



Agenda

Annual Council

Wednesday, 18 May 2016 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 10)

Cllrs Reed (Mayor), Mrs Hones (Deputy Mayor), Aspinell, Barrell, Barrett, Chilvers, Cloke, Mrs Coe, Mrs Davies, Faragher, Hirst, Hossack, Mrs Hubbard, Keeble, Kendall, Kerlake, McCheyne, Mrs McKinlay, Morrissey, Mrs Murphy, Mynott, Newberry, Parker, Poppy, Mrs Pound, Ms Rowlands, Russell, Ms Sanders, Mrs Slade, Mrs Squirrell, Trump and Wiles

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Mayor's Announcements		
3.	Election of Mayor for the Municipal Year 2016/17	All Wards	5 - 8
4.	Appointment of a Deputy Mayor for the Municipal Year 2016/17	All Wards	9 - 12
5.	Declarations of Interest from Members and Officers	All Wards	
6.	Brentwood Borough Council Elections The Chief Executive will report the results of the elections.	All Wards	
7.	Political Groups on the Council The Chief Executive will report receipt of Notices served on him by Members under the provisions of the Local Government	All Wards	13 - 16

(Committee and Political Groups) Regulations 1990.

- | | | | |
|-----|---|-----------|---------|
| 8. | Election of the Leader and Deputy Leader of the Council | All Wards | 17 - 20 |
| 9. | Leader's Statement
The Leader of the Council and others will make a statement in accordance with Council Procedure Rule 6. | | |
| 10. | Committees and their Terms of Reference
<i>(Appendix A to follow)</i> | | 21 - 24 |
| 11. | Political Balance, Allocation of Committee Seats and Committee Appointments
<i>(Appendices A, B and C to follow)</i> | All Wards | 25 - 30 |
| 12. | Appointment of Independent Persons for the Purpose of the Localism Act 2011 | All Wards | 31 - 40 |
| 13. | Appointment of Representatives on Outside Organisations
<i>(Appendix A to follow)</i> | All Wards | 41 - 44 |
| 14. | Members Allowances 2016-2017
<i>(Appendix B to follow)</i> | All Wards | 45 - 54 |
| 15. | Committee Calendar for 2016-2017
<i>(Appendix A to follow)</i> | All Wards | 55 - 58 |
| 16. | Pay Policy | All Wards | 59 - 70 |
| 17. | Urgent Business
An item of business may only be considered where the Mayor 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. | | |



Head of Paid Service

Town Hall
Brentwood, Essex
03.05.2016

Information for Members

Substitutes

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.

Rights to Attend and Speak

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.

Point of Order/ Personal explanation/ Point of Information

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.

Webcasts

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

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

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

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

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

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

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

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

Private Session

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

modern.gov app

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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.

18 May 2016

Annual Council

Election of Mayor for Municipal Year 2016/17

Report of: *Steve Summers, Group Manager In-House Services*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Council is required to elect a Mayor at its Annual Meeting from amongst its membership to serve for the Municipal Year 2016/17 and until their successor is entitled to act in that office in accordance with the procedure as set out in Appendix B of the Constitution.

2. Recommendation(s)

- 2.1 To elect a Mayor for the Municipal Year 2016/17 and until their successor is entitled to act in that office.**

3. Introduction and Background

- 3.1 The Mayor is elected by the Council to continue in office for one Municipal Year in accordance with the procedure as set out in Appendix B of the Constitution and until their successor is entitled to act in that office. The Mayor is the First Citizen of the Borough, a Member of the Council and its Civic and Ceremonial head. The Mayor will represent and promote the Borough at events both within and outside the Borough.
- 3.2 The Mayor is Chair of the meetings of the Council in accordance with Council Procedure Rules.
- 3.3 The Mayor will invite nominations for the election of Mayor for the Municipal Year 2016/17.
- 3.4 Once the election has taken place the newly elected Mayor will duly take the Declaration of Acceptance of Oath. Following the declaration, the meeting will be adjourned to allow the newly elected Mayor to robe.

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

4. Issue, Options and Analysis of Options

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

5. Reasons for Recommendation

- 5.1 It is a statutory duty.

6. Consultation

- 6.1 Group Leaders will be consulted post the Borough Election, 5 May 2016.

7. References to Corporate Plan

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

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

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

- 8.1 There are no direct financial implications arising from the election of a Mayor. For the purpose of enabling the Mayor to meet the expense of their office, the Council may pay such allowance as the Council think reasonable. Item 13 of the Agenda deals with allowances.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

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

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

- 8.3 None

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

- 9.1 None.

10. Appendices to this report

None.

Report Author Contact Details:

Name: Steve Summers, Group Manager In-House Services

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E-mail: steve.summers@brentwood.gov.uk

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18 May 2016

Annual Council

Appointment of a Deputy Mayor for Municipal Year 201/17

Report of: *Steve Summers, Group Manager In-House Services*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Council is required to appoint a Deputy Mayor from amongst its membership to serve for the Municipal Year 2016/17.
- 1.2 The Deputy Mayor is appointed by the Council to continue in office for one Municipal Year and hold office until immediately after the election of the Mayor at the next Annual Meeting.

2. Recommendation(s)

- 2.1 To appoint a Deputy Mayor for the Municipal Year 2016/17 and until immediately after the election of the Mayor at the next Annual Meeting.**

3. Introduction and Background

- 3.1 The Deputy Mayor will support the Mayor in their role during their term of office. Subject to any standing orders made by the Council, anything authorised or required to be done by, to or before the Mayor may be done by, to or before the Deputy Mayor.
- 3.2 The Mayor will invite nominations for the appointment of Deputy Mayor for the Municipal Year 2016/17.
- 3.3 Once Annual Council has made the appointment of Deputy Mayor, the newly appointed Deputy Mayor duly takes the Declaration of Acceptance of Oath.

3.4 The Deputy Mayor is accompanied to events by a Deputy Mayoress or Consort. The Deputy Mayoress or Consort is recognised by the Council as such. A Deputy Mayoress or Consort will be announced.

3.5 After the Deputy Mayor's Deputy Mayoress or Consort has been announced, the outgoing Consort will invest the incoming Consort with the badge of office.

4. Issue, Options and Analysis of Options

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

5. Reasons for Recommendation

5.1 It is a statutory duty.

6. Consultation

6.1 Group Leaders will be consulted post the Borough Election, 5 May 2016.

7. References to Corporate Plan

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

8. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

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

8.1 There are no direct financial implications arising from the appointment of a Deputy Mayor. For the purpose of enabling the Deputy Mayor to meet the expenses of their office, the Council may pay such allowance as the Council think fit. Agenda Item 13 deals with allowances.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

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

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

- 8.3 None

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

- 9.1 None.

- 10. Appendices to this report**

None.

Report Author Contact Details:

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18 May 2016

Annual Council

Political Groups on the Council

Report of: *Philip Ruck, Chief Executive*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

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

2. Recommendation(s)

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

3. Introduction and Background

- 3.1 A 'political group' is one which has been constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and consists of at least two Members. It is therefore separate from the concept of a political party (though it may well consist of members of the same political persuasion).
- 3.2 If the membership of a political group drops below two, the particular political group ceases to exist (Regulation 8(2)). A Member may cease to be a member of a particular political group if they are no longer a councillor (Reg.10). Members may apply to join an existing political group (Reg.9).
- 3.3 The reason why political groups are almost invariably formed is that where political balance is required as regards the seat allocation on council bodies then regard is to be had to political groups (not political parties).

- 3.4 The calculation of the proportionate allocation of seats subject to the political balance rules is based upon political groups and this is clearly significant as regards the control of power on those council bodies.
- 3.5 Notices relating to political groups (including changes as to the name of the group, its membership, the name of the Group Leader and the name of a Deputy Group Leader) are required to be in the prescribed written form and delivered to the proper officer of the Council.
- 3.6 Changes in political groups can therefore affect the calculation of the political balance on particular Council bodies.

4. Issue, Options and Analysis of Options

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

5. Reasons for Recommendation

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

6. Consultation

- 6.1 Officers will consult with Members post the Borough Elections on May 5 2016.

7. References to Corporate Plan

- 7.1 None.

8. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

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

- 8.1 There are no direct financial implications.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 8.2 The Local Government (Committees and Political Groups) Regulations 1990 as amended deal, amongst other things, with political groups.
- 8.3 Regulation 7 of The Local Government (Committees and Political Groups) Regulations 1990 states that ‘The members of an authority are to be treated as divided into different political groups when there is at least one political group in existence constituted in accordance with regulation 8’.
- 8.4 Regulation 8 (1) provides that ‘A political group shall be treated as constituted when there is delivered to the proper officer a notice in writing which – (a) is signed by two or more members of the authority who wish to be treated as a political group; and (b) complies with the provisions of paragraph (3).’
- 8.5 Regulation 8(3) states that ‘A notice under paragraph (1) shall state (a) that the members of the authority who have signed it wish to be treated as a political group; (b) the name of the group; and (c) the name of one member of the group who has signed the notice and who is to act as its leader.’
- 8.6 Regulation 8(4) provides that ‘A notice under paragraph (1) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader in relation to these Regulations (“the representative”).’
- 8.7 Regulation 9 states that ‘Subject to regulations 11 and 12, a member of the authority is to be treated as a member of a political group if –
- (a) he has signed a notice in accordance with regulation 8; or
 - (b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or representative of the group or by a majority of the members of the group, stating that he wishes to join the group.’
- 8.8 The requirements relating to political balance are contained in sections 15-17 and Schedule 1 to the Local Government and Housing Act 1989.
- Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.
- 8.9 None.

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

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

10. Appendices to this report

None.

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18 May 2016

Annual Council

Election of the Leader and Deputy Leader of the Council

Report of: *Steve Summers, Group Manager In-House Services*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

1.1 The Constitution under Council Procedure Rule 2.1 (i) provides that the Annual Meeting of Council will consider the election from its Members a Leader and Deputy Leader of the Council.

1.2 The Mayor will invite nominations for the election of Leader and Deputy Leader for the Municipal Year 2016/17.

2. Recommendation(s)

2.1 That a Leader of the Council be elected

2.2 That a Deputy Leader of the Council be elected.

3. Introduction and Background

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

4. Issue, Options and Analysis of Options

4.1 Annual Council must comply with the Constitution.

5. Reasons for Recommendation

5.1 To comply with Article 4 of the Constitution.

6. Consultation

- 6.1 Group Leaders will be consulted post the Borough Elections on 5 May 2016.

7. References to Corporate Plan

- 7.1 None

8. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

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

- 8.1 There are no direct financial implications arising from this report, save for the respective Allowances as agreed under item 13 of this agenda.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

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

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

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

- 8.4 None.

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

- 9.1 None

10. Appendices to this report

None.

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18 May 2016

Annual Council

Committees and their Terms of Reference

Report of: *Steve Summers, Group Manager In-House Services*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Council operates a committee system form of local government governance and there are a number of statutory provisions relating to committees.
- 1.2 The Constitution under Council Procedure Rule 2.1 (k) provides that the Annual Meeting of Council considers the establishment of committees, their size and terms of reference for such Committees. Certain matters are laid down by law and the Council has no discretion in its considerations.

2. Recommendation(s)

- 2.1 That the Committees listed in Appendix A (to follow) be appointed for the Municipal Year 2016/17.**
- 2.2 That the size of the Committees listed in Appendix A (to follow) be agreed.**
- 2.3 That the Terms of Reference of the Committees listed in Appendix A (to follow) be agreed.**
- 2.4 That the Council's Monitoring Officer be authorised to make the necessary changes to the Constitution.**

3. Introduction and Background

- 3.1 As stated above, the Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.
- 3.2 The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
- 3.3 Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.
- 3.4 Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.
- 3.5 Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).
- 3.6 Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.
- 3.7 Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.
- 3.8 Although the Licensing Sub-Committee is set up by the Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

4. Issue, Options and Analysis of Options

4.1 The Committee Structure has been subject to change in recent years.

2014/15	2015/16
Finance and Resources Committee	Policy, Finance and Resources Committee
Housing Committee	Environment & Housing Committee
Environment Committee	Community & Health Committee
Asset and Enterprise Committee	Economic Development Committee
Community Committee	Planning and Licensing Committee (and Licensing Sub Committee)
Business and Town Centres Committee	Audit, Scrutiny & Transformation Committee
Planning and Development Committee	
Licensing Committee (and Licensing Sub Committee)	
Audit and Scrutiny Committee	

4.2 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2015/16.

4.3 The proposed Committees for 2016/17 (including their suggested/required size and terms of reference) will be circulated after the Borough Elections.

5. Reasons for Recommendation

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

6. Consultation

6.1 The Chief Executive will consult with Group Leaders post the Borough Elections, 5 May 2016.

7. References to Corporate Plan

7.1 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge

those functions in a timely, open and transparent way to deliver the Corporate Plan.

8. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

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

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

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

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

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

- 8.3 None.

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

- 9.1 None.

10. Appendices to this report

Appendix A - Committees 2016/17 and their Terms of Reference (*to follow*)

Report Author Contact Details:

Name: Steve Summers, Group Manager In-House Services

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E-mail: steve.summers@brentwood.gov.uk

18 May 2016

Annual Council

Political Balance, Allocation of Committee Seats and Committee Appointments

Report of: *Steve Summers, Group Manager In-House Services*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

1.1 The Council is required to:

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

2. Recommendation(s)

2.1 That the allocation of seats as set out in Appendix A (to follow) be approved;

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

2.3 That the Chairs and Vice-Chairs of Committees as set out in Appendix C (to follow) be appointed.

3. Introduction and Background

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

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

- 3.3 The following statutory principles apply to the allocation of seats:
- a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - b) That the majority of seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - c) That subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
- 3.4 The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
- 3.5 Any non-aligned members are to be appointed to available seats on committees by the Council.

Political proportionality

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

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

37

- 3.7 The political balance of the Council will be set out in Appendix A after the Borough Elections on 5 May 2016.
- 3.8 To calculate political proportionality, the Council must have agreed the number of seats on each Committee and the total number of seats available on all Committees.
- 3.9 Councillors that are not members of political groups have no entitlement to an allocation of seats on Committees. Political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by Councillors not belonging to a political group. Such Councillors are called 'non-aligned'.

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

4. Issue, Options and Analysis of Options

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

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

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

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

4.4 The strict entitlement to seats is shown in Appendix A.

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

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

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

4.8 The nominations of political groups to seats on committees and nominations for Chair and Vice Chair positions will be set out in Appendices B and C (to follow).

5. Reasons for Recommendation

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

6. Consultation

6.1 Group Leaders will be consulted post the Borough Election, 5 May 2016.

7. References to Corporate Plan

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

8. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

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

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

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860 /daniel.toohey@brentwood.gov.uk

8.2 As set out in the report.

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

8.3 None.

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

9.1 None.

10. Appendices to this report

Appendix A - *to follow*

Appendix B - *to follow*

Appendix C - *to follow*

Report Author Contact Details:

Name: Jean Sharp, Governance and Member Support Officer

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18 May 2016

Annual Council

Appointment of Independent Persons for Purpose of the Localism Act 2011

Report of: *Daniel Toohey, Monitoring Officer*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

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

2. Recommendation(s)

- 2.1 This report proposes the confirmation of appointment of Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh as the three Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011 for a period terminating post the first Council after municipal elections 2018.**
- 2.2 That a Brentwood Borough Council Independent Person be paid an annual allowance of £500 calculated on a pro-rata 12 monthly basis.**

3. Introduction and Background

- 3.1 The Localism Act 2011 (the "Act") changed the arrangements for dealing with governance issues regarding the conduct of elected and co-opted Members. It abolished the national Standards Board and required that local authorities establish their own Code of Conduct and establish a process for dealing with allegations that elected and co-opted members of

the authority and its associated parish councils may have breached their Code of Conduct.

- 3.2 The Localism Act provisions took effect from 1 July 2012. The Council agreed a new Code of Conduct and Complaints Procedure which has been incorporated into the Constitution.
- 3.3 The new Localism Act regime removed the requirement to have an independent chair and a statutory standards committee. Instead to add external input, section 28(7) of the Localism Act requires the Council to appoint at least one “*independent person*” who must be consulted and their views taken into account on all complaints investigated and before a decision on any such complaint is made. The Council may consult with the independent person on other matters relating to an allegation and any Member subject to allegations complained about can also seek the independent person’s view.
- 3.4 To ensure independence, *independent persons* are not to have links to the Council, councillors or officers or have been members including co-opted membership. Unfortunately, this means that the previous independent Members of the statutory Standards Committee were disqualified from applying for the role as they were co-opted members of the Council.

4. Issue, Options and Analysis of Options

Statutory Compliance

- 4.1 The Localism Act 2011 requires that a formal appointment be made therefore there is not alternative of no action.

Need to Avoid Conflicts of Interest

- 4.2 The conflict of interest arises because the legislation requires the independent person to take on three specific tasks:
- *firstly* to give a view that must be taken into account before an authority makes a decision on an allegation that it has decided to investigate;
 - *secondly* to be available to give a view to a member whose behaviour is subject to an allegation; and
 - *finally* giving a view about allegations which have not yet reached the stage of determination.

- 4.3 While it may be possible for the Independent person to assist with giving a view on allegations against a Member, it would create a conflict if they were then consulted by that Member. For example if they had formed a view that the Member was probably guilty of the accusation because they had been consulted by the authority prior to being contacted by the Member then it will be difficult for them to give a view to the Member without disclosing at least in part what they might have been told by the authority. For the same reason if they were consulted by the Member and then were asked for a view by the authority they face the dilemma for how do they put aside what they have learnt from the Member. This conflict means that the process cannot function satisfactorily unless there are at least two Independent persons readily available because one cannot give a view to Members and the authority at the same time.
- 4.4 Furthermore even with two independent persons there is a risk of an absence of one effectively preventing the whole process from functioning and as the legislation creates an entitlement for the Member to have an Independent Person to consult and an obligation for the authority to consult before it makes a decision. If a member does not have an independent person to consult it will mean that unless they waive their right the process will come to a halt pending availability.

Need for Three Appointments

- 4.5 For the above reasons it is recommended establishing a compliment to be maintained of three independent persons. The allocation of roles in terms of the practices of the Independent Persons would be in accordance with best practice utilising a rota arrangement ensuring that all got experience in the various stages of the complaints process.
- 4.6 Going forward the availability of independent persons is being addressed by inter authority working and the option of cross borough training and sharing of an independent persons is being considered.

5. Appointment of Independent Persons

- 5.1 To meet the risks outlined in the previous section of this report a recruitment exercise was carried out by the Monitoring Officer. Confirmation of selection was made to Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh.
- 5.2 To ensure sound governance the Monitoring Officer has met with the three individuals and proposes in due course to place them under an

Agreement as set out in the Appendix to this report which is utilised as best practice by other boroughs. Subject to the recommendation being agreed the appointments will commence forthwith subject to satisfactory references and an induction process being arranged, which will allow the independent persons to function according to the Localism Act.

- 5.3 The role of Independent Person in adjacent Boroughs attracts an annual nominal allowance of £500. It would be suggested that Brentwood Borough Council reflects this nominal payment which can be met from existing budgets. The Independent Person may also claim reasonable expenses for attendance, travel and subsistence. The Independent Persons are not Co-Opted Members and therefore the inclusion of such an allowance provision will not engage any need to have it approved/reviewed by a Members Remuneration Panel.
- 5.4 It is the recommendation of the Monitoring Officer that the Council agrees to:
 - 5.5.1 Confirmation of appointment of Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh as the three Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011 for a period terminating post the first Council after municipal elections 2018;
 - 5.5.2 That a Brentwood Borough Council Independent Person be paid an annual allowance of £500 calculated on a pro-rata 12 monthly basis.

6. Reasons for Recommendation

- 6.1 The key reasons are set out in the body of the report in summary. It is a statutory requirement on Brentwood Borough Council as a principal Council to appoint Independent persons for the purpose of the Localism Act.

7. Consultation

- 7.1 It is a statutory requirement that Council is consulted and approves the appointments.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312524/ christopher.leslie@brentwood.gov.uk

- 8.1 The proposed allowance is met by the Members Allowance Budget.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860/ daniel.toohey@brentwood.gov.uk

- 8.2 The statutory requirements on the Council are set out in the body of the report and the recommendations sets out the necessary steps to ensure compliance.

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

- 8.3 None

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

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

10. Appendices to this report

Appendix A - Independent Person Agreement

Report Author Contact Details:

Name: Daniel Toohey, Monitoring Officer

Telephone: 01277 312860

E-mail: daniel.toohey@brentwood.gov.uk

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DRAFT

DATED of 2016

INDEPENDENT PERSON AGREEMENT¹

BETWEEN

- (1) of
(the **Independent Person**): and
- (2) **BRENTWOOD BOROUGH COUNCIL** of The Town Hall, Ingrave Road,
Brentwood, Essex CM15 8AY (the **Council**);

Introduction

The purpose of this document is to set out the terms upon which an Independent Person and the Council has agreed that he/she will be appointed as an Independent Person pursuant to the Localism Act 2011.

The terms are agreed as follows:

1. Definitions

1.1 In this document

“**Act**” means the Localism Act 2011.

“**Give a View**” means an informed observation of the issues and the facts which relate to a complaint and to establish a sense of perspective. It does not require specific professional advice or interpretation of legislation or the local code.

“**Independent Person**” means a person appointed for the purposes of section 28 under the Act.

“**Member**” means the elected councilor or co-opted member subject to the complaint.

“**Monitoring Officer**” means the Council officer with statutory responsibilities under section 5 of the Local Government and Housing Act 1989 and as set out below in this Code.

2. Defined Role

You will carry out the role of an independent person in accordance with Section 28(7) of the Localism Act 2011 for the Council by:

- 2.1 being available within a reasonable time period for consultation to give a view as to the merits of a complaint against an elected Member of the Council to the Monitoring Officer or their representative.
- 2.2 putting the view in writing if requested within a reasonable time:
- 2.3 being available for contact by a Member of the Council to give a view on a complaint if requested:
- 2.4 attending meetings with the Monitoring Officer and their team from time to time:
- 2.5 attending meetings of Council Committees(s) to give a view if requested

3. Period

- 3.1 The period of the independent persons shall commence with immediate effect until the Assembly meeting following the next municipal elections in 2018.

4. Termination

- 4.1 This Agreement can be terminated by either party at a period of 28 days by written notice or shorter if both parties agree.

5. Data Protection

- 5.1 You agree to keep any information acquired while carrying out the role of independent person strictly confidential and agree not to disclose, communicate or otherwise make public the same to anyone (save to professional advisors bound by a duty of confidence, the relevant tax authorities, the DSS, immediate family members and otherwise as may be required to be disclosed by law).

6. Council Property

6.1 On conclusion of the period of action as an independent person you undertake to return to the Monitoring Officer all property acquired during the service as independent person, including any passes or equipment, records, correspondence, documents, files and other information (whether originals, copies or extracts and whether on paper or on tape, computer disc or other magnetic media) generated during the role or belonging to the Council and that you will not retain any copies.

7 Fees and Expenses

7.1 You will be paid £500.00 per annum calculated on a pro-rotta 12 monthly basis.

8 Agreement

8.1 For the avoidance of doubt this agreement does not create a contract of service.

8.2 We confirm that this document accurately sets out the agreement between us.

.....

For and on behalf of the Brentwood Borough Council

Dated

Signed.....

Independent Person

Dated.....

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18 May 2016

Annual Council

Appointment of Representatives on Outside Organisations

Report of: *Philip Ruck, Chief Executive*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

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

2. Recommendation(s)

- 2.1 That the list of outside bodies and nominated representatives for 2016/17 attached as Appendix A (to follow) be approved.**

3. Introduction and Background

- 3.1 The Council will need to be satisfied, and remain satisfied throughout the year, that the list of outside bodies only contains bodies upon which the Council could properly or would wish to nominate representatives and to be represented.
- 3.2 The list of nominations for representatives on the relevant outside organisations are presented at the Annual Council meeting each year for Members' approval.

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

4. Issue, Options and Analysis of Options

- 4.1 Councillors are appointed to a number of outside organisations by the Annual Council. Many of the outside organisations support and advance the broad objectives of the Authority. Representations come about either through the Authority initiating the appointment, an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative is appointed.

4.2 The Council's Partnership Policy encourages effective partnership working wherever appropriate to help deliver the Council's goals and overcome constraints. The Policy aims to ensure that the Council's time is spent productively and effectively. When a Councillor is appointed to an outside organisation, they act on behalf of that organisation, and may participate fully in the activities.

4.3 The list of nominations for representatives on outside organisations is presented at the Annual Council meeting each year for Members' approval. A full review was last undertaken in February 2014.

5. Consultation

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

6. References to Corporate Plan

6.1 Member representation on outside organisations relates directly to the Council's Community and Health priority in the Corporate Plan 2016-19 - Vision for Brentwood:

- *To work with community and voluntary organisations to develop the priorities for community development.*
- *To support community engagement with residents and businesses*

7. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

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

7.1 There are no financial implications.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860 /daniel.toohey@brentwood.gov.uk

7.2 Those appointed to serve on outside bodies will need to remain alert and exercise careful judgment to avoid conflicts of interest (actual and perceived). The concept of bias or perceived bias is wider than the Members' Code of Conduct.

7.3 The Members' Code of Conduct applies whenever a Member (a) conducts the business of the Authority, or (b) acts as a representative of the Authority.

7.4 When a Member acts as a representative of the Authority (a) on another relevant authority, the Member must, when acting for that other authority comply with that other authority's code of conduct; or (b) on any other body, the Member must, when acting for that other body, comply with the Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

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

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

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

8.1 None

9. Appendices to this report

Appendix A – List of outside bodies and nominated representatives (*to follow*)

Report Author Contact Details:

Name: Jean Sharp, Governance and Member Support Officer
Telephone: 01277 312655
E-mail: jean.sharp@brentwood.gov.uk

18 May 2016

Annual Council

Members' Allowances 2016/17

Report of: Steve Summers, Group Manager In-House Services

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 2016/17 Municipal Year.
- 1.2 The Members' Allowance Scheme is Part 6 of the Council's Constitution and the IRP's report is attached as Appendix A. The IRP report has recommended no change to members allowances for 2016/17.

2. Recommendation(s)

- 2.1 That the report of the Independent Remuneration Panel at Appendix A be noted.**
- 2.2 That the Members Allowances at Appendix B be agreed. (to follow)**

3. Introduction and Background

- 3.1 The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an *Independent Remuneration Panel*. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.
- 3.2 Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members

that have particular responsibilities within the Council's constitutional arrangements.

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

4. Issue, Options and Analysis of Options

- 4.1 The analysis of options by the IRP is set out in detail in Sections 8 to 11 of their report as attached at Appendix A.

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 at the beginning of April 2016 and considered a series of contextual information which is set out within their report.

7. References to Corporate Plan

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

8. Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312 513/ramesh.prashar@brentwood.gov.uk

- 8.1 A provision for Members Allowance as outlined in recommendation 2.2 of this report is included within the 2016/17 budget.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860/daniel.toohey@brentwood.gov.uk

- 8.2 The statutory requirements on the Council are set out in the body of the report and the recommendations sets out the necessary steps to ensure compliance.

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

- 8.3 None.

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

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

10. Appendices to this report

Appendix A – Report of the Independent Remuneration Panel 2016/17.

Appendix B – Schedule of proposed Members Allowances for 2016/17.
(to follow)

Report Author Contact Details:

Name: Steve Summers, Group Manager In-House Services

Telephone: 01277 3122629

E-mail: steve.summers@brentwood.gov.uk

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Brentwood Borough Council

Members' Allowances 2016/17

Report of the Independent Remuneration Panel

May 2016

Introduction

1. This report presents the findings of the Independent Remuneration Panel (IRP) and our recommendations for the scheme for 2016/17.

Background

2. The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an *Independent Remuneration Panel*. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.
3. Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.
4. No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Head of Paid Services.

The Independent Remuneration Panel

5. The Independent Remuneration Panel 2016/17 comprised of
 - Mr Mike Hawkins
 - Mr Noel Otley
 - Mr John Boylin

Existing Scheme

6. At the meeting of Ordinary Council on the 10th June 2015 it was resolved that revised Members Allowances be approved, being no more than £274,175.92.

Political Structure

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

Our Approach and considerations

8. The deliberations of the IRP were informed by:
 - The Council's changes in Committee structure 2013, 2014, 2015 and those proposed for 2016.
 - Benchmarking information from Shire Districts in Essex.
 - Desktop research and contextual information regarding the Council's Medium Term Financial Plan.
 - The Council's decision to provide no salary increase for employees.
 - Previous reports and recommendations from the IRP.
9. 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 four years:
 - the need for Councillors to come from a wide range of backgrounds
 - the necessity to ensure some recompense for the time and effort spent in serving the community whilst recognising that the work of Councillors should include a substantial voluntary contribution
 - recognition of the time and resource demands of training and development, as well as other activities: and
 - whilst recognising that individual Members could choose not to take their allowance in whole or part, the IRP were keen to ensure that the scheme should encourage and support local democracy by

ensuring that personal financial constraints would not be a bar to office.

10. Additional factors considered by the IRP in preparing its report to Annual Council 2016 included:

- The current proposals in Essex for devolution
- Budget pressures on the Council

11. The options considered by the IRP included:

Option	Analysis
That members allowances for 2016/17 remain unchanged	<ul style="list-style-type: none"> • Members Allowances had increased by 1% in 2014/15, the first increase since 2011/12. There had been an overall reduction in 2015/16 of £4,618.71. • New Committee arrangements had been adopted in 2013, 2014, 2015 and were proposed for 2016/17. • There was proposed one less committee in 2016/17.
That members allowances for 2015/16 be reduced	<ul style="list-style-type: none"> • There had been an overall reduction in 2015/16 of £4,618.71. • There was proposed one less committee in 2016/17.
That members allowances for 2015/16 be increased	<ul style="list-style-type: none"> • There was no proposed annual increase in salary for employees. • There was proposed one less committee in 2016/17.

Other Matters

12. The IRP also considered the timing and process for their annual review and agreed that it would be more productive and useful if they undertook their review alongside the council's budget setting process. This would enable Members to scrutinize and consider the IRP's recommendations as part of their budget deliberations and decisions.

Recommendations

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

- (i) That members allowances for 2016/17 remain unchanged as follows

<u>Members Allowances 2016-17</u>	Recommendation 2016-17
Basic Allowance	5,950.80
Leader	13,086.25
Deputy Leader	6,317.50
Leader of Main Opposition	5,318.75
Leader of Minority Opposition	2,658.92
Committee Chair(s)	3,545.83
Committee Vice(s)	967.15
Mayor	3,300.00
Deputy Mayor	750.00

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18 May 2016

Annual Council

Committee Calendar for 2016/2017

Report of: *Steve Summers, Group Manager In-House Services*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

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

1.2 A Calendar of Meetings (subject to Agenda Item 9) has been prepared.

2. Recommendation(s)

2.1 That the Calendar of Meetings attached as Appendix A (to follow) for 2016/17 be approved.

3. Introduction and Background

3.1 Members agree the date, time and place of ordinary meetings of the Council and its committees for the 2016/17 Municipal Year at the Annual Meeting of Council.

4. Issue, Options and Analysis of Options

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

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

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

5. Reasons for Recommendation

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

6. Consultation

- 6.1 Officers will seek the views of Group Leaders.

7. References to Corporate Plan

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

8. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

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

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

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

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

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

- 8.3 None.

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

- 9.1 None.

10. Appendices to this report

Appendix A – Calendar of Meetings 2016/17 (*to follow*)

Report Author Contact Details:

Name: Steve Summers, Group Manager In-House Services
Telephone: 01277 312629
E-mail: steve.summers@brentwood.gov.uk

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18 May 2016

Annual Council

Pay Policy 2016/17

Report of: *Chris Leslie, Finance Director*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 Council is asked to agree the Pay Policy 2016/17 as attached at Appendix A in accordance with Section 38(1) of the Localism Act 2011.

2. Recommendation(s)

- 2.1 **That the 2016/17 Pay Policy Statement as set out in Appendix A is agreed.**

3. Introduction and Background

- 3.1 Section 38(1) of the Localism Act 2011 requires all English and Welsh Councils to produce a Pay Policy Statement for each financial year.

- 3.2 Regard is to be had to any guidance from the Secretary of State in producing the statement.

- 3.3 The pay policy statement should be:

- approved by the Full Council
- approved before the end of March each year
- amended during the course of the financial year
- published on the Council's website

4 Issue, Options and Analysis of Options

- 4.1 Guidance on the Pay Policy Statement also refers to accountability.

- 4.2 The existing guidance makes it clear that Full Council should be given the opportunity to vote before large salary packages offered in respect of a new appointment.
- 4.3 The guidance states that the Secretary of State considers that £100,000 is the right level for that threshold to be set and remains the same.
- 4.4 Full Council approved a motion in October 2013 that the final decision on the pay of a future Managing Director and all staff that are set to receive a package that totals above £100,000 per annum in basic salary and bonus provision rests with Full Council.
- 4.5 The guidance also requires authorities to offer Full Council the opportunity to vote before large severance packages beyond a particular threshold are approved for staff leaving the organisation.
- 4.6 As with salaries on appointment, the Secretary of State considers that £100,000 is the right level for that threshold to be set.
- 4.7 The Pay Policy Statement must include the Council's policy on the level and elements of remuneration of chief officers, the remuneration of the lowest paid employees and the relationship between chief officer's remuneration and that of other officers.
- 4.8 The Pay Policy Statement 2016/17 sets out the Council's current approach to pay and reward.

5 Reasons for Recommendation

- 5.1 To comply with the statutory requirement to annually approve the Council's Pay Policy.

6 References to Corporate Plan

- 6.1 Producing a Pay Policy Statement is a statutory requirement.

7 Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

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

- 7.1 There are no direct financial implications arising from the production of the Pay Policy Statement.

Legal Implications

Name & Title: Daniel Toohey, Monitoring

Tel & Email: 01277 312860 /daniel.toohey@brentwood.gov.uk

7.2 A Pay Policy Statement is required under Section 38(1) of the Localism Act 2011.

8 Appendices to this report

Appendix A - Pay Policy Statement 2016/17

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Brentwood Borough Council Pay Policy Statement 2016/17

Introduction

Section 38 (1) of the Localism Act 2011 required all English and Welsh Councils to produce a Pay Policy Statement for 2012/13 and for each financial year thereafter. Regard is to be had to any guidance from the Secretary of State in producing this statement.

The Pay Policy statement should be:

- approved formally by the Full Council.
- approved by the end of March each year.
- amended during the course of the financial year.
- published on the Council's website.

Nothing in this Pay Policy Statement enables unilateral changes to employees' terms and conditions of contract. Changes to terms and conditions of employment must follow consultation and negotiation with individuals and recognised trades unions as set out in agreements and in line with legislation.

Objectives of the Policy

Brentwood Borough Council provides a wide range of services to residents, businesses and visitors in the Borough. To be able to provide those services we depend on our employees. As at 31 March 2016 the Council employed 332 employees.

In setting the Pay Policy the Council is mindful of the following objectives:

1. Recruit and retain appropriately experienced and qualified employees to ensure a capable and high performing workforce. In respect of all employees the Council's policy is to set remuneration sufficient to attract and retain adequately experienced, trained and qualified individuals to deliver the Council's priorities.
2. Simplicity, clarity and fairness between employees and between the Council and the community. The Council aims to be transparent on pay to its staff, prospective staff and the wider community.
3. To differentiate between remuneration and other employee related expenses. The Council will meet or reimburse authorised travel, accommodation and subsistence costs for attendance at approved business meetings and training events. The Council does not regard such costs as remuneration but as non pay operational costs. This policy is applied consistently to all employees of the Council.

Scope

The statutory Pay Policy statement must include the Council's policy on:

- The level and elements of remuneration of chief officers.
- The remuneration of the lowest paid employees.
- The relationship between chief officers' remuneration and that of other officers.

The Act defines remuneration widely, to include not just basic pay but also:

- allowances including car allowances and training expenses, benefits in kind, increases in/enhancements of pension entitlements, and termination payments.

Chief officers for the purpose of this statement are all Heads of Service, Director of Finance, Monitoring Officer and the Head of Paid Service.

Senior Management

The Head of Paid Service is on a salary of £90,000 per annum within a range of £90,000 to £99,000 plus a performance bonus of £5,000 subject to satisfactory performance. Performance of the Head of Paid Service is assessed through an appraisals system with the Leader of the Council.

All other employees are allocated a grade as set out in the attached Pay Scales.

The Finance Director is paid on a pay range between SCP66 – SCP70.

The pay structure for the Heads of Services is Grade M.

For the Finance Director, Monitoring Officer and Heads of Service, annual progression within the grades is subject to annual performance reviews.

The remuneration of all Chief Officers and Senior Officers will be published in the Council's Annual Statement of Accounts which also includes a wide range of financial information.

Appointments with a salary over £100,000

The post of Head of Paid Service is the only post within the authority with a potential salary grade above £100,000, when including bonus. In accordance with government guidance and the motion agreed by Full Council in October 2013, any future intention to offer a salary for a new appointment above £100,000 will be at the vote of Full Council.

Returning/Acting Returning Officer

The Head of Paid Service undertakes the roles of Returning and Acting Returning Officer in respect of local, national and European elections. The Returning/Acting Returning Officer is an officer of the Borough Council who is appointed under the Representation of the People Act 1983.

Whilst appointed by the Borough Council, the role of the Returning Officer is one which

involves and incurs personal responsibility and accountability and is statutorily separate from his/her duties as an employee of the Borough Council. As Returning Officer, he/she is paid a separate allowance for each election for which he/she is responsible.

Definition and Remuneration of Lowest paid Employees

The Council's lowest pay grade is A of which 11 employees are on this grade. All staff are paid the legal minimum or above.

Relationship between Chief Officers' pay and all other employees.

Negotiation and consultation is conducted at a local level in relation to levels of pay and benefits for all employees. The Council therefore is not part of any national terms and conditions for local government employees.

Local negotiations around a pay review are conducted on an annual basis, and any increase is agreed taking into account inflationary factors, local salary levels, affordability and any national award.

The idea of publishing the ratio of pay of an organisation's top earner to that of its median earner has been recommended to support the principles of Fair Pay (Will Hutton 2011) and transparency.

The Council does not currently explicitly set the remuneration of any individual or group of posts by reference to a simple multiple of another group of posts.

- The ratio of the Head of Paid Service (top earner) salary to the median salary, (£23,249), is 3.87:1.
- The ratio of the Head of Paid Service (top earner) salary to the lowest salary, (£15,139), is 5.94:1.

Expenses and Other Benefits

Employees covered by the scope of this policy are entitled to the following:

- Reimbursement of travel as per the approved Mileage and Car Allowance Policy.
- Reimbursement of subsistence as per the guidelines for travel and subsistence.
- Car allowance as per the approved Mileage and Car Allowance Policy.
- Payments under the eye test scheme.
- Participation in the Council's childcare voucher scheme in conjunction with KiddiVouchers childcare voucher scheme.
- Subject to the schemes' rules and conditions staff can participate in the car loan facility and season ticket loan facility.
- A salary deduction car leasing scheme.
- For those staff who are required to be a member of a professional association as a requirement of their employment the Council will meet the cost of subscription.

Redundancy payments and payments on termination

The Council has a single redundancy scheme which applies to all employees without differentiation which is set out in the *Organisational Change Policy*.

The Council does not provide any further payment to employees leaving the Council's employment other than in respect of accrued leave which by agreement is untaken at the date of leaving.

Where termination of employment is subject to a compromise agreement that agreement may include a negotiated payment in exchange for which the employee undertakes not to pursue claims against the Council.

Severance packages over £100,000

In line with guidance from government any severance packages over £100,000 would be subject to a vote of Full Council.

Government consultations have taken place relating to the recovery of termination payments for certain higher earners who are re-employed in the public sector within 12 months of having been made redundant, as well as introducing an overall cap on exit payments of £95,000. Legislative changes for these aspects are currently ongoing.

The Local Government Pension Scheme (LGPS) and policy with regard to the exercise of discretions

Pension provision is an important part of the remuneration package. Employees who are eligible may join the local government scheme. The scheme is a statutory scheme with contributions from employees and from employers.

New staff who are not already members of the LGPS are now subject to auto enrolment into the LGPS. Existing staff employed at 1 January 2014 are deferred until October 2017.

The LGPS provides for the exercise of discretion that allow for retirement benefits to be enhanced. The Council will consider each case on its merits but has determined that its usual policy is not to enhance benefits for any of its employees.

The pension scheme provides for flexible retirement. In applying the flexible retirement provision no distinction is made between Chief Officers and other employees.

Publication and access to information

The publication of and access to information relating to remuneration of chief officers will be set out in this document and published on the Council's website.

The Council will publish the salary ranges covering employees on the Council's website on an annual basis.

Where employees have been transferred into the Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 their remuneration packages reflect their protected rates of pay.

Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. If it should be necessary to amend this Statement during the year it applies, an appropriate resolution will be made by Full Council.

Pay Scales 2016/17

SCP	Salary	NJC						HAY						Hourly rate	
		Grade A	Grade B	Grade C	Grade D	Grade E	Grade F	Grade G	Grade H	Grade I	Grade J	Grade K	Grade L		Grade M
8	15,139														£7.85
9	16,008														£8.30
10	16,661														£8.64
11	17,001	309	310												£8.81
12	17,341														£8.99
13	17,786														£9.22
14	18,111														£9.39
15	18,491		359	360											£9.58
16	18,926														£9.81
17	19,380														£10.05
18	19,773														£10.25
19	20,502			409	410										£10.63
20	21,250														£11.01
21	22,026														£11.42
22	22,599														£11.71
23	23,249				459	460 +									£12.05
24	23,998														£12.44
25	24,755														£12.83
26	25,546														£13.24
27	26,389														£13.68
28	27,251						175								£14.12
29	28,308														£14.67
30	29,240														£15.16
31	30,160														£15.63
32	31,043														£16.09
33	31,951							200							£16.56
34	32,852														£17.03
35	33,536														£17.38
36	34,407														£17.83
37	35,391								230						£18.34
38	36,415														£18.87
39	37,574														£19.48
40	38,570														£19.99
41	39,588														£20.52
42	40,579														£21.03
43	41,584														£21.55
44	42,605														£22.08
45	43,553														£22.57
46	44,610														£23.12
47	45,610														£23.64
48	46,625														£24.17
49	47,600														£24.67
50	48,047														£24.90
51	49,154														£25.48
52	50,255														£26.05
53	51,362														£26.62
54	52,468														£27.20
55	54,124														£28.05
56	55,780														£28.91
57	56,880														£29.48
58	57,984														£30.05
59	59,094														£30.63
60	60,198														£31.20
61	61,853														£32.06
62	53,509														£27.74
63	65,165														£33.78
64	66,823														£34.64
65	68,479														£35.49
66	70,135														£36.35
67	71,790														£37.21
68	73,449														£38.07
69	75,108														£38.93
70	76,763														£39.79
71	78,422														£40.65
72	80,078														£41.51
73	81,733														£42.36
74	83,392														£43.22
75	85,048														£44.08

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Members Interests

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

Ordinary Council Terms of Reference

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

Council

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

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

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its Strategy and Policy Board and its Committees. It also agrees the membership of the Board and Committees/Sub Committees.

The Council is responsible for:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Council policies and strategies which form the policy framework;
- (c) agreeing and approving the budget;
- (d) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;
- (e) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (f) adopting a members' allowances scheme under Part 6;
- (g) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (h) confirming the appointment of the Head of Paid Service; Monitoring Officer; and Section 151 Officer;

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