management Committee	1	967.15	967.15	967.15		967.15
Vice Chair of Planning and Licensing Committee	1	967.15	967.15	967.15		967.15
Vice Chair of Policy, Finance and Resources Committee	1	967.15	967.15	967.15	Deputy Leader of the Council	0.00
<b>Sub total</b>				<b>274,638.90</b>		<b>270,125.92</b>
Mayor	1	3,333.00	3,300.00	3,300.00		3,300.00
Deputy Mayor	1	757.50	750.00	750.00		750.00
<b>Grand Total</b>				<b>278,688.90</b>		<b>274,175.92</b>

## Appendix A

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**10 June 2015**

**Ordinary Council**

**Notices of Motion**

**Report of:** *Chris Potter – Monitoring Officer and Head of Support Services*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

1.1 A notice of motion have been submitted in accordance with the Council's procedure rules.

1.2 Cllr Mrs McKinlay submitted the following motion:

“That the budget decisions made by Council on 4<sup>th</sup> March 2015 be revisited notwithstanding that these decisions were made within the past six months, and that the Council be at liberty to consider what amendments may be appropriate and to make such budget decisions as it sees fit at this meeting held on 10<sup>th</sup> June 2015, having received a report from the Chief Finance Officer under Rule 3.7 of Part 4.1 of the Council Procedure Rules”

1.3 The reason for the motion on notice is to enable the Council to have the option to reconsider the budget decisions made by Council on 4<sup>th</sup> March 2015 and to make any budget decisions the Council decides it wishes to make. It is made under and in accordance with rule 8.3.17 of Part 4.1 of the Council Procedure Rules.

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

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**10 June 2015**

**Ordinary Council**

**Budget 2015/16 Amendment Report**

*Report of: Chris Leslie, Finance Director*

**Wards Affected: All**

**This report is: Public**

## **1. Executive Summary**

- 1.1 On the 4 March 2015 Council approved the budget for 2015/16. The budget included a contribution from the General Fund reserve of £362k.
- 1.2 This report seeks approval for the budget amendments intended to set a balanced budget with out the need to drawdown from the General Fund reserve .

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

- 2.1 **To approve the revenue budget amendments in Appendix A.**
- 2.2 **To approve the amendments to the capital programme at paragraph 5.1.**

## **3. Introduction and Background**

- 3.1 Included within the 2015/16 budget approved by Council was:
  - The sum of £164k for new developments;
  - The sum of £545k for anticipated savings, which remains unchanged;
  - The sum of £350k earmarked for the William Hunter Way development, which remains unchanged;
  - The sum of £362k to be taken from the General Fund reserve.
- 3.2 A capital programme totalling £9.6m was also approved including £3.2m of new schemes. Additionally £1m of capital receipts was earmarked for Warley Training Centre, which is reduced as stated in paragraph 5.1.

#### 4. Revenue Budget Amendments

4.1 The proposed budget amendments are detailed in Appendix A. The table below summaries the impact of the amendments on the required drawdown from the General Fund reserve, originally approved by Council in March 2015.

	2015/16 £000	2016/17 £000	2017/18 £000
General Fund Drawdown March 2015	362	543	829
Budget Amendments	(362)	(358)	(315)
<b>Revised General Fund Drawdown</b>	<b>-</b>	<b>185</b>	<b>514</b>

4.2 The table shows that after the proposed budget amendments no drawdown from the General Fund reserve is required in 2015/16. By 2017/18 there is a requirement to use £514k from the General Fund reserve down from an anticipated £829k.

4.3 The remaining £514k budget gap will be closed through additional efficiency savings found through the organisation along with new income generation projects providing additional revenue sources for the Council.

4.4 Council is requested to approve the revenue budget amendments detailed in Appendix A.

4.5 As part of the budget amendments there is a £30k increase in HRA recharges. This amendment reduces the 2015/16 HRA surplus from £236k to £206k.

#### 5. Amendments to the Capital Programme

5.1 Council is requested to approve the following amendments to the 2015/16 capital programme:

- Removal of Old House Redevelopment - £1,080k;
- Removal of capital receipts earmarked for Warley Training Centre and use these to reduced the borrowing requirement of the capital programme - £1,000k;
- Addition of Improvements and Parking Scheme at Brentwood and Shenfield - £1,600k.

5.2 These adjustments reduce the overall borrowing requirement of the capital programme by £480k. This results in a £40k revenue saving in 2016/17.

5.3 A revised capital programme is provided at Appendix B.

## **6. Reasons for Recommendation**

- 6.1 Revisions to the budget are part of a robust system of financial control and reflect the priorities of the new Council Administration following the local elections on the 7<sup>th</sup> May 2015.

## **7. Implications**

### **Financial Implications**

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

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

- 7.1 The financial implications are set out in the report.

### **Legal Implications**

**Name & Title:** Chris Potter, Monitoring Officer

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

- 7.2 None.

## **8. Appendices to this report**

Appendix A – Revenue Budget Amendments

Appendix B – Revised Capital Programme

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

**Name:** Chris Leslie, Finance Director

**Telephone:** 01277 312542

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

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## Revenue Budget Amendments

## Appendix A

	2015/16 £000	2016/17 £000	2017/18 £000
<b>Changes approved by Council in March 2015</b>	<b>362</b>	<b>182</b>	<b>285</b>
<i>Savings:</i>			
Revised management structure	(105)	-	-
Revenue Impact of reversal of Old House/Warley TC decisions and addition of parking scheme	-	(40)	40
Inflationary increase in Fees and Charges (excluding parking)	(15)	-	-
Removal of Borough Bulletin	(2)	-	-
Reduction and streamlining of Members' Allowances	(17)	-	-
Rebasing of Ward Budgets	(12)	-	-
Rebasing of Community Fund Budget	(10)	-	-
Removal of additional elections marketing	(5)	5	-
Removal of cost of distributing free food bags - free supply will continue	(3)	-	-
Revision of proposed apprenticeship funding to reflect resources available	(38)	-	-
Review of HRA recharges	(30)	-	-
Removal of surplus pension contributions	(92)	-	-
Unwinding of Single Status reserve	(30)	30	-
Reduction in interest payments due to lower borrowing and interest rates.	(30)	-	4
Reduction of Internal Audit budget in accordance with the agreed audit plan	(10)	10	-
<i>Growth:</i>			
Street Inspector	35	-	-
Project work on establishing a LATCO	2	(2)	-
<b>Proposed Budget Amendments</b>	<b>(362)</b>	<b>3</b>	<b>44</b>
<b>In Year Deficit</b>	<b>-</b>	<b>185</b>	<b>329</b>
Opening Budget Gap	-	-	185
Closing Budget Gap	-	185	514



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## Revised Capital Programme

Description	Expenditure			Total £000	Funding				Total £000
	2015/16	2016/17	2017/18		Capital Receipts £000	Borrowing £000	Grants £000	Revenue Funded £000	
	£000	£000	£000		£000	£000	£000	£000	
HRA DECENT HOMES SCHEMES	2,980	3,000	3,000	8,980	-	-	-	8,980	8,980
NEW HOMES BUILD (HRA)	1,555	2,154	1,555	5,264	1,579	-	-	3,685	5,264
TOWN HALL REMODELLING	2,781	-	-	2,781	866	1,915	-	-	2,781
IMPROVEMENTS & PARKING SCHEME AT B'WOOD & SHENFIELD	1,600	-	-	1,600	1,600	-	-	-	1,600
UPGRADE THE MULTI STOREY CAR PARK	375	664	-	1,039	375	664	-	-	1,039
DISABLED FACILITIES GRANT	280	280	280	840	160	320	360	-	840
VEHICLE REPLACEMENT PROGRAMME	200	150	150	500	200	300	-	-	500
ICT STRATEGY	100	100	100	300	100	200	-	-	300
PLAY AREA REFURBISHMENTS	100	100	100	300	9	291	-	-	300
STREET SCENE WORKS	-	200	-	200	-	200	-	-	200
HOME REPAIR ASSISTANCE GRANTS	30	30	30	90	30	20	-	40	90
BRENTWOOD LEISURE TRUST	88	-	-	88	88	-	-	-	88
CAR PARK REFURBISHMENT AND UPGRADE	15	-	-	15	15	-	-	-	15
CCTV SYSTEM UPGRADE	5	5	-	10	5	5	-	-	10
FOLDING MACHINE	2	-	-	2	2	-	-	-	2
<b>Total</b>	<b>10,111</b>	<b>6,683</b>	<b>5,215</b>	<b>22,009</b>	<b>5,029</b>	<b>3,915</b>	<b>360</b>	<b>12,705</b>	<b>22,009</b>

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**10 June 2015**

**Ordinary Council**

**Committees – Appointment of Substitute for Cllr Keeble**

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

**Wards Affected:** All

**This report is:** Public

## **1. Executive Summary**

- 1.1 The purpose of this report is to note and to give effect to the wishes of Cllr Roger Keeble as to the appointment of his nominated substitute.

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

- 2.1 That Cllr Liz Cohen be appointed to substitute for Cllr Roger Keeble**

## **3. Introduction and Background**

- 3.1 Annual Council at its meeting on 20 May 2015 decided to introduce greater control over the use of substitution.
- 3.2 Cllr Roger Keeble is not a member of any political group and hence is a non-aligned member. He has expressed his wish for Cllr Liz Cohen to act as his nominated substitute.

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

- 4.1 The Council is required to give effect to Cllr Roger Keeble's wishes as regards his specified substitute.

## **5. Reasons for Recommendation**

- 5.1 The reason for the recommendation is to give effect to Cllr Roger Keeble's wishes as regards his specified substitute.

## **6. Consultation**

- 6.1 Cllr Roger Keeble has consulted with Cllr Liz Cohen which has agreed to act as his nominated substitute.

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

- 7.1 The Modern Council priority within the Council's Corporate Plan sets out how the Council will be transformed between 2014 -2016. This includes improving our governance arrangements.

## **8. Implications**

### **Financial Implications**

**Name & Title:** Chris Leslie, Financial Services Manager (S151 Officer)

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

- 8.1 None directly arising from the report itself.

### **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 report sets out the legal implications.

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

- 8.3 The Council's Constitution plays an important part in respect of the above matters as it forms the basis of corporate governance.

## **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:** Christopher Potter

**Telephone:** 01277 312860

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

## **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**

### **General Powers of 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.

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;

