



# Agenda

## Policy, Projects and Resources Committee

Tuesday, 19 March 2019 at 7.00 pm

Brentwood County High School, Shenfield Common, Seven Arches Road,  
Brentwood CM14 4JF

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### Membership (Quorum – 3 )

Cllrs Mrs McKinlay (Chair), Kerlake (Vice-Chair), Barrett, Hirst, Kendall, Mynott, Parker and Ms Rowlands and McLaren

### Substitute Members

Cllrs Aspinell, Bridge, Morrissey, Nolan, Poppy and Ms Sanders

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### Agenda

Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 8
3.	Chair's Update	All Wards	9 - 10
4.	Dunton Hills Garden Village Project Governance To follow	Herongate, Ingrave and West Horndon	
5.	Asset Development Programme Update	All Wards	11 - 18

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|-----|--|----------------|---------|
| 6.  | <b>Seven Arches Investments Limited Business Plan</b><br>To follow                   | All Wards      |         |
| 7.  | <b>Changes to the Constitution of the Police, Fire and Crime Panel for Essex</b>     | All Wards      | 19 - 38 |
| 8.  | <b>Draft Parental Leave Policy for Elected Members</b>                               | All Wards      | 39 - 42 |
| 9.  | <b>Request for Licence to Occupy by Brentwood Youth AFC - Larkin's Playing Field</b> | Pilgrims Hatch | 43 - 50 |
| 10. | <b>Brentwood Town Hall Update</b><br>To follow                                       | All Wards      |         |
| 11. | <b>Feasibility Study for Parking on Housing Greens</b><br>To follow                  | All Wards      |         |
| 12. | <b>Urgent Business</b>   |                |         |

Chief Executive

Town Hall  
Brentwood, Essex  
11.03.2019

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### 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.

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#### 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.

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#### 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.

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### Information for Members of the Public

#### Access to Information and Meetings

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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

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **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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 **Evacuation Procedures**

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



## Minutes

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### Policy, Projects and Resources Committee Tuesday, 5th February, 2019

#### Attendance

Cllr Kerlake (Vice-Chair)  
Cllr Barrett  
Cllr Hirst  
Cllr Hossack

Cllr Kendall  
Cllr Mrs Mckinlay (Chair)  
Cllr Mynott  
Cllr Parker

#### Apologies

Cllr Ms Rowlands

#### Substitute Present

Cllr Bridge

#### Also Present

Cllr Aspinell  
Cllr Naylor  
Cllr Pound

#### Officers Present

Philip Ruck	-	Chief Executive
Zoe Borman	-	Governance and Member Support Officer
Steve Summers	-	Chief Operating Officer
Paul Harvey	-	Deputy Monitoring Officer
Jacqueline Van Mellaerts	-	Interim Chief Finance Officer
Kim Anderson	-	Partnership, Leisure & Funding Manager
Lorne Spicer	-	Executive Assistant & Communications Manager

#### 323. Apologies for Absence

Apologies were received from Cllr Rowlands and Cllr Bridge attended as substitute.

### **324. Minutes of the Previous Meeting**

The Minutes of the Policy, Projects and Resources Committee held on 23<sup>rd</sup> January 2019 were approved as a true record.

Cllr Kendall enquired when the updated asset list would be distributed. The Chair advised that this would be following the next Asset Development Meeting in March.

### **325. Medium Term Financial Plan 2019/20-2021/22**

The Draft Medium-Term Financial Plan (MTFP) considered by Policy, Projects and Resources Committee on 20 November 2018 gave Members an update on the various significant changes that would impact on the Council's financial position.

The fundamental principles of the Council's MTFP are to:

(i) Maintain a sustainable financial position against a background of unprecedented financial uncertainty and reduced government funding, including the delivery of efficiency targets.

(ii) Support the vision of our Borough through appropriate identification of resources required to deliver the key priorities outlined in the 'Vision for Brentwood'.

(iii) Maximise opportunities and mitigate risks associated with the fundamental change to the way in which local government is financed.

This report considers:

(i) The General Fund budget proposals for 2019/20 to 2021/22.

(ii) The Housing Revenue Account (HRA) budget proposals for 2019/20 onwards.

(iii) The Capital Programme 2019/20 to 2021/22.

(iv) The Treasury Management Strategy for 2019/20.

(v) Section 151 Officers Assurance Statement.

Cllr McKinlay **MOVED** and Cllr Kerlake **SECONDED** the recommendations in the report

Following a full discussion, a vote was taken by a show of hands and it was **RESOLVED**

**1. That recommendations go before Full Council on 27<sup>th</sup> February 2019.**

2. To approve the General Fund - Revised MTFP for 2019/20 as shown in Table 9 which includes the proposed policy initiatives, presenting £185k Funding Gap for 2019/20, to be funded from working balances.
3. To approve the HRA Business Plan for 2019/20 and beyond as shown in Appendix C of the report.
4. To approve a 1% decrease in rents for 2019/20 and to note rents will increase by CPI plus 1% from 2020/21.
5. To recommend applying the formula rent to all new tenancies from April 2019/20.
6. To approve the Existing and New Schemes of the proposed Capital Programme for 2019/20 to 2021/22 as set out in Table 19 of the report.
7. To approve the Treasury Management Strategy as set out in Section 12 of the report.
8. To note the Section 151 Officer's Assurance Statement as set out in Section 13 of this report.
9. To approve a Council Tax increase of 2.99% (Average Band D) for 2019/20.

#### **Reasons for Recommendation**

The Council is required to approve the Budget as part of the Budget and Policy Framework.

*(Cllr Hirst declared a non-pecuniary interest relating to his role as Police, Fire and Crime Commissioner for Essex)*

#### **326. Proposed Senior Officer Structure of the Council and Seven Arches Investment Limited (SAIL)**

This report contained confidential information and is therefore exempt in accordance with schedule 12A of the Local Government Act 1972.

The Chair **MOVED** for an amendment to the recommendation. A vote was taken by a show of hands and was **RESOLVED**.

*(The Chief Executive was not in attendance for this item).*

#### **327. Urgent Business**

There were no items of urgent business.

The meeting concluded at 20.30



**19<sup>th</sup> March 2019**

## **Policy, Projects and Resources Committee**

### **Chair's Update Report**

**Report of:** *Phil Ruck, Chief Executive*

**Wards Affected:** *All Wards*

**This report is:** *Public*

A new council year is about to start with many of the largest projects this council has ever undertaken coming to fruition. The Town Hall refurbishment is on track with residential units completed by mid-April and these will be marketed by Beresfords, while the commercial space will be managed and marketed by Sanderson Weatherall. The two companies came together to make a joint bid as part of the procurement for an Agent to manage the Town Hall long-term.

Council officers are expected to return to a new style working environment from June. This has been a mammoth undertaking with contractors Farrans rising to the task and a number of behind-the-scenes visits arranged for members and the media. A further on-site tour is set for April and *a full officer report is included with these papers and will be heard this evening.*

The Council's Asset Development Programme has made significant progress throughout the year. The Joint Venture procurement to secure an ambitious partner for the development of the Town Centre was completed effectively and on time. At this moment legal restrictions prevent a formal announcement of this partner but once the legal period has expired the project will be formally announced. This will be the biggest, single redevelopment of the Town Centre ever seen and will position Brentwood at the forefront of modern town centres by combining green spaces, residential, commercial, retail and cultural activities.

The Seven Arches Investment Limited completed its first purchase and has now secured its second. One Curo Park, St Albans, Hertfordshire was purchased for £4.965m, financed through a loan from Brentwood Borough Council and producing a yield of 5.5%. We had now added 44 East Street, Chichester – a prime TK Maxx retail site – to the portfolio for just over £7m producing a 6.4% yield. These are both bold investments and a first for Brentwood, which are already generating vital income streams. *A formal business plan for SAIL is before you tonight.*

The Town Hall refurbishment, Asset Development Programme and SAIL are three extraordinarily bold enterprises given that we are a relatively small borough council, running a tight ship.

Furthermore, the Leisure strategy includes a £7m new scheme for King George's Playing Fields, a new pavilion, splash pad and sky trail, café and inclusive play areas will be the largest renovation of the park since it opened and one that will benefit all residents. Leisure is complemented with our Corporate Enforcement which, through a programme of staff training, has ensured we can run community safety patrols through the borough – a presence that supports the night time economy, reassures residents and ensures Brentwood continues to enjoy its well-deserved reputation as a great place to live, work and relax. The Leisure Strategy will come before members in the new municipal year as a full business case with details of governance and management arrangements

The latest consultation for the Local Development Plan concludes on March 19 and the Duty to Cooperate discussion with neighbouring authorities continues as planned. Dunton Hills Garden Village received a £100,000 input from Government and work continues to develop and broaden the important education stream involving local school children and a new, standalone Dunton Hills Garden Village website too. Members of course had the opportunity to visit the area and hear firsthand some of the proposed schemes being considered.

This has been a year in which we have laid firm foundations for securing the future of the borough over the next 20-30 years. We have set and achieved our initial goals in record time and with maximum effect. This is no mean feat and reflects the hard work of members, officers and experts in bringing this vision to fruition.

We have ensured success by picking up the pace of work and raising expectations. This has set a precedent which has been demanding but has reaped dividends and these will benefit our residents both now and in the future.

**Report Author Contact Details:**

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**19th March 2019**

**Policy, Projects and Resources Committee**

**Asset Development Programme Update**

**Report of:** *Chris Leslie – Executive Director of Commercial Services*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 The aim of the Council's Asset Development Programme ("ADP") is to realise the potential of the Council's property asset base so as to deliver improved revenue streams from the portfolio but at the same time securing the regeneration, economic development and housing objectives of the Council. This report provides an update on the work of the Asset Development Programme Project Board ("Project Board") to date.
- 1.2 This report outlines the progress made by the Project Board on a) the Joint Venture Partner Procurement, b) the wholly owned Company (Seven Arches Investments Ltd), c) the Early Successes Programme and other in-house items including the Memorial Wall project.

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

- 2.1 **That the Council submits an expression of interest for the Future High Streets Fund by 22<sup>nd</sup> March 2019.**

## **3. Introduction and Background**

- 3.1 The Project Board advises on all projects relating to the ADP, which includes projects relating to Corporate Asset Management, Property, Joint Venture Partnerships and Seven Arches Investments Ltd. It will in turn be informed by the work of the Corporate Asset Management Group.
- 3.2 On 19 September 2017 this Committee approved a hybrid approach for delivering the asset development programme. The hybrid approach involves

the self-development of simple sites by the Council, while more complex sites would be undertaken jointly between the Council and a procured joint venture partner.

- 3.3 To maintain a revenue stream for the Council, the self-developed sites will be leased out on a commercial basis. The Localism Act 2011 allows local authorities to do anything an individual can do. However, section 4 of the Act requires that any commercial activity must be undertaken through a company.
- 3.4 The Council established a wholly owned company, Seven Arches Investments Ltd (“SAIL”) on 12<sup>th</sup> April 2018. The company is seeking to engage in a variety of commercial activities that will be asset based initially, and, subject to appropriate business cases and financial sustainability, could be extended into other areas such as service provision.
- 3.5 Sites developed with a partner will require the establishment of a separate company to comply with legislative requirements and to formalise the partnership. This will be in the form of a limited liability partnership (LLP) with ownership split 50:50.

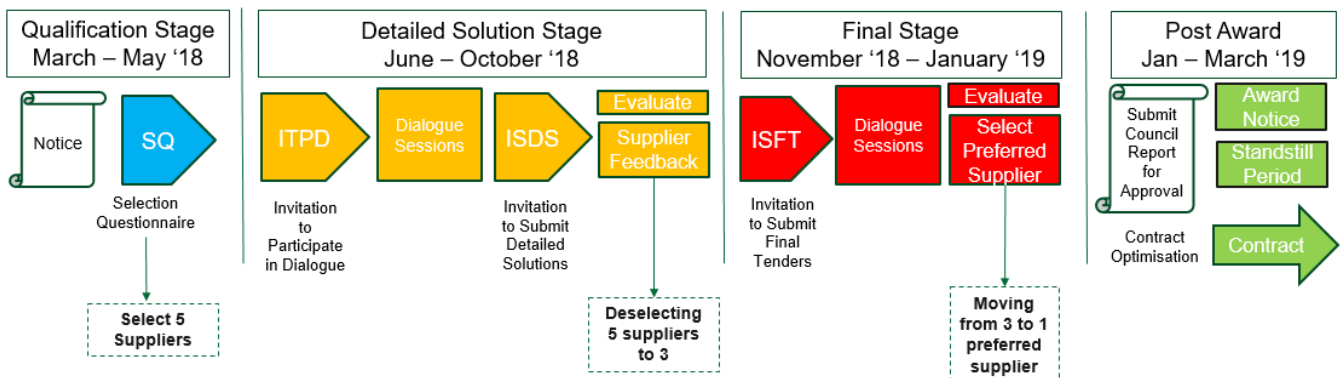
#### **4. Loan Drawdown Facility**

- 4.1 As reported in September, a Loan Drawdown Facility was set up following due approval in June 2018. The first drawdown of £6m was made in August in respect of the purchase of SAIL’s first investment property and for working capital going forward.
- 4.2 A further drawdown of £7.5m was made in February 2019 in respect of an investment property purchased in Chichester.
- 4.3 Further requests to utilise the loan drawdown facility will continue to be presented to the Project Board following due diligence work.

#### **5. Progress to date – Joint Venture Partner Procurement**

- 5.1 Following the publication of an Official Journal of the European Union (OJEU) Notice and a dedicated website on 23<sup>rd</sup> March 2018 there were 15 organisations who submitted applications by the deadline of 4<sup>th</sup> May 2018.
- 5.2 The 15 bids were evaluated based on who best met the Selection Questionnaire (SQ) criteria and the successful five were put forward to Competitive Dialogue and to submit detailed solutions.

- 5.3 Competitive dialogue commenced on Monday 11<sup>th</sup> June 2018, with dialogue sessions taking place during June and July 2018. Bidders' Detailed Solutions were then submitted, and subsequently evaluated by the procurement team. Following evaluation, three bidders were selected to progress to the final stage.
- 5.4 Final submissions were received from the bidders on 12<sup>th</sup> December 2018 and evaluation subsequently undertaken on these. Council approval will be required to award the contract.
- 5.5 The original timescales and the procurement stages are shown in the following diagram.



## 6. Future High Streets Fund

- 6.1 In the 2018 budget the government announced a £675m fund to support high streets in a response to changing consumer patterns and spending increasingly moving online. Subsequently, on 26 December 2018 the Ministry for Housing, Communities and Local Government (MHCLG) announced details of how Council's could bid for the fund.
- 6.2 The Fund will operate as a two-round fund with two stages to the application process. This first stage of the application process, Phase 1, calls for places to come forward with Expressions of Interest by 22 March 2019 setting out their challenges and strategic approach to regenerating town centres. These Expressions of Interest will be assessed against criteria set out in the bid documentation and an announcement on which places will move forward to Phase 2, development of full business cases, will be made.
- 6.3 During this second phase, shortlisted places will receive some revenue funding to support the development of their high street strategies which shall include specific project plans and associated business cases setting out how

they shall regenerate these places. These business cases will be assessed in accordance with departmental and HM Treasury Green Book appraisal methodologies and criteria to be published in due course.

6.4 The following is the timetable provided by MHCLG:

- December 2018: Phase 1 opens and Expressions of Interest invited;
- 22 March 2019: deadline for Expressions of Interest;
- Summer 2019: announcement on places moving to Phase 2;
- Late 2019: first round of final business cases to be submitted;
- Spring 2020: all remaining final business cases to be submitted;
- Not before 2020: Second round of applications opens.

6.5 The Fund will contribute up to a maximum of £25 million to each successful place. However, it is expected to see a range of project sizes coming forward, many of which are in the region of £5-10 million per town centre. As such MHCLG do not expect to allocate that full amount to each area. When making funding decisions, they will consider the funding available in each financial year.

6.6 To be eligible for funding the Council must demonstrate a need for investment and have projects co-funded by the private sector. Brentwood can only submit a bid for one high street in the Borough.

6.7 Through the Joint Venture the Council can meet the co-funded criteria. Additionally, the Council will have a partner who can support the bid and provide the resources to help deliver the projects. Given the work undertaken to date, in relation to the town centre by the Council and the JV partner, it is likely the Council will be able to have funding fast-tracked if successful. MHCLG are keen to fast track funding where possible.

## **7. Progress to date – Seven Arches Investments Ltd**

7.1 Seven Arches Investments Limited (“SAIL”) was officially registered with Companies House on 12th April 2018. It has subsequently had its own bank account set up and been registered for VAT.

7.2 The procurement of Property Investment Advisors during April resulted in two City firms being appointed: Montagu Evans LLP and Carter Jonas LLP. These firms will advise when the best property investments become available, either “on market” or “off market”.

7.3 On the 2<sup>nd</sup> August, Montagu Evans held a session with the Project Board to provide insight into Property Investment which would then allow the Project Board to gain a greater understanding of the investment process and to assist the Board in undertaking its function in relation to SAIL. The Board were also

able to provide direction to the advisors in terms of the types of investment properties that would be suitable. This led to an Investment Strategy being produced by Montagu Evans.

- 7.4 At the end of February 2019, SAIL was successful in completing the purchase of its second Investment Property.
- 7.5 A professional team of solicitors, surveyors and valuers were put in place who worked closely with SAIL and its property investment advisors to undertake final due diligence and legal process. The property will be managed on SAIL's behalf by Montagu Evans.
- 7.6 Details of the purchase are in the following table:

Address	44 East Street, Chichester: The property is situated in the prime pitch on East Street. East Street is the main shopping street in Chichester.
Property Details	The property is a purpose built, modern, retail unit constructed in 2015. The retail accommodation is provided for across the ground and part first floors with access via an escalator and lift. There are five apartments across the first and second floors, which have all been sold off on a long leasehold basis and are separate from the retail unit.
Tenure	Freehold
Purchase Price	£7,075,000 (£7,493,000 including purchase costs)
Vendor	Aberdeen Standard Investments
Tenants	TJK UK (TK Maxx) who have the best possible risk and financial rating with Dun and Bradstreet (5A1).
Lease Details	Full Repairing and Insuring to December 2030 with a tenant break option in December 2027.
Rent	£450,000 a year with an upward only review in December 2020. Management and contingency costs of 15% have been allowed in the business plan (£67.5k a year).
Net Initial Yield	6.4% (6.0% incl purchase costs)

- 7.7 Investment opportunities are constantly being put forward for consideration and reviewed with all necessary due diligence.

## **8. Progress to date – Early Success Programme / in-house schemes**

- 8.1 As previously reported a Master Assets List of the Council's general fund assets have been produced, with the intention to identify potential opportunities.

- 8.2 In consultation with the Project Board the list has been reviewed and sites prioritised accordingly to manage the work. Priorities are constantly evolving as investigation progress.
- 8.3 Approval to advantage opportunities identifies will be brought to Committee where required.

### **The Memorial Wall**

- 8.4 The Memorial Wall project is now complete and has entered an operational phase. Marketing has commenced with some initial interest being shown.
- 8.5 Any future reports on this item will be made to the relevant committee as required.

## **9. Reasons for Recommendation**

- 9.1 To update the Committee on the progress of the Asset Development Programme.

## **10. References to Corporate Plan**

- 10.1 This fits with the Council's Transformation Vision, to explore new income generating ideas and opportunities.

## **11. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Vanmellaerts, Interim Chief Finance Officer**

**Tel & Email: 01277 312829/[jacqueline.vanmellaerts@brentwood.gov.uk](mailto:jacqueline.vanmellaerts@brentwood.gov.uk)**

- 11.1 The asset development programme is anticipated to provide substantial income for the Council.
- 11.2 Costs associated with the Joint Venture are to be met from the Organisational Transformation Reserve.
- 11.3 Once the joint venture is established, the financial model will be reflected in the Council's Medium-Term Financial Plan.
- 11.4 The future high street fund is a welcomed source of funding. Resources required for the application process will be met through existing budgets.



- 11.5 The Memorial Wall project even though slightly delayed remains within budget.
- 11.6 The financial position on SAIL remains unchanged. However, opportunities and investments are being proposed and reviewed to develop the commercial aspect for the Council.
- 11.7 The Council ensures that the Business Plan of SAIL and the Council's Medium-Term financial plan are aligned. The financial performance of SAIL is regularly monitored to ensure the commercial targets are to be met.
- 11.8 Investments carry a degree of risk and the company will need to be sustainable in the long term.

**Legal Implications**

**Name & Title: Daniel Toohey, Monitoring Officer**

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

- 11.9 Legal implications are referred to in the body of this report. Legal Services, working with external legal advisers and specialists, will be providing advice and assistance going forward.

**Report Author Contact Details:**

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**19<sup>th</sup> March 2019**

## **Policy, Projects and Resources**

### **Changes to the Constitution of the Police, Fire and Crime Panel for Essex**

**Report of:** *Steve Summers – Chief Operating Officer*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 The Police and Crime Panel was established in 2012 to hold the Police and Crime Commissioner to account.
- 1.2 In October 2017 the Police and Crime Commissioner assumed responsibility for the fire service and the name of the role changed to the Police, Fire and Crime Commissioner. At the same time, the Police and Crime Panel became the Police, Fire and Crime Panel.
- 1.3 As a result, the functions of the panel have also changed. It is necessary to update the 'panel arrangements'. These need to be agreed by all 15 local authorities in the Essex police area, which are ECC, the two unitary councils and the 12 borough, city or district councils. The panel arrangements have also been updated to reflect the experience of operating the panel over the first 6 years of its existence.
- 1.4 This report asks the committee to agree the revised panel arrangements on behalf of Brentwood Borough Council. A similar report is being considered by the other 14 authorities.

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

- 2.1 Agree the Panel Arrangements at Appendix A with effect from 1 February 2019.**
- 2.2 Note that the rules of procedure at Appendix A will be adopted by the Panel and do not form part of the Panel Arrangements.**

### **3. Issues, Options and Analysis of Options**

- 3.1 The fifteen Essex councils each appoint one member to the Police, Fire and Crime Panel. They are also required by law to approve the statutory panel arrangements which govern operation of the Panel. The Panel is required by law to adopt its own rules of procedure.
- 3.2 The current panel arrangements need to be revised as the Panel's functions changed when the Commissioner became the Police, Fire and Crime Commissioner.
- 3.3 The Panel have now also acquired six years' experience of operation and a number of changes to the rules of procedure are also proposed. For example, the current constitution does not allow the panel to have standing committees whereas the Panel wishes to work in this way for some issues such as dealing with formal complaints.
- 3.4 One significant change proposed in the draft Panel Arrangements is that, early in 2018, the Panel decided that it wished to introduce the facility to pay allowances to Members of the Panel. This is permitted by law but only if expressly allowed by the Panel Arrangements. The current arrangements do not allow allowances to be paid. The draft arrangements introduce a new rule which permits the Panel to adopt a scheme of allowances. This would allow payment of allowances to local authority panel members and also to the co-opted panel members. The cost of those allowances, if introduced, would be met by a Home Office grant so there would be no cost to ECC or the other authorities. It should be emphasised that the revised draft panel arrangements do not themselves introduce allowances, they would just allow the panel to do so if it thought it appropriate. Members of the Panel would not be required to receive an allowance unless they wanted to.
- 3.5 The draft at appendix one is divided into different sections:
1. Introduction – explains the background to the panel and its functions
  2. Functions – describes the panel's statutory powers
  3. Functions of the panel – this describes the Panel's statutory powers.
  4. Constitution Part I – the statutory Panel Arrangements
  5. Constitution part II – rules of procedure made by the Panel
  6. Appendix – rules of procedure made by the Panel

- 3.6 The functions and part 1 of the Constitution (numbers 1-4 above) are to be approved by the local authorities. The rules of procedure are to be approved by the Panel itself.
- 3.7 The Panel and all fifteen local authorities have been consulted on the draft. No opposition to the proposals was received but some suggestions for improving the wording have been incorporated into the draft attached to this report.
- 3.8 The Panel will consider part II of the constitution and the appendix which are the rules of procedure adopted by the Panel.
- 3.9 All 15 local authorities have been asked to approve this no later than 1 February 2019 when the arrangements will come into force if they have been approved by all authorities.

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

- 4.1 To enable the Police, Fire and Crime Commissioner to function.

#### **5 Consultation**

- 5.1 None at this stage.

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

- 6.1 None.

#### **7 Implications**

##### **Financial Implications**

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

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

- 7.1 This decision has no financial implications. The cost of operating the panel is met by a Home Office grant.

##### **Legal Implications**

**Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services**

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

- 7.2 The panel arrangements are required to be approved by each local authority. The panel approves its own rules of procedure. The two sets of rules need to fit together so that the Panel operates under a single coherent set of rules.

7.3 The Panel is a statutory joint committee of the 15 local authorities with specific statutory functions.

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

7.4 None

**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 - PFCP Constitution

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## THE ESSEX POLICE, FIRE AND CRIME PANEL

### FUNCTIONS OF THE PANEL

#### PART 1 – INTRODUCTION

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the 2011 Act'), requires local authorities to create a Police and Crime Panel). The Panel is responsible for scrutinising and supporting the work of the Police and Crime Commissioner.
- 1.2 The Policing and Crime Act 2017 ('the 2017 Act') introduced new powers for a Police and Crime Commissioner to make a local business case following which the Secretary of State may make an order to make the Commissioner the fire authority for their area.
- 1.3 Under the Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017 (the Order), which came into effect on 1 October 2017, the Police Crime and Fire Commissioner for Essex was created as the fire and rescue authority for the administrative counties of Essex, Thurrock and Southend under section 4A of the Fire and Rescue Services Act 2004.
- 1.4 The Order provides that the individual elected as the Police and Crime Commissioner for Essex to be the Fire and Rescue Authority, and that they are to be known as the Police, Fire and Crime Commissioner (PFCC).
- 1.5 The 2017 Act amends section 28 (*Powers of Police and Crime Panels*) and Schedule 6 (*Police and Crime Panels*) of the 2011 Act to include the responsibilities of the Police Fire and Crime Commissioner when acting as the fire and rescue authority.
- 1.6 Following the Order, the Commissioner is now known as the Police, Fire and Crime Commissioner and the panel is now known as the Police, Fire and Crime Panel (the Panel).

#### PART 2 - FUNCTIONS OF THE PANEL

##### 2. Key Functions

- 2.1 The functions of the Panel are to:
  - a) review the draft Police and Crime Plan and the Fire and Rescue Plan and any proposed changes to them
  - b) review the Annual Report and the Fire and Rescue Statement.
  - c) review of the proposed senior appointments of;
    - i) the Deputy PFCC,
    - ii) the PFCC's Chief Executive,
    - iii) the PFCC's Chief Finance Officers;

- iv) the Chief Constable; and
- v) the Chief Fire Officer.

- d) suspend the PFCC in specific circumstances,
- e) appoint an acting PFCC in specific circumstances,
- f) review the precept which the PFCC is proposing to issue for both the Police and the Fire and Rescue, for each financial year with the power to veto the precept.
- g) To deal with certain complaints against the PFCC or Deputy PFCC.

2.2 The Panel must also review or scrutinise decisions made, or other actions taken by the PFCC in connection with the discharge of the PFCC's functions, and must make reports or recommendation to the PFCC in respect to the discharge of their functions.

### **3. Review of the Police and Crime Plan and the Fire and Rescue Plan**

3.1 The Panel is a statutory consultee on the development or variation of the Police and Crime Plan and Fire and Rescue Plan ('the Plans'). The Panel will receive a copy of the draft Plans, or any draft variations, from the PFCC.

3.2 The Panel must:

- (a) Hold a meeting in public to review the draft Plans (or variations), and
- (b) Report or make recommendations on the draft Plans which the PFCC must take into account when approving the final documents.

3.3 The PFCC is required to provide a response to any such report or recommendations issued by the Panel.

### **4. Review of the Annual Report and Fire and Rescue Statement**

4.1 The PFCC must produce an Annual Report and Fire and Rescue Statement for each financial year (the Reports).

- The Annual report must be about the exercise of the PFCC's functions in that financial year and set out progress in delivering on the priorities set out in the Plan.
- The Fire and Rescue Statement must contains a statement of the way in which the Commissioner, acting as Fire and Rescue Authority has had regard, in the period covered by the document, to the Fire and Rescue National Framework and to any fire and rescue plan prepared by the authority for that period.

The Panel must review the Reports.

4.2 The Panel must:



- (a) Arrange for a meeting of the Panel to be held in public as soon as practicable after the Panel receives each Report;
  - (b) Require the PFCC to attend the meeting to present the Reports to the Panel, and answer such questions about the Reports as the Panel think appropriate; and
  - (c) Make a report or recommendations on the Annual Report and Fire and Rescue Statement to the PFCC.
- 4.3 The PFCC is required to respond to any report or recommendations issued by the Panel.

## **5. Senior Appointments**

- 5.1 The Panel must be notified by the PFCC of each proposed appointment of the Chief Constable, Chief Fire Officer, Chief Executive of the Office of the PFCC, Chief Finance Officer (of the OPFCC or the Fire and Rescue Authority) and the Deputy PFCC.
- 5.2 The PFCC must also notify the Panel of the following information:
- a) The name of the person the PFCC is proposing to appoint (the Candidate)
  - b) The criteria used to assess the suitability of the Candidate for the appointment,
  - c) Why the Candidate satisfies those criteria, and
  - d) The terms and conditions on which the Candidate is proposed to be appointed.
- 5.3 Within 3 weeks, beginning with the day on which the Panel received the notification from the PFCC of the proposed senior appointment, the Panel must:
- a) Review the proposed senior appointment;
  - b) Make a report to the PFCC,
  - c) The report must include a recommendation as to whether or not the Candidate should be appointed.
- 5.4 Before making a report under paragraph 5.3 (b), the Panel must hold a confirmation hearing. This is a meeting of the Panel, held in public at which the Candidate is requested to appear for the purpose of answering questions relating to the appointment.
- 5.5 The confirmation hearing will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case the Chairman will arrange an extraordinary meeting at the request of the Chairman.
- 5.6 The Candidate may appear before the Panel either in person, or by any means which enables the Candidate to participate in the confirmation hearing through means which enable the person to hear, and be heard in, those proceedings as they happen.

- 5.7 The PFCC must notify the Panel of the decision whether or not the PFCC accepts or rejects any recommendation made by the Panel.
- 5.8 When the Panel is considering the proposed appointment of the Chief Constable or the Chief Fire Officer, the Panel may, having reviewed the proposal and having held the confirmation hearing, veto the appointment of the Candidate to this position.
- 5.9 The ability to veto the proposed appointment of the Chief Constable is only exercisable by the Panel during the 3 week period beginning on the day the Panel received notification from the PFCC.

## **6. Suspension and Removal of the Chief Constable or Chief Fire Officer**

- 6.1 If the PFCC suspends the Chief Constable or Chief Fire Officer from duty they must notify the Panel of the suspension.
- 6.2 If the PFCC proposes to call upon the Chief Constable or the Chief Fire Officer to retire or resign they must give the Panel;
  - a) written notification that the PFCC of that fact;
  - b) a copy of the reasons given to the Officer concerned; and
  - c) a copy of any representations made by the Officer against those reasons.
- 6.3 The PFCC cannot call upon the Officer to retire or resign until the Panel has considered the documents and given the PFCC any recommendations as to whether or not the PFCC should call for retirement or resignation.
- 6.4 Before making any recommendation to the PFCC, the Panel;
  - a) may consult with the Chief Inspector of Constabulary; and
  - b) must hold a scrutiny hearing, within 6 weeks beginning on the day on which notification was given by the PFCC.
- 6.5 The scrutiny hearing is a meeting of the Panel held in private at which the PFCC and the Officer concerned are both entitled to attend for the purpose of making representations relating to the proposal.
- 6.6 The Panel must publish the recommendation it makes by sending copies to each of the local authorities who appoint members to the Panel, and by any other means the Panel considers appropriate.
- 6.7 The PFCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.

## **7. Power to Suspend the PFCC**

- 7.1 A Panel may suspend the PFCC if it appears to the Panel that:

- a) The PFCC has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) The offence is one which carries a maximum term of imprisonment exceeding two years.

7.2 The suspension of the PFCC ceases to have effect upon the occurrence of the earliest of these events:

- a) The charge being dropped.
- b) The PFCC being acquitted of the offence.
- c) The PFCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction.
- d) The termination of the suspension by the Panel.

7.3 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) An offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) An offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

## **8. Appointment of an Acting Police, Fire and Crime Commissioner**

8.1 The Panel must appoint a person to act as PFCC if:

- a) no person holds the office of PFCC,
- b) the PFCC is incapacitated; or
- c) the PFCC is suspended.

8.2 The Panel may appoint a person as acting PFCC only if the person is a member of the PFCC's staff at the time of the appointment.

8.3 In appointing a person as acting commissioner in a case where the PFCC is incapacitated, the Panel must have regard to any representations made by the PFCC in relation to the appointment.

8.4 The appointment of an acting PFCC ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as PFCC.
- b) the termination by the Panel, or by the acting PFCC, of the appointment of the acting PFCC.
- c) in a case where the acting PFCC is appointed because the PFCC is incapacitated, the PFCC ceasing to be incapacitated, or
- d) in a case where the acting PFCC is appointed because the PFCC is suspended, the PFCC ceases to be suspended.

8.5 The rules about the election as PFCC are beyond the scope of this document but generally a by election is required if the PFCC ceases to hold office.

## **9. Proposed Precept**

9.1 The PFCC will notify the Panel of the precepts which the PFCC proposes to issue for the financial year for (i) Policing and (ii) Fire and Rescue Services.

9.2 The Panel must review the proposed precepts and make a report to the PFCC which will include recommendations as to the precept that should be issued for the financial year.

9.3 Having considered the precept, the Panel must decide to either:

- a) support the precepts without qualification or comment;
- b) support the precepts and make recommendations, or
- c) veto the proposed precepts (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).

9.4 If the Panel vetoes the proposed precepts, the report to the PFCC must include a statement that the Panel has vetoed the proposed precepts and give the reasons for that decision.

9.5 The PFCC must, having regard to the report issued by the Panel, provide a response to the report and any recommendations. Such a response shall be published by the Panel. The PFCC must then reconsider and issue a final precept.

## **10. Complaints about the PFCC or Deputy PFCC**

10.1 The Panel can consider any complaint about the PFCC or Deputy PFCC relating to the conduct of the PFCC, other than one which is to be considered by the Independent Office of Police Conduct. Consideration of such a complaint is to be in accordance with a policy adopted by the Panel from time to time and may be delegated to the Monitoring Officer of the Lead Authority or by the Panels Complaints Sub-Committee.

# CONSTITUTION OF THE ESSEX POLICE, FIRE AND CRIME PANEL

## PART 1 – Composition of the Panel

### 1. Administration of the Panel

- 1.1 Essex County Council shall act as the Lead Authority in establishing the Police, Fire and Crime Panel and provide the necessary officer support. The Lead Authority will designate one of its officers to act as the Secretary to the Panel.
- 1.2 The Lead Authority will provide such administrative and other support as is necessary to enable the Panel to undertake its functions. Home Office funding is provided to support the administration of the Panel. If no funds are provided by the Home Office, or if those funds are insufficient to cover the costs of running the Panel, the Lead Authority will defray and recover from the other members the costs of administrative support with each authority bearing an equal share of the costs. The budget for the Panel will be agreed annually and the Panel will operate within the allocated budget.
- 1.3 In the event of the Panel being abolished, the Lead Authority will defray and recover from the other member authorities any associated costs exceeding the funding provided by the Home Office, with each authority bearing an equal share of the cost.
- 1.4 The Secretary and any dedicated staff employed to support the Panel will be employed by the Lead Authority, and their terms and conditions of employment will be those of the Lead Authority.

### 2. Membership

- 2.1 The Panel shall comprise of:
  - 15 councillors, one appointed by each of the fifteen councils in the Essex Police area ('the Councils');
  - two independent members appointed by the Panel; and
  - up to three additional members.
- 2.2 Any Councillor from the 15 appointing Councils is eligible for membership of the Panel. The appointment of elected members to the Panel shall be made by each of the appointing Councils in accordance with their own procedures, having regard to:
  - (1) The balanced appointment objective. The balanced appointment objective is that the local authority members of the Panel should:
    - a) Represent all parts of the police force and fire and rescue service area;
    - b) Represent the political make-up of the Councils taken together; and

- c) Have the skills, knowledge and experience necessary to enable the Panel to discharge its functions effectively.
  - (2) The fire and rescue expertise objective. This is the objective that that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority.
- 2.3 Each Council may appoint one or more substitute member who can attend a meeting of the Panel in the absence of the principal member. Any substitution will apply to a particular meeting and takes effect if either the appointing authority or the substituted member gives notice in writing or by email to the Secretary before the start of the meeting concerned.
- 2.4 A Member of the Panel appointed by a Council remains a member of the Panel unless and until:
- (a) They cease to be a member of the Council which appointed them;
  - (b) They resign as a member of the Panel by giving notice to the Secretary; or
  - (c) The Council which appointed them removes them as a member of the panel or appoints another member in their place.
- 2.5 Two independent members may be co-opted onto the Panel by the Panel from time to time in accordance with section 4 of this document.
- 2.6 Up to three additional nominations will be invited to positions for co-opted members to seek to achieve the balanced appointment objective. The Panel will determine how this should be achieved subject to approval by the Secretary of State.
- 2.7 In co-opting members, the Panel:
- (a) must secure that (as far as is reasonably practicable) the appointed and co-opted members of the Panel (when taken together) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.
  - (b) must consider whether they could co-opt in a way which would enable the fire and rescue expertise objective to be met or to contribute to that objective being met and, if they consider that they could exercise that function to that end, must do so.

The "fire and rescue expertise objective" referred to in this paragraph is the objective that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority.

### **3 Vacancies in Council appointed Members**

- 3.1 A vacancy on the Panel arises when a member ceases to be a member of the panel for any reason.
- 3.2 If a Council does not have an appointed member on the Panel then it shall fill its vacancy as quickly as possible.
- 3.3 If a Council does not appoint a Member in accordance with these requirements, the Secretary will give notice to the Secretary of State must appoint a member to the Panel from the defaulting council in accordance with the provisions of the 2011 Act.
- 3.4 A substitute appointed under paragraph 2.3 may attend meetings in default of a Council appointing a substantive member.

#### **4 Independent Members**

- 4.1 The Panel shall appoint two independent members onto the Panel. Each appointment shall be for a term of four years or such other period as the panel may determine.
- 4.2 The selection process for co-opting independent members should include:
  - a) a reasonable period of advertising for the positions.
  - b) the closing date for the receipt of applications should be at least two weeks from the date the advert is first placed.
  - c) Information packs should be prepared and sent to those requesting application forms.
- 4.3 The applications will be considered against eligibility criteria agreed by the Panel. An Appointments Sub-Committee will be established by the Panel to consider applications and conduct the interviews of potential candidates.
- 4.4 The following individuals shall not be appointed as an Independent Member of the Panel:
  - a) A member of staff of the PFCC
  - b) A member of the civilian staff of the Essex police force
  - c) A Member of Parliament
  - d) A member of staff of the Essex Fire and Rescue Authority, or
  - e) A Councillor of one of the Councils
- 4.5 Following interviews of potential candidates, the Appointments Sub-Committee will make recommendations to the Panel about each Candidate's suitability for appointment as an Independent Member.
- 4.6 The Panel may decide to remove either Independent Member at any point and on doing so shall give notice to the Secretary to the Panel.
- 4.7 The term of office of an additional member co-opted to the Panel to reflect better the Political balance across the Police Force and Fire and Rescue

Service area shall be for one year or such other period as the Panel may determine. The member may be co-opted for a further term provided that the balanced appointment objective is still met by their co-option.

## **5 Allowances**

- 5.1 The Panel may from time to time decide to pay allowances to members of the Panel. Any allowance shall be in accordance with a scheme approved by the Panel.
- 5.2 No Member of the Panel may claim an allowance from two bodies with respect to their role as a member of the Panel.

## **6 Promotion of the Panel**

- 6.1 The Panel shall be promoted and supported by the Lead Authority through:
- a) The issuing of regular press releases, after consulting the Chairman about the Panel and its work.
  - b) The inclusion of dedicated web pages on the work of the Panel, with the publication of Agendas and minutes. All reports and recommendations made, with responses from the PFCC will be published.

## **7 Validity of proceedings**

- 8.1 The validity of the proceedings of the Panel is not affected by a vacancy in the membership or a defect in the appointment of a member.

## **8 Amendments to Terms of Reference, Panel Arrangements and Procedure Rules**

- 8.1 Any proposed amendments to the Panel Arrangements should be submitted to the Councils for approval. In addition, the Panel will review this document annually and if any changes are necessary these will be submitted to the Councils for approval.

## **PART 2 - PROCEDURE RULES**

### **9. Annual Meeting**

- 9.1 The first ordinary meeting of the panel held after 1 April in any year shall be the annual meeting of the Panel.

### **10. Chairman and Vice-Chairman**

- 10.1 The Chairman will be elected from amongst the members of the Panel.
- 10.2 The election of Chairman shall be the first business transacted at the Annual Meeting. The election shall be by show of hands unless, at a meeting before



the annual meeting, the Panel has resolved to elect a chairman for a particular municipal year by secret ballot. Where the Panel proposes to use a secret ballot the process shall be as set out in the appendix.

- 10.2 The Vice-Chairman will be appointed at the Annual Meeting, and this shall be the item of business following the election of Chairman. The Vice Chairman will be elected from amongst the members of the Panel.
- 10.3 In the event of the resignation of the Chairman or Vice Chairman or if either of them ceases to be a member of the Panel, a replacement will be appointed at the next meeting and will be drawn from amongst the Council members sitting on the Panel.
- 10.4 The Chairman shall preside at any meeting of the Panel. The Vice Chairman shall preside in the absence of the Chairman. If neither the Chairman nor the Vice-Chairman is present at a meeting of the Panel, the other members of the Panel shall choose another member of the Panel to preside at the meeting.

## **11. Meetings**

- 11.1 There shall be a minimum of four ordinary meetings held in each year to carry out the functions of the Panel. Each meeting shall not last for more than three hours unless the meeting resolves to extend this time.
- 11.2 These meetings shall be open to the press and public except where the Panel resolves to exclude the press and public in accordance with the law in accordance with part VA of the Local Government Act 1972.
- 11.3 An extraordinary meeting may be called by the Chairman of the Panel, by any five members of the Panel giving notice to the Secretary or by the Monitoring Officer of the PFCC's Office.
- 11.4 The Chairman may cancel or rearrange a meeting.
- 11.5 The meeting at which the Precept is to be considered shall be the only business transacted at that meeting.
- 11.6 All meetings of the Panel will take place at either Essex County Council, County Hall, Chelmsford or at Essex County Fire and Rescue Headquarters, Kelvedon Park, or such other suitable venue selected by the Chairman.
- 11.7 The Secretary will give notice to the public of the time and place of any meeting in accordance with Part VA of the Local Government Act 1972. At least five clear days before a meeting, the Secretary to the Panel will send a summons by email and, if the Member so requests, by post to every Member at their last known address. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **12. Quorum**

- 12.1 A meeting of the Panel cannot take place unless one third of the whole number of its members is present.
- 12.2 If there is no quorum present at the time fixed for start of the meeting the meeting may not commence at that time. If after 1 hour after the time specified for the start of the meeting, the meeting is still not quorate then the meeting shall stand adjourned to another time and date determined by the Secretary.

### **13. Voting**

- 13.1 All members of the Panel may vote in proceedings of the Panel subject to the rules on declarations of interest.
- 13.2 One-third of the voting members present may require that the way all members cast their vote or abstained shall be recorded in the Minutes; such a request must be made before the vote is taken.
- 13.3 In the event of equality of votes the person presiding at the meeting at the meeting will be entitled to a casting vote under paragraph 39(1) of Schedule 12 to the Local Government Act 1972.
- 13.4 There is a non-binding convention that Chairman will exercise the casting vote in favour of the status quo.

### **14. Work Programme**

- 14.1 The Panel will be responsible for setting its own work programme taking into account the priorities defined by the PFCC in terms of policing and crime, and fire and rescue. In setting the work programme the Panel will also take into account the wishes of its members.
- 14.2 The work programme must include the functions set out in the Panel's terms of reference.

### **15. Agenda items**

- 15.1 Any member of the Panel shall be entitled to give notice to the Secretary to the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.

### **16. Reports of the Police, Fire and Crime Panel**

- 16.1 Where the Panel makes a report to the PFCC, it must publish the report and the recommendations in that report.
- 16.2 The Panel must send copies of any such reports or recommendations to each of the Councils.

- 16.2 The Panel must by notice in writing require the PFCC, as appropriate, within one month of the date on which they receive the report or recommendations:
- a) to consider the report or recommendations;
  - b) to respond to the Panel indicating what (if any) action the PFCC proposes to take; and
  - c) where the Panel has published the report or recommendations, publish the response.
- 16.3 Where the Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- 16.4 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in part VA of the Local Government Act 1972.
- 16.5 If the Panel cannot unanimously agree on one single final report to the PFCC then one separate report may be prepared and submitted for consideration along with the majority report.

## **17. Police, Fire and Crime Commissioner and Officers Giving Account**

- 17.1 The Panel may scrutinise and review decisions made or actions taken in connection with the PFCC's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the PFCC, and members of the PFCC's staff, to attend before the Panel to answer any questions which appear to the Panel to be necessary in order to carry out its functions.
- 17.2 If the Panel require the PFCC to attend before the Panel, the Panel may request either or both of the Chief Constable and the Chief Fire Officer to attend before the Panel on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.
- 17.3 When the Panel requests or requires anyone to attend before it under this paragraph it will give reasonable notice and, where practical, this shall be at least 15 days' notice. Where it is necessary for the person attending to produce a report the Panel shall allow sufficient time for preparation of that report.
- 17.4 The Secretary will give anyone who is required or requested to attend a meeting a written notice giving the time, date and place of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel.
- 17.5 Where, in exceptional circumstances, an individual who has been given notice under paragraph 17.4 is unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the Chairman.

## **18. Attendance by Others**

- 18.1 The Panel may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, Councillors who are not members of the Panel and officers in other parts of the public sector and may invite such people to attend.

## **19. Public Access**

- 19.1 Copies of the agenda for meetings of the Panel and any reports for its meetings shall be open to inspection by members of the public at the offices of the Councils with the exception of any report which the Secretary to the Panel determines relates to items which in his or her opinion are likely to be considered at a time when the meeting is not to be open to the public.
- 19.2 Minutes and reports for the meeting shall be published to the extent required by part VA of the Local Government Act 1972.
- 19.3 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will arrange for their removal from the meeting room and will suspend the meeting until the member of the public has left or been removed.
- 19.4 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.
- 19.5 A member of the public may attend the meeting and ask a question of the Panel. Such questions should only relate specifically to an item on the agenda for that meeting.

## **20 Minutes**

- 20.1 The Secretary to the Panel shall arrange for written minutes to be taken at each meeting of the Panel and shall present them to the Panel at its next meeting for approval as a correct record. At the next meeting of the Panel, the Chairman shall move that the minutes of the previous meeting be signed as a correct record. If this is agreed, the Chairman shall sign the minutes. The only part of the minutes that can be discussed is their accuracy.
- 20.2 Draft minutes or a summary of the decisions taken at the meeting and a note of the actions arising shall be circulated to the Panel by email no later than 7 days after the date of the meeting.

## **21. Sub-Committees and Task Groups**

- 21.1 The Panel may from time to time establish task groups or sub committees.

- 21.2 The 'special functions' of the Panel may not be discharged by a sub-committee or a task group.
- 21.3 In this paragraph 'special functions' means the following functions conferred on the Panel by the Police Reform and Social Responsibility Act 2011:
- a) Scrutiny of Police and Crime Plan and Fire and Rescue Plan.
  - b) Scrutiny of annual report and the Fire and Rescue Statement.
  - c) Review of senior appointments.
  - d) Considering precepts.
  - e) Scrutiny of appointment of the Chief Constable or Chief Fire Officer.
- 21.4 The work undertaken by a sub-committee or task group will be scoped and defined beforehand. The scope may include the timeframe within which the work is to be completed and the reporting time for the outcome of the work.
- 21.5 Where it is not possible to reach a consensus, attempts will be made to reflect minority views within the report but there is no provision for minority reports from members of Sub-Committees or Task Groups.
- 21.6 Any reports of a Sub-Committee or a Task Group shall be reviewed by the Panel which will decide whether to ratify the findings or recommendations. This shall not apply where a Sub Committee has delegated authority to act.
- 21.7 Paragraph 17 (Police, Fire and Crime Commissioner and Officers giving account) and 18 (Attendance by Others) apply to Sub-Committees and Task Groups in the same way as they apply to the Panel.

**Election of Chairman by Secret Ballot**

1. This process applies to the election of Chairman for a municipal year only if the Panel has resolved at a meeting before the annual meeting that the Chairman of the Panel will be elected by Secret Ballot for that particular municipal year.
2. The Lead Authority will write to all members of the Panel to invite nominations. No nominations will be accepted after 12 noon on the day before the meeting. A member may nominate any Councillor member of the Panel (including themselves). If no nominations are received by the deadline, the Panel may resolve to accept late nominations.
3. At the annual meeting a proposer and seconder will be invited for each candidate. If a candidate is not proposed and seconded then they shall not be eligible to be elected.
4. The outgoing Chairman or the person presiding at the meeting will confirm with each eligible nominee that they are willing to be appointed as Chairman
5. All nominated persons will be added to the ballot paper if they:
  - Have been proposed and seconded; and
  - Have indicated that they are willing to be appointed as Chairman.
6. If there is only one nominee their name will be put to the meeting for approval.
7. Where there is more than one nominee then a ballot paper will be prepared including the name of each candidate.
8. A ballot paper will be given to each member of the panel who is present at the meeting.
9. A period of 10 minutes (or such other period as the person presiding at the meeting may determine) to cast a vote.
10. Any member of the Panel may ask to have their vote recorded in the minutes in which case they shall hand their ballot paper to the officer so that the way they have voted may be verified.
11. If a tie occurs the outgoing Chairman shall have a second or casting vote
12. If there are more than two candidates nominated and after the vote no candidate has the majority of votes cast then the name of the person having the least number of votes will be eliminated and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

**19<sup>th</sup> March 2019**

## **Policy, Projects and Resources**

### **Draft Parental Leave Policy for Elected Members**

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

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MP's as well as councillors. Therefore, councils may only take action on a voluntary basis.
- 1.2 The Council currently does not have a Parental Leave Policy for Elected Members.
- 1.3 This report aims to provide a mechanism to enable draft proposals be put into place for elected members including
  - 6 months paid in full of all allowances as relevant to the individual
  - Group leaders to decide 'cover' arrangements during period of leave
- 1.4 Any policy would need to be reviewed to ensure it meets with the Council's existing Human Resources policies and legal requirements.

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

- 2.1 That a cross party meeting of group leaders takes place to confirm the proposals, which will be put forward to the Independent Remuneration Panel for consideration with adoption at Annual Council in May 2019.**
- 2.2 That the draft policy is reviewed to ensure it meets with the Council's existing Human Resources policies and legal requirements, with details to be discussed and agreed at the Cross Party meeting.**

### **3 Issues, Options and Analysis of Options**

- 3.1 Under Section 85 of the Local Government Act 1972 Members are required to attend at least one meeting of the authority in any six-month period. This requirement still applies to Members on Parental Leave.
- 3.2 Currently any member who is unable to attend committee meetings for a period of time can seek dispensation from the Council's Chief Executive for permission not to attend.
- 3.3 The Fawcett Society have been working with the Local Government Information Unit to assess whether local government has been working well for women. The three reports published over the course of the yearlong Commission have found that female members/prospective members with caring responsibilities, are disproportionately impacted in local government.
- 3.4 According to the analysis by the Fawcett Society:
- Just 4% of local councils in England currently have a formal Parental Leave policy in place for elected representatives.
  - It identified that one third of female councillors of child-bearing age found a lack of maternity leave to be a barrier to fulfilling their role.
  - Fewer than 1 in 5 council leaders are women.
  - From 1997 to 2017 female councillor representation only rose by from 27 per cent to 32 per cent whilst the female proportion of the House of Commons rose 14 percentage points to 32 per cent.
  - 28% of women and 18% of men report childcare as a barrier.

### **4 Reasons for Recommendation**

- 4.1 To enable a formal Parental Leave Policy to be place for elected members.

### **5 Consultation**

- 5.1 None at this stage.

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

- 6.1 None.

### **7 Implications**

#### **Financial Implications**

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



- 7.1 There may be financial implications arising from the cross-party meeting, depending on the impact of Members allowances and special responsibility allowances. This will however be taken into consideration when reporting to the Independent Remuneration Panel. There are however no direct financial implications arising from this report.

**Legal Implications**

**Name & Title: Daniel Toohey, Monitoring Officer/Head of Legal Services**  
**Tel & Email: 01277 312860 /daniel.toohey@brentwood.gov.uk**

- 7.2 There are no legal rights of any kind for people in elected public office.

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

- 7.3 None at this stage.

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

- 8.1 None

**9 Appendices to this report**

- 9.1 None.

**Report Author Contact Details:**

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**Telephone:** 01277 312500  
**E-mail:** Jacqueline.vanmellaerts@brentwood.gov.uk

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**19th March 2019**

## **Policy, Projects and Resources Committee**

### **Request for Licence to Occupy by Brentwood Youth AFC – Larkin’s Playing Field**

**Report of:** *Stuart Anderson - Facilities Manager*

**Wards Affected:** *Pilgrims Hatch*

**This report is:** *Public*

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

- 1.1 Brentwood Council were approached in 2018 by Brentwood Youth Athletic Football Club (BYAFC) with a view to securing a licence to occupy Larkin’s Playing Field in order to fulfil their aim of establishing a permanent base that the club could invest in and attract external funding for improvements.
- 1.2 Larkin’s Playing field is one of the Council’s larger and principle open spaces in the Borough and is located in the Pilgrims Hatch ward along the Ongar Road (Appendix A).
- 1.3 The club currently reside at the site on an unofficial basis with no secure tenure, their residency is secured each season via the hiring of pitches from the council for the winter sports season. This allocation is not guaranteed each year.
- 1.4 Following investigations it was confirmed that the site is designated as public open space with a number of restrictive covenants placed on it as part of the deed of gift when the site was given to the Council by the Larkin family. This was one of the main reasons that the Council were unable to grant the club a Licence to Occupy.
- 1.5 Officers therefore sought, through discussion, a solution with the co-operation of the Chair of the Community, Health and Housing Committee, Ward Members and representatives of BYAFC. Following these discussions a suggested way forward was agreed which is before the Committee for agreement.

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

- 2.1 That Officers enter into discussions with Brentwood Youth Athletic Football Club to establish a constituted working partnership for the management and improvement of Larkin's Playing Fields.**
- 2.2 That Officers in consultation with the Chair of Community, Health and Housing Committee, Ward Members and Brentwood Youth Athletic Football Club agree heads of terms of the working partnership and draw up a draft partnership agreement for the management of Larkin's Playing Field.**
- 2.3 That delegated authority be given to the Director of Operations in consultation with the Chair of the Community, Health and Housing Committee to agree the draft partnership agreement on behalf of the Council.**

## **3. Introduction and Background**

- 3.1 In 2018 representatives of BYAFC approached Officers with a request to enter into a Licence to Occupy agreement with the Council to formalise its tenure on Larkin's Playing Field in order to provide some form of security of use going forward.
- 3.2 Following the recommendation of the 4th July 2018 Community, Health and Housing Committee Officers undertook an investigation into the practicalities and legal implications of issuing the club a Licence to Occupy
- 3.3 Following investigations, it was determined that it would not be possible to issue the club with a Licence to Occupy due to the legal implications of exclusivity and protecting the site as designated open space for the enjoyment of the wider general public.
- 3.4 Larkin's Playing Field is a key open space not just for the Ward and community of Pilgrims Hatch, but also as part of the Council's open space estate.
- 3.5 The site currently has 2 junior football pitches and 1 mini soccer pitch. It also has the foundations of the old sports pavilion, car park and an area of general amenity grassland.
- 3.6 The basis of BYAFC's approach was in three parts. To improve the quality of the football pitches, improve the parking facilities and re-build the pavilion to include modern changing rooms for the users.

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

- 4.1 Following Brentwood Youth Athletic Football Clubs approach to the Council it was established that it would not be possible to offer the club a Licence to Occupy at Larkin's Playing Field.
- 4.2 However, in order to still be able to support the club in its endeavours to further itself and the site at Larkin's, Officers have, in consultation with Ward Members, presented a proposal to club representatives in which the two parties would form a joint working partnership to manage the site.
- 4.3 The ethos of the partnership is that it will allow for greater opportunities to access funding for improvements to the site, allow the club to grow and develop, whilst protecting the site and its use by the general public as a public playing field.
- 4.3 The outline of the partnership proposal will in particular:
- Develop a long-term improvement plan for the site
  - seek to increase the number of pitches to 5 by bringing in the unused area of the field
  - improve the parking facilities and;
  - apply for, or support joint grant/funding applications to secure money to make improvements
- 4.4 What the Council are able to agree even with the covenants in place was a long-term lease for the 'Old Pavilion' footprint in order that the club can develop this part of the plan.
- 4.5 The partnership approach would allow for improvements to be identified and discussed by both parties and then joint funding applications to be made to external bodies where appropriate.
- 4.6 The partnership work would allow the Council as the land owner within the agreement fulfil the criteria around security of tenure on external funding applications whilst the club will provide a community and voluntary focus within any applications.
- 4.7 The partnership agreement would also give the club confidence in its residency of the site without providing legal tenure to the land, as part of the ongoing discussions Officers are identifying potential additional benefits to the club in the form of guaranteed rental of pitches at Larkin's.

- 4.8 It is also likely that without this form of proposal that Brentwood Youth Athletic Sports Club may struggle to achieve the ambitions they have set and to fully realise the financial benefits of external funding to develop the club further.
- 4.9 The arrangement would be a constituted partnership for three years with an annual review built into it. The partnership will be required to be constituted to allow it to apply for external funding opportunities.
- 4.10 The joint partnership would consist of 7 members consisting of Chair of the Community, Health and Housing Committee or the appropriate relevant Committee [who would also Chair the partnership], nominated Ward Member, two Officers of the Council and three Officers of BYAFC.
- 4.11 It is therefore recommended to Members:
- 4.12 That Officers enter into discussions with Brentwood Youth Athletic Football Club to establish a constituted working partnership for the management and improvement of Larkin Playing Fields.
- 4.13 That Officers in consultation with the Chair of the Community, Health and Housing Committee, Ward Members and Brentwood Youth Athletic Football Club agree heads of terms of the working partnership and draw up a draft partnership agreement for the management of Larkin Playing Field.
- 4.14 That delegated authority be given to the Director of Operations in consultation with the Chair of the Community, Health and Housing Committee to agree the draft partnership agreement on behalf of the Council.

## **5. Reasons for Recommendation**

- 5.1 To allow Officers to continue discussions with Brentwood Youth Athletic Football Club and establish a constituted partnership for the management and improvement of Larkin Playing Fields.

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

- 6.1 To ensure the provision of efficient and effective services to our residents and businesses.
- 6.2 Providing increased customer satisfaction in the quality of Council services.
- 6.3 To Increase access to the Borough's leisure opportunities.
- 6.4 Making Brentwood a Borough where people feel safe, healthy and supported.

## **7. Implications**

### **Financial implications**

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

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

- 7.1 No direct financial implications arising from this report. Resources required to agree the draft partnership will be met within the Medium-Term Financial Plan.

### **Legal Implications**

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

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

- 7.2 The recommendations set out within this report are within the Council's powers and duties. The Council has power under s1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to public law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, s111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 7.3 Officers should seek legal advice where appropriate during discussions for the establishment of the partnership to ensure the avoidance of any risk arising for the Council in relation to the management or use of the playing fields.
- 7.4 Any agreements relating to the establishment of the partnership should be in a form approved by Legal Services.

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.

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

Appendix A – Site Plan

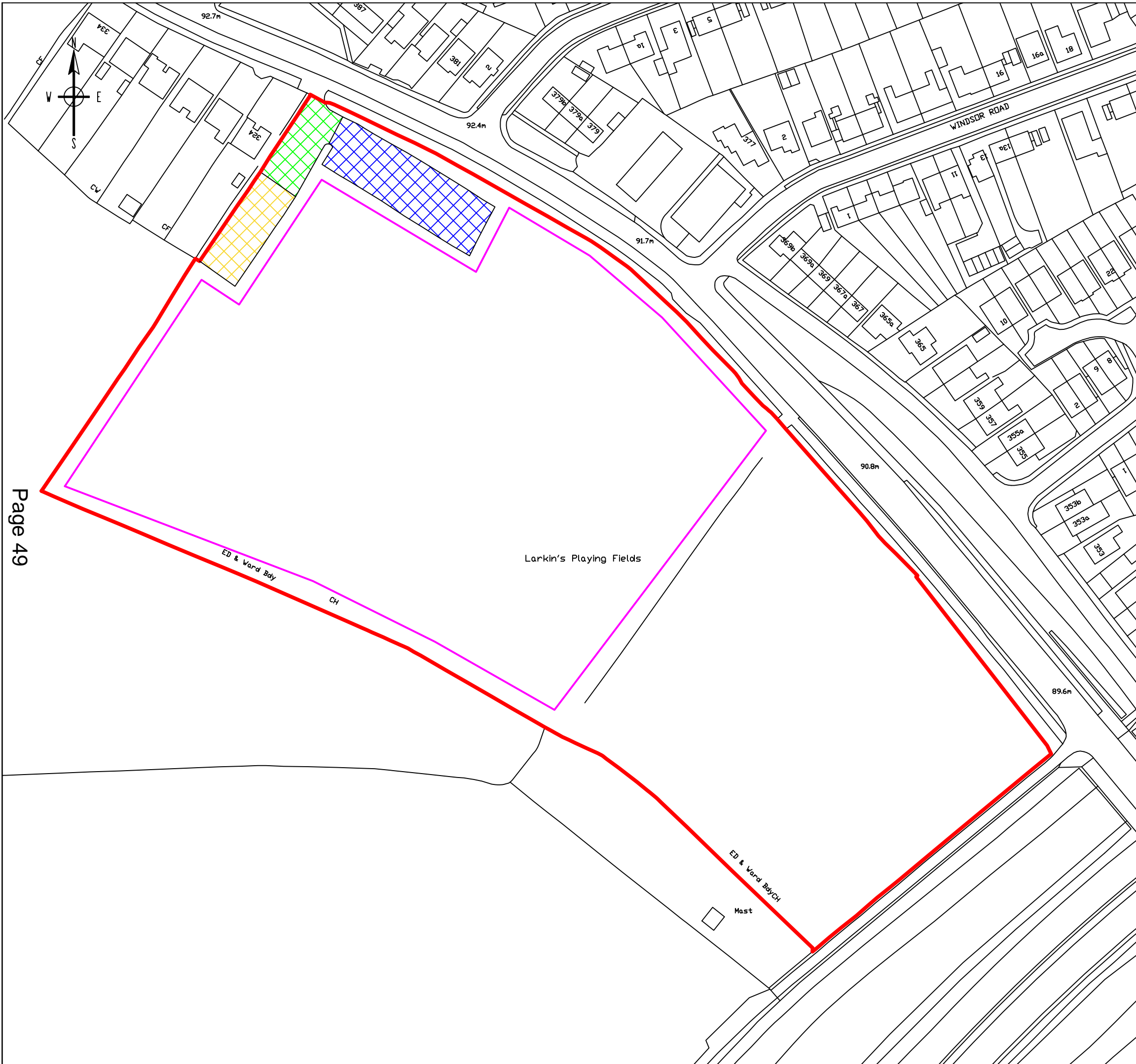
**Report Author Contact Details:**


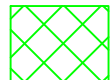


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- NOTES
-  Existing Rough Surface Car Park
  -  Existing Surfaced Car Park
  -  Existing Pavilion Foundation
  -  Existing 3 no Football Pitches

Asset Management  
 Adrian J Tidbury  
 Facilities Management

Contract  
 Larkins Playing Field

Title

Drawn By AJT

Scale 1:1250 @ A3

Date February 2019

Checked

Revisions		

Drawing No. T/AJT/4493

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 Ingrave Road  
 Brentwood  
 Essex  
 CM15 8AY  
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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, of 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.

## **Policy, Projects & Resources Committee**

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

### Policy

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) Human resources
  - 9) Information Communication Technology
  - 10) Revenues and Benefits
  - 11) Customer Services
  - 12) Assets (strategically)
2. Overall responsibility for monitoring Council performance.
  3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.
  4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
  5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
  6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.
  7. To approve the write off of any outstanding debt owed to the Council above the delegated limit of £5,000.

8. To determine capital grant applications.
9. To make recommendations on the allocation and use of resources to achieve the council's priorities.
10. To manage and monitor the Council approved budgets.
11. To provide the lead on partnership working including the joint delivery of services.
12. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
13. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following-

The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.
- (c) Promoting the use of Council owned assets by the local community and other interested parties.
- (d) To manage any lands or property of the Council;
- (e) To include properties within the council's Asset Management Portfolio including Halls etc.
- (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
- (g) To review the corporate Asset Management Plan annually.
- (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
- (i) Disposal of land surplus to the requirements of a 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.
14. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

#### Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.
- (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
- (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
- (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
- (e) To develop and deliver a Borough wide initiative on apprenticeships.
- (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
- (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
- (h) To maintain a special interest in promoting employment in the Borough.
- (i) To promote and encourage tourism and heritage.

(j) Parking (off street parking provision in Council owned/leased off-street parking places).

(k) Crossrail

15. To consider a report from the Monitoring Officer at the beginning of the Municipal Year, for the Committee to appoint the membership of the Constitution Working Group, in order for the Monitoring Officer to consult with such Members on the regular review of the Constitution documentation in accordance with Article 12 of the Constitution during the year.

16. To review and facilitate the transformation of delivery of services.

Transformation

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

Projects

(a) To identify, monitor and oversee the implementation of major Corporate projects.

(b) To advise the Audit & Scrutiny Committee of the major Corporate projects.