



Minutes

Ordinary Council Wednesday, 26th June, 2019

Attendance

Cllr Parker (Mayor)	Cllr Kendall
Cllr Aspinell	Cllr Kerlake
Cllr Dr Barrett	Cllr Lewis
Cllr Bridge	Cllr McCheyne
Cllr Chilvers	Cllr McLaren
Cllr Clarke	Cllr Mrs McKinlay
Cllr J Cloke	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Mrs Davies	Cllr Nolan
Cllr Mrs Fulcher	Cllr Mrs Pearson
Cllr Fryd	Cllr Poppy
Cllr Haigh	Cllr Mrs Pound
Cllr Hirst	Cllr Reed
Cllr Mrs Hones	Cllr Tanner
Cllr Hossack	Cllr Tierney
Cllr Jakobsson	Cllr Tumbridge
Cllr Keeble	

Apologies

Cllr Ms Sanders (Deputy Mayor)	Cllr Laplain
Cllr Barrett	Cllr Morrissey

Officers Present

Phoebe Barnes	-	Interim Financial Controller
Greg Campbell	-	Director of Operations
Philip Drane	-	Director of Strategic Planning
Paula Harvey	-	Corporate Governance Solicitor & Deputy Monitoring Officer
Chris Leslie	-	Executive Director of Commercial Services
Claire Mayhew	-	Corporate and Democratic Services Manager
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Interim Chief Executive
Jacqueline Mellaerts	Van -	Director of Corporate Resources

70. Apologies for Absence

Apologies were received from Cllrs Gareth Barrett, Laplain, Morrissey and Miss Sanders (Deputy Mayor). In Cllr Miss Sanders' absence Cllr Mrs Pound took her place to assist the Mayor in noting which Members' wished to speak.

71. Declarations of Interest

No declarations of interest were declared at this stage of the meeting.

72. Mayors Announcements

The Mayor advised Members of the engagements he had undertaken and invited nominations for Aldermen and Alderwomen and Freemen and Freewomen which needed to be made before the end of October.

73. Minutes of the 5.12.18 Ordinary Council meeting

The minutes of the 5.12.18 Ordinary Council meeting were APPROVED as a true record.

74. Minutes of the 27.2.19 Ordinary Council meeting

The minutes of the 27.2.19 Ordinary Council (Budget) meeting were APPROVED as a true record.

75. Minutes of the 15.5.19 Annual Council meeting

The minutes of the Annual Council meeting held on 15.5.19 were APPROVED as a true record.

76. Public Questions

Mrs Gearon-Simm put the following questions to the Leader of the Council:

The world's leading scientists have produced 1,800 pages of detailed evidence that our wholesale destruction of the biosphere threatens humanity just as much as climate change.

The time has surely come for politicians to act urgently to take non-partisan, bold courageous action to back transformative economic and social change in pursuit of the public good.

Will Brentwood Borough Council join more than 100 other councils across the country to declare a climate emergency?

Will councillors pledge that Brentwood will be carbon-neutral within 11 years?

Cllr Hossack thanked Mrs Gearon-Simm for her continued enthusiastic participation and keen interest in local democracy.

He advised that as the government had already declared a national emergency in relation to climate change he preferred to focus on practical steps that could be taken by the Council to tackle the climate issue.

A report was to be considered at the 10 July 2019 Policy, Resources and Economic Development Committee to directly deal with some green issues. Cllrs Hossack and Tumbridge (Chair of PRED Committee) had discussed promoting Brentwood as a pioneering town which encouraged specifically green technology companies to come and use innovative technology, electric charging points, etc and set the tone for the Borough.

Electric vehicles were already being used within the Council's fleet and there were electric charging points at the Depot. Electric charging points were also being installed at the renovated Town Hall.

Cllr Hossack had discussed with the Vice-chair of Planning and Licensing Committee a proposal of including in Planning Policy the requirement that all developments were built to Standard A of the EPC Certificate rating.

Cllr Hossack advised he could not pledge that Brentwood would be carbon neutral within 11 years as this may not be deliverable. However, he proposed a partnership between the Council and townsfolk that being mindful of the types of cars driven and energy used in homes and businesses Brentwood would move towards the carbon neutral target and pledged that the Council would take this message to residents and business owners.

77. Memorials or Petitions

No memorials or petitions were presented.

78. Committee Chairs Reports and Members Questions

Committee chairs reports were provided for Members' information and four written questions had been received, as follows:

Cllr Chilvers put a question to the Chair of Environment, Enforcement and Housing, Cllr Hossack.

When attending committee meetings, non-committee members customarily - although not constitutionally - feel compelled to use the phrase: "Thank you chair for allowing me to speak even though I am not a member of your committee". This conduct is antiquated and brings nothing to the debating chamber apart from adding time and making us appear outdated as an organisation. A simple "Thank You Chair" would surely suffice? Given it is now 2019, will the leader agree to dispense with this allowing the focus to be

discussing the items on the agenda for our residents' benefit and modernising Brentwood council?

Cllr Hossack advised that he would not dispense with the use of the customary phrase which he considered served a practical purpose as well as being polite and traditional: whereas at full council meetings all Members were able to speak and vote, using the phrase enabled the public to differentiate between voting and non-voting Members at Committee meetings. He believed ceasing to use the phrase would be an erosion in standards and took the opportunity of referring to an erosion in the traditional standards of some Members' dress in the Chamber as neck ties and jackets were not being worn as was expected of Councillors.

Cllr Aspinell put a question to the Chair of Policy, Resources and Economic Development Committee, Cllr Tumbridge:

Would the Chair of Policy, Resources and Economic Development Committee support a proposal that the Council undertakes a planning seminar to discuss the effects on the Borough of recent changes by the Government to planning policy and guidelines. The aim of the seminar would be to discuss all aspects of the changes, its effects and how we locally could introduce conditions to protect our existing residents from the new development pressures.

Cllr Tumbridge advised that he welcomed questions from Members relating to serious issues such as planning. He believed that discussion on planning matters fell to the Planning and Licensing Committee rather than under the auspices of Policy, Resources and Economic Development Committee. However, at the 10 July 2019 PRED Committee meeting, one of the agenda items would be the programme of Members' training, opportunities for which Cllr Tumbridge was a great advocate and supporter. He hoped that the proposed elements of planning training currently being planned would address the kind of content that Cllr Aspinell hoped to discuss.

Cllr Tim Barrett put a question to the Chair of Policy, Resources and Economic Development Committee, Cllr Tumbridge:

Can the timetable for progression of the Local Development Plan (LDP) from this meeting to formal adoption be outlined and confirmed?

Cllr Tumbridge said that part of the question could be answered definitively in that the Senior Planning Officer was bringing a paper to the 10 July 2019 PRED meeting to outline the stage the Council had reached in the LDP process and how it would progress.

An engagement had to take place with the National Planning Inspectorate but when the inspector responded and dealt with the LDP was outside the Council's control but it was anticipated that this would lead to the resolution of

the LDP process in 2020. No more detail could be given at this stage as everything depended on the inspector.

The paper provided for the 10 July PRED Committee meeting would supply all the available detail and Members would elicit any further information from officers at the meeting.

Cllr Tim Barrett put a second question to the Chair of Policy, Resources and Economic Development Committee, Cllr Tumbridge:

Does the Chair see any potential perception of a conflict of interest for the dual roles of Chair of the Constitution Working Group and Chair of the Policy Resources & Economic Development Committee - as one committee leads on setting the rules and framework from which the other committee uses them to set policy - to use a sporting analogy; are they both referee and manager?

Cllr Hossack questioned whether it was appropriate for Cllr Tumbridge to respond as the question related to his possible conflict of interests.

However, Cllr Tumbridge responded as follows:

He was afraid that the question was based on false premise as the Constitution Working Group was a group and not a committee and reported to Full Council only which controlled and ruled the constitution and the rules of Council meetings.

CWG existed within the framework of the constitution to give a mechanism so that cross-party Members could work with the monitoring officer and other appropriate officers to address different aspects of the constitution and bring forward recommendations to Full Council which made the rules.

There was no conflict whatsoever as CWG was a group and not a committee and had no decision-making powers.

Further questions were put to Chairs and responses received.

79. Terms of Reference

Members were reminded that at Annual Council on 15 May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

Part 3.1 of the Constitution listed the powers and duties of the Committees appointed by Annual Council for 2019/2020 which were subject to amendment by the individual committees throughout the year with Council's approval.

The proposed Terms of Reference for Ordinary Council were appended to the report for Members' information.

Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** the recommendations in the report, slightly amended from 'Chief Operating Officer' to 'Chief Executive Officer' and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

1. That the Committee notes the Terms of Reference (Appendix A to the report) of the Ordinary Council.
2. That any amendments addressed by the Committee are reported to Chief Executive Officer/Corporate and Democratic Services Manager and a report to be taken to appropriate Ordinary Council Meeting for approval.

Reason for recommendation

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

80. Council Representation on Outside Organisations

Members were advised that following a change to the Council's Constitution in January 2017 Council representatives were now appointed to a number of outside organisations by Ordinary Council. Many of the outside organisations supported and advanced the broad objectives of the Authority. Representations came about either through the Authority initiating the appointment, or an organisation requesting a representative being nominated or a Charity Commission rule that a Council representative be appointed.

Cllr Hossack advised that all Group Leaders had had input into the proposed list of nominations and **MOVED** and Cllr Mrs Hones **SECONDED** the recommendations in the report.

Following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

1. That the list of outside bodies and nominated representatives/point of contact for 2019/20 shown in Appendix A be approved.
(For clarity Appendix A is appended to these minutes)

2. A review of the Outside Organisations to be undertaken yearly and reported back to Ordinary Council at the start of the municipal year.

81. Notices of Motion

Eight Notices of Motion had been received.

1. Cllr Aspinell **MOVED** and Cllr Clarke **SECONDED** the following Motion:

'This Council resolves to investigate the possibility of installing electric charging stations for electric powered vehicles at various strategic positions within the Borough. We would suggest the ideal sites for these could be the major junctions with the M25 (A12 / A127). Such charging stations would be powered by green energy, i.e., windmill, solar panel or heat source. We believe this would generate much needed revenue to the Council and be a major contributor to reducing carbon emissions. Obviously, these stations would not be the only provision of charging within the borough but they would provide facilities for vehicles travelling through the road network. As technology advances towards 2030, where the Government had decided only electric vehicles will be permitted on our roads, it may not be just charging points required, but a facility to exchange fully charged units.'

The Leader, Cllr Hossack, proposed an **AMENDMENT** whereby a section of wording was omitted and Cllr Aspinell **ACCEPTED** the proposed **AMENDMENT**.

Following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY:

'This Council resolves to investigate the possibility of installing electric charging stations for electric powered vehicles at various strategic positions within the Borough. As technology advances towards 2030, where the Government had decided only electric vehicles will be permitted on our roads, it may not be just charging points required, but a facility to exchange fully charged units.'

2. Cllr Fryd **MOVED** and Cllr Aspinell **SECONDED** the following Motion:

This Council resolves to remove the Authority's preferred site of 75 houses in Priests Lane from our submission of our Local Development Plan and allocate this number of dwellings to an alternative site within the borough such as the Dunton Hills development. The Priests Lane site would then be changed to a Conservation and wildlife area. The benefit of this status would aid the

*reduction of carbon ~~dioxide~~ **monoxide** emissions from an already over polluted and heavily traffic congested area.*

Following a discussion a recorded vote was requested in accordance with the Constitution and Members voted as follows:

FOR: Cllrs Aspinell, Dr Barrett, Chilvers, Clarke, Sarah Cloke, Mrs Davies, Mrs Fulcher, Fryd, Haigh, Keeble, Kendall, Lewis, Naylor and Mynott (14)

AGAINST: Cllrs Bridge, Jon Cloke, Hirst, Mrs Hones, Hossack, Jakobsson, Kerlake, McCheyne, McLaren, Mrs McKinlay, Nolan, Parker, Mrs Pearson, Poppy, Mrs Pound, Reed, Tanner, Mrs Tierney and Tumbridge (19)

ABSTAIN (0)

The **MOTION** was **LOST**.

3. Cllr Mrs Fulcher **MOVED** and Cllr Haigh **SECONDED** the following Notice of Motion:

This Council resolves to commission a report from a suitably qualified organisation to carry out a study of HGV journeys to and from local businesses and to explore what beneficial changes could be made to improve weight restriction enforcement and to report on the environmental and commercial benefits from any potential changes.

Following a discussion a vote was taken on a vote of hands and the **MOTION** was **LOST**.

Cllr Fulcher declared a non-pecuniary interest by virtue of being a member of the Local Highways Panel.

4. Cllr Mynott **MOVED** and Cllr Naylor **SECONDED** the following Motion:

In 19th December 2017 Lichfields, the Brentwood Council consultants who had produced the Economic Futures Study in support of the Local Plan, advised the council to consider gaining an Article 4 direction "to stop the conversion of offices to residential uses through permitted development rights". The clear object of this advice was to prevent the worrying erosion of town centre unemployment uses.

LGA analysis also shows that "councils have potentially missed out on more than 10,500 desperately needed affordable homes in the past three years as a result of government rules allowing developers to bypass the planning system". Office conversions which do not go through the planning system include "no affordable housing or supporting investment in infrastructure such as roads, schools and health services". The LGA are campaigning for councils to be given back control over office conversions "to ensure they are good quality and help build prosperous places.

The council resolves to consult on the introduction of an Article 4 restriction on office conversion in an area to be confirmed but probably including Brentwood North, West South and Warley wards.

Cllr Hossack proposed an **AMENDMENT**, changing the wording of the final paragraph of the Motion which Cllr Mynott **ACCEPTED**.

Following a discussion a vote was taken on a show of hands and it

RESOLVED UNANIMOUSLY

In 19th December 2017 Lichfields, the Brentwood Council consultants who had produced the Economic Futures Study in support of the Local Plan, advised the council to consider gaining an Article 4 direction "to stop the conversion of offices to residential uses through permitted development rights". The clear object of this advice was to prevent the worrying erosion of town centre unemployment uses.

LGA analysis also shows that "councils have potentially missed out on more than 10,500 desperately needed affordable homes in the past three years as a result of government rules allowing developers to bypass the planning system". Office conversions which do not go through the planning system include "no affordable housing or supporting investment in infrastructure such as roads, schools and health services". The LGA are campaigning for councils to be given back control over office conversions "to ensure they are good quality and help build prosperous places.

The Council resolves to seek legal advice on the process of introducing an Article 4 restriction on office conversion on an area to be confirmed.

At this point the Mayor proposed a variation in the order of the agenda – see Minute 82.

5. Cllr Dr Barrett **MOVED** and Cllr Keeble **SECONDED** the following Motion:

Brentwood Plastic-free Pledge

1) Single-use plastics, or disposable plastics, are used only once before they are thrown away or recycled. These items are things like plastic bags, straws, coffee stirrers, soda and water bottles and most food packaging.

2) The Local Government Association estimates that only a third of single use plastic can be recycled with the rest sent to landfill.

3) The Council has been committed to a sustained programme of reducing waste for a number of years through service developments,

raising awareness and encouraging householders to reduce, reuse and recycle.

4) The work by the local volunteers to establish Refill Brentwood as a method of creating a community and business model to reduce the amount of single-use plastic bottles in our community.

5) The government has proposed to ban the use of certain single-use plastic, although there is no confirmed legislative date for these to become law.

This Council believes that:

1) What seem like small measures can have an impact through setting a clear example and encourages residents and local businesses to follow in minimising their use of single-use plastic.

2) The ongoing climate and environmental crisis caused by the growth in single-use plastics must be addressed by all practical means.

Therefore this Council resolves that:

1) A plan is presented to the Housing, Environment and Enforcement Committee outlining a programme to ensure all the council's buildings avoid using single-use plastic by the end of 2020 or as soon as contracts allow, and all events organised by the Council or on Council land will be required to show how single-use plastic will be eliminated, replaced by alternatives, or reduced to an absolute minimum.

2) As a starting point this will include phasing out of all sale and use of single use plastic bottles, plastic cups, cutlery, stirrers and drinking straws in council owned and managed buildings as soon as practically possible, with a report to the appropriate committee and a press release to confirm this announcement.

3) That through the Council's representatives on the Brentwood Business Partnership a proposal for a 'Plastic Free Pledge' for Brentwood be developed to further develop this proposal in the community.

Cllr Hossack proposed an **AMENDMENT**, removing a paragraph from the proposed resolution which was **ACCEPTED** and following a discussion it was

RESOLVED UNANIMOUSLY that

1) A plan is presented to the Housing, Environment and Enforcement Committee outlining a programme to ensure all the council's buildings avoid using single-use plastic by the end of 2020 or as soon as contracts allow, and all events organised by the Council or on Council land will be required to show how single-use plastic will be eliminated, replaced by alternatives, or reduced to an absolute minimum.

2) That through the Council's representatives on the Brentwood Business Partnership a proposal for a 'Plastic Free Pledge' for Brentwood be developed to further develop this proposal in the community.

6. Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** the following Motion:

This council recognises the serious problem across Essex of several thousand empty homes. We call upon all Essex Councils to establish a collaborative working approach to tackle the problem Countywide.

Following a discussion a vote was taken on a show of hands and the **MOTION** was **CARRIED UNANIMOUSLY**.

7. Cllr Clarke **MOVED** and Cllr Chilvers **SECONDED** the following Motion:

This Council resolves to review access for day time and night time car parking within the town centre.

Struggling shops in Brentwood are further impeded by parking restrictions and fees for their customers, whilst night time outlets benefit from less stringent fees as well as lack of enforcement of these with cars parked freely along double yellow lines and pavements.

Following a brief discussion a vote was taken on a show of hands and the **MOTION** was **LOST**.

8. Cllr Tumbridge **MOVED** and Cllr Hossack **SECONDED** the following Motion:

"The council hereby revokes the changes made unilaterally to its constitution by the Monitoring Officer in January 2017, save for the amendment relating to Chapter 5, Part 2, Registration of Interests and the Members' Planning Code of Good Practice".

A vote was taken on a show of hands and the **MOTION** was **CARRIED**.

82. Variation in the Order of the Agenda

During the previous item, Notices of Motion, following debate on Motion 4, given the time constraints on the meeting the Mayor proposed and Members agreed to a variation in the order of the agenda so that full consideration could be given to Urgent Business.

83. Urgent Business - Senior Management Structure – Appointment of Statutory Officers

The report before Members had been circulated as a confidential item but it was subsequently decided that it was appropriate that the matters under consideration be discussed in open session.

Members were advised that the Staff Appointments Committee met on the 20 June 2019 to discuss the senior Management Structure and the Appointments of Statutory Officers.

A proposed senior officer structure had been approved by Policy, Projects and Resources Committee on 5th February 2019. Following an internal recruitment process for the vacant position of Director of Corporate Resources it was recommended by Staff Appointments Committee that Jacqueline Van Mellaerts be appointed to the role.

Since the Annual Council meeting had taken place it had been agreed that the current Chief Executive, Philip Ruck, would leave the Council due to retirement, his termination date having been 20 June 2019.

The Senior Management structure had since been reviewed and a revised management structure was attached to the report as Appendix A.

As the Chief Executive position was vacant, the Leader wished to proceed with recruitment for a full time position which would include the roles of Head of Paid Service, Returning Officer and Director of Seven Arches Investment Limited (SAIL). The recruitment process would be carried out in accordance with statutory requirements for the recruitment of the Head of Paid Service.

Pending the recruitment of a Chief Executive, it was recommended by the Staff Appointments Committee that Steve Summers be appointed as Interim Chief Executive which role would include the statutory position of Head of Paid Services and Returning Officer and he would receive an acting up allowance.

Members noted that a new post of Director of Housing and Enforcement had been included in the revised management structure shown in Appendix A. The appointment of this post was subject to job evaluation and recruitment process as a secondment opportunity for 6 months.

Cllr Hossack **MOVED** and Cllr Aspinell **SECONDED** the recommendations in the report.

During the ensuing discussion, Cllr Bridge **MOVED** and Cllr Tim Barrett **SECONDED** that Members should Move to the Vote. A vote was taken on a show of hands and it was **RESOLVED ACCORDINGLY**.

A vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY that

Following recommendation from Staff Appointments Committee:

- 1. The Council approves the appointment of Jacqueline Van Mellaerts, currently Interim Chief Finance Officer as Director of Corporate Resources (Section 151 Officer).**
- 2. The Council approves the recruitment of a Full time Chief Executive and Head of Paid Service, which includes the role of Returning Officer and Director of Seven Arches Investment Limited (SAIL).**
- 3. The Council approves the appointment of Steve Summers, currently Chief Operating Officer, as Interim Chief Executive which includes the statutory position of Head of Paid Services and Returning Officer, pending the recruitment of a Chief Executive with the provision of an acting up allowance, which increases his total remuneration to £95,000 with effect from 21 June 2019.**
- 4. To note the resignation of Philip Ruck as a Director of Seven Arches Investment Ltd and to appoint Phoebe Barnes as a Director of Seven Arches Investment Ltd.**
- 5. To note the Senior Management Structure attached in Appendix A.**

(For clarity Appendix A is attached to these minutes).

Reasons for Recommendations

The Council is required by Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs and must secure that one of its officers has responsibility for the administration of those affairs. The appointment must be approved by full Council following a recommendation by the Staff Appointments Committee.

The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as its Head of Paid Service to discharge functions relating to the organisation and management of staff.

Following this item of business, Cllr McLaren **MOVED** and Cllr Nolan **SECONDED** that the second item of Urgent Business – Audit and Scrutiny Committee Terms of Reference – should be considered. A vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY accordingly.

84. Urgent Business - Audit and Scrutiny Terms of Reference Report

Members were reminded that at Annual Council on 15 May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

At the Audit and Scrutiny meeting on 18 June 2019 Members considered the Terms of Reference and following discussion resolved the following:

‘That any amendments made by the Committee are delegated to the Chief Operating Officer in consultation with the Chair and Vice Chair of the committee with a report to be made to Ordinary Council Meeting for approval.’

Following discussion with the Chair and Vice Chair of the Audit and Scrutiny Committee it was considered that to meet the matters raised by the committee that the following be deleted from the Audit and Scrutiny Committee Terms of Reference for 2019/20:

‘To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Committee for approval as set out in the Audit and Scrutiny rules.’

Cllr Nolan **MOVED** and Cllr Hossack **SECONDED** the recommendations in the report and it was

RESOLVED UNANIMOUSLY

1. That the Council agrees the amendments to the Terms of Reference approved at 15 May 2019 Annual Council as set out in the report as follows:
 - a) To add: ‘That any amendments made by the Committee are delegated to the Chief Operating Officer in consultation with the Chair and Vice Chair of the committee with a report to be made to Ordinary Council Meeting for approval.’
 - b) To delete ‘To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Committee for approval as set out in the Audit and Scrutiny rules.’
2. That the Monitoring Officer be authorised to make the necessary changes to the Council’s Constitution.

Reasons for Recommendation

The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other

committees to facilitate the effective conduct of business under that committee system.

The meeting ended at 10.15pm

85. Appendices

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Minute Item 83

26 June 2019

Ordinary Council

Senior Management Structure and Appointments of Statutory Officers

Report of: Paula Harvey, Deputy Monitoring Officer

Wards Affected: All Wards

This report is: Not for publication. Excluded from publication in accordance with section 100B(2) Local Government Act 1972 ("the Act"), being information in the category set out in SCHEDULE 12A s1 of the Act for the reason that this contains information relating to an individual, and by virtue of which the council are likely to exclude the public during the item to which the report relates.

1. Executive Summary

- 1.1 Staff Appointments Committee met on the 20 June 2019 to discuss the senior Management Structure and the Appointments of Statutory Officers.
- 1.2 A proposed senior officer structure was approved by Policy, Projects and Resources Committee on 5th February 2019. Following an internal recruitment process, for the vacant position of Director of Corporate Resources, it is recommended by Staff Appointments Committee that Jacqueline Van Mellaerts is appointed to the role.
- 1.3 Since Annual Council, it has been agreed that the current Chief Executive Philip Ruck will leave the Council due to retirement. His termination date was 20 June 2019.
- 1.4 Following this, the Senior Management structure has since been reviewed, and a revised management structure is Attached in Appendix A.
- 1.5 As the Chief Executive position is vacant, the leader wishes to proceed with recruitment for a full time position which includes the roles of Head of Paid Service, Returning Officer and Director of Seven Arches Investment Limited (SAIL). The recruitment process will be carried out in accordance with statutory requirements for the recruitment of the Head of Paid Service.
- 1.6 Pending the recruitment of a Chief Executive, it is recommended by the Staff Appointments Committee that Steve Summers is appointed as Interim

Chief Executive which includes the statutory position of Head of Paid Services and Returning Officer and received an acting up allowance.

- 1.7 Pending the recruitment of a Chief Executive, it is recommended
- 1.8 A new post of Director of Housing and Enforcement has been included in the revised management structure attached in Appendix A. The appointment of this post is subject to job evaluation and recruitment process as a secondment opportunity for 6 months.

Recommendation(s)

- 2. Following recommendation from Staff Appointment Committee:**
 - 2.1 The Council approves the appointment of Jacqueline Van Mellaerts, currently Interim Chief Finance Officer as Director of Corporate Resources (Section 151 Officer).**
 - 2.2 The Council approves the recruitment of a Full time Chief Executive and Head of Paid Service, which includes the role of Returning Officer and Director of Seven Arches Investment Limited (SAIL).**
 - 2.3 The Council approves the appointment of Steve Summers, currently Chief Operating Officer as Interim Chief Executive which includes the statutory position of Head of Paid Services and Returning Officer, pending the recruitment of a Chief Executive with the provision of an acting up allowance, which increases his total remuneration to £95,000 with effect from 21 June 2019.**
 - 2.4 To note the resignation of Philip Ruck as a Director of Seven Arches Investment Ltd and to appoint Phoebe Barnes as a Director of Seven Arches Investment Ltd.**
 - 2.5 To note the Senior Management Structure attached in Appendix A. and to approve any further changes (if any).**

3. Introduction and Background

- 3.1 On 5th February 2019 members of Policy, Projects and Resources Committee approved a proposed senior officer structure, as a confidential item. This structure included the role of a new post of Director of Corporate

Resources (including the statutory role of Section 151 Officer) and set out other in post Chief Officer and Director positions.

4. Issue, Options and Analysis of Options

- 4.1 Following approval of the proposed senior officer structure on 5th February an internal recruitment process was carried out and Jacqueline Van Mellaerts has been chosen as the successful candidate for the position.
- 4.2 It is recommended that full Council approve the appointment of Jacqueline Van Mellaerts as Director of Corporate Resources in accordance with the Council's Constitution.
- 4.3 The Section 151 Officer may appoint such deputies as necessary for the conduct of the duties provided by the Acts.
- 4.4 Since Annual Council, the current Chief Executive Philip Ruck is to leave the Council due to his retirement.
- 4.5 The Leader, Chris Hossack has requested that senior officers review the senior management structure and a revised structure is attached in Appendix A.
- 4.6 The termination date of the Chief Executive is the 20 June 2019. The Leader of the Council wishes to proceed with the recruitment for a new Chief Executive as a full time position, which will include the statutory position of Head of Paid Service, Returning Officer and Director of SAIL.
- 4.7 Pending the recruitment of the Chief Executive, it is recommended that Steve Summers, Chief Operating Officer, receives an acting up allowance which includes his total remuneration to £95,000, as Interim Chief Executive with effect from 21 June 2019.
- 4.8 The revised senior management structure also includes a new post of Director of Enforcement and Housing which is subject to job evaluation and recruitment process. This position is to be advertised as a secondment opportunity for 6 months.

5. Reasons for Recommendation

- 5.1 The Council is required by Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs

and must secure that one of its officers has responsibility for the administration of those affairs. The appointment must be approved by full Council following a recommendation by the Staff Appointments Committee.

- 5.2 The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as its Head of Paid Service to discharge functions relating to the organisation and management of staff.

6. Consultation

- 6.1 Group Leaders have been consulted on behalf of all Members.

7. References to Corporate Plan

- 7.1 The Vision for Brentwood requires suitably qualified Statutory Chief Officers.

8. Implications

Financial Implications

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

- 8.1 The cost of the senior Management structure which is included in the Base Budget for 2019/20 is £516k. This includes £178k of secondment income from SAIL for Executive Director of Commercial Services and 0.8FTE of Head of legal and Monitoring Officer.
- 8.2 The forecasted cost of the structure for 2019/20 of the proposed structure is approximately £489k including the secondment income from SAIL. This is assuming interim arrangements will be for approximately 5 months, and the new Chief Executive, could potentially have a higher market rate salary.
- 8.3 The annualised cost of the management structure if this was to remain and be included into the budget for 2020/21 is approximately £600k which also includes secondment income from SAIL.
- 8.4 This could potentially cause a pressure on the general fund of approximately £85k for 2020/21 budget, if this structure continues. However this structure could be subject to change and this does not include any further potential charges to SAIL for Senior Officer Services.

- 8.5 This structure will be kept under reviewed and monitored by Senior Officers via usual budget monitoring processes and reported appropriately to Policy, Resources and Economic Development Committee.

Legal Implications

Name & Title: Paula Harvey, Corporate Governance Solicitor & Deputy Monitoring Officer

Tel & Email 01277 312860 / paula.harvey@brentwood.gov.uk

- 8.6 The recommendations within this report are lawful and within the Council's powers and duties. The Council has statutory obligations within an existing legal framework for the appointment of Council officers to a number of specified posts. Under s112 of the Local Government Act 1972 the Council also has the power to appoint such officers as it considers necessary for the proper discharge of its functions. The recommendations will support the Council in securing compliance with its statutory duties and the effective management of the Council's functions.
- 8.7 The Council has a statutory duty under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs and must secure that one of its officers has responsibility for the administration of those affairs. Section 113 of the Local Government and Finance Act 1988 sets out the qualifications required for the role of s151 Officer.
- 8.8 The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as its Head of Paid Service to discharge functions relating to the organisation and management of staff.
- 8.9 The appointment of the statutory roles of Head of Paid Service and s151 Officer may only be made by full Council, upon recommendation from the Council's Staff Appointments Committee.
- 8.10 The Council must follow statutory requirements for the external recruitment of its Head of Paid Service, regarding advertising the post and interviewing candidates.
- 8.11 The termination of Philip Ruck's employment with the Council has been carried out in accordance with employment law and the Council's policies and procedures. Officers should ensure that appropriate steps are taken to terminate Philip Ruck's directorship of SAIL.

Other Implications

8.12 None.

9. Background Papers

9.1 Report to Policy, Project and Resources Committee on 5th February 2019.

10. Appendices to this report

None.

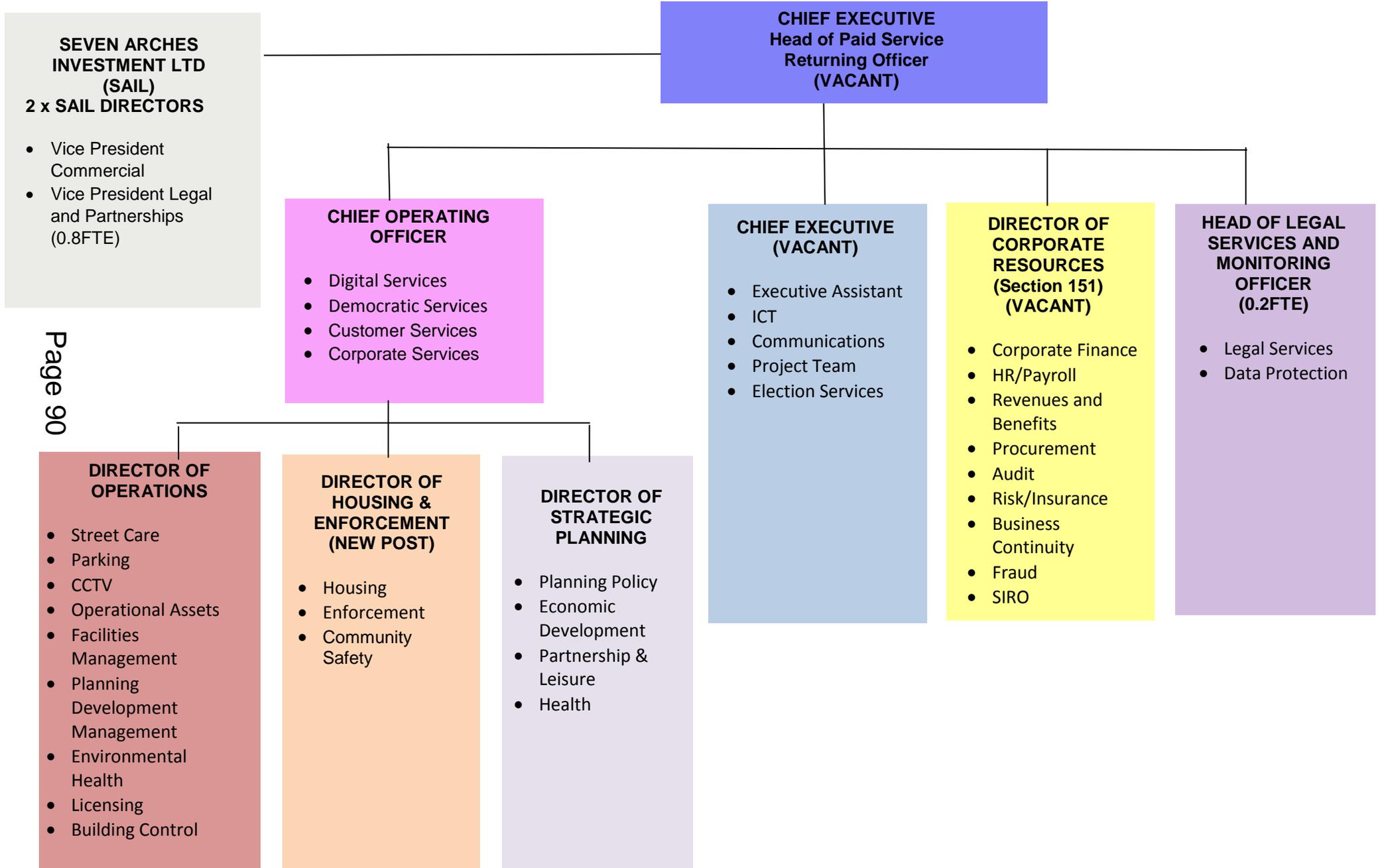
Report Author Contact Details:

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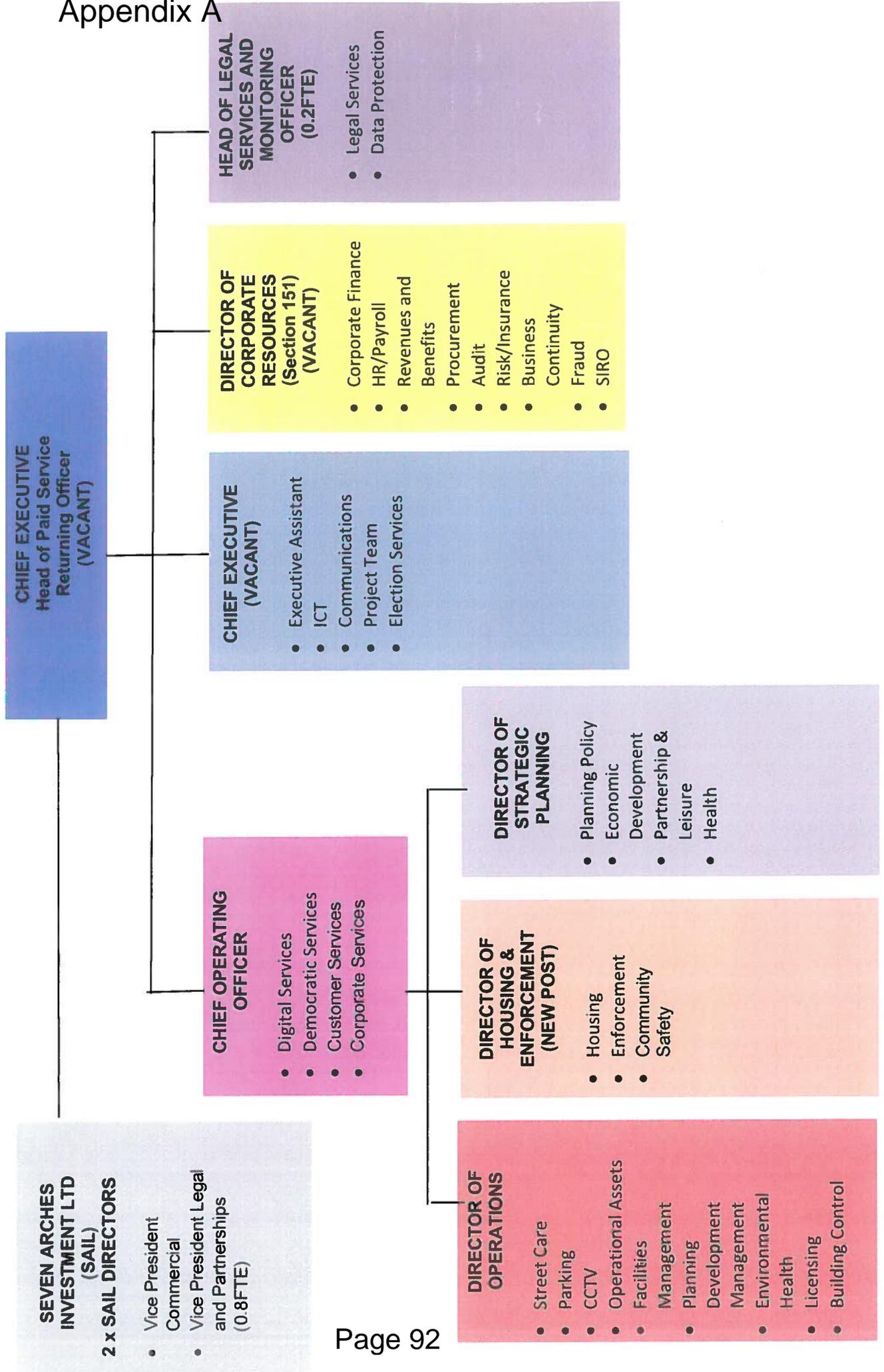
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SENIOR MANAGEMENT STRUCTURE



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SENIOR MANAGEMENT STRUCTURE



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Minute Item 84

Urgent Item

26th June 2019

Ordinary Council

Audit and Scrutiny Committee Terms of Reference

Report of Claire Mayhew, Corporate and Democratic Services Manager

Wards Affected: All Wards

This report is: Public

1. Executive Summary

1.1 At Annual Council on 15th May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

1.2 At the Audit and Scrutiny meeting on the 18th June 2019 members considered the Terms of Reference and following discussion resolved the following:

‘That any amendments made by the Committee are delegated to the Chief Operating Officer in consultation with the Chair and Vice Chair of the committee with a report to be made to Ordinary Council Meeting for approval.’

1.3 Following discussion with the Chair and Vice Chair of the Audit and Scrutiny Committee it is considered that to meet the matters raised by the committee that the following is deleted from the Audit and Scrutiny Committee Terms of Reference for 2019/20.

‘To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Committee for approval as set out in the Audit and Scrutiny rules.’

2. Recommendation(s)

2.1 That the Council agrees the amendments as set out in 1.3 above.

2.2 That the Monitoring Officer be authorised to make the necessary changes to the Council’s Constitution.

2 Introduction and Background

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

3 Issue, Options and Analysis of Options

- 3.1 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2019/2020, this is subject to an amendment made by the individual committees throughout the year with Council's approval.

4 Reasons for Recommendation

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

5 Consultation

- 5.1 None.

6 References to Corporate Plan

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

7 Implications

Financial Implications

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

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

Legal Implications

Name & Title: Paula Harvey, Deputy Monitoring Officer

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- 7.2 The recommendations set out within this report are lawful and within the Council's powers and duties. The Council operates a committee system form of governance within an existing legal framework. The Council's Constitution provides that the Annual Meeting will establish a committee for the purposes of the Licensing Act 2003 and such other committees as may be necessary for the proper discharge of the Council's functions, including their size and terms of reference.

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

7.3 None.

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

None.

8 Appendices to this report

None

Report Author Contact Details:

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Appointments to Outside Organisations

APPENDIX B

Minute Item 85

Organisation	Nominations for 2018/19	Nominations for 2019/20
Active Brentwood	Cllr Poppy	Cllr Poppy
Armed Forces Covenant Champion	Cllr Wiles	Cllr Hossack
Brentwood Access Group	Cllr Cloke	Cllr Cloke
Brentwood Arts Council	Cllr Mynott (LD)	Cllr Mynott (LD)
Brentwood Community Print	Cllr Mrs Pound Cllr Barrell	Cllr Mrs Pound Cllr Mrs Davies (LD)
Brentwood Community Safety Partnership	Cllr Hossack	Cllr Hossack
Brentwood Community Transport	Cllr Parker	Cllr Parker
Brentwood Council for Voluntary Service	Cllr Reed Cllr Wiles	Cllr Reed Cllr Dr Barrett (LAB)
Brentwood Leisure Trust	Cllr Nolan Cllr McLaren	Cllr Mrs Tierney Cllr Hirst
Brentwood Business Partnership	Cllr Kerlake Cllr McCheyne Cllr Reed Cllr Barrett (LAB) Cllr Clarke ((LD)	Cllr Mrs Hones Cllr Kerlake Cllr McCheyne Cllr Barrett (LAB) Cllr Kendall (LD)
Brentwood Theatre Trust	Cllr Chilvers (LD) Cllr Bridge	Cllr Chilvers (LD) Cllr Bridge
Brentwood/Landkreis Roth Town Twinning Association	Cllr Mrs Murphy (Mayor – President) Cllr Parker (Deputy Mayor – Vice-president) Cllr Mrs Hones Cllr Keeble (IND)	Cllr Parker (Mayor –President) Cllr Miss Sanders (Deputy Mayor – Vice-president) Cllr Naylor (LD) Cllr Mrs Hones
Brentwood/Montbazon Town Twinning Association	Cllr Mrs Murphy (Mayor – president) Cllr Parker (Deputy Mayor – Vice-president) Cllr Cloke Cllr Mrs Hones	Cllr Parker (Mayor – President) Cllr Miss Sanders (Deputy Mayor – Vice-president) Cllr Mrs Fulcher (LD) Cllr Cloke
Citizens Advice Bureau	Cllr Mrs Murphy Cllr Haigh	Cllr Bridge Cllr Haigh (LD)
Conservators of Shenfield Common	Cllr Wiles Cllr Barrell Cllr Barrett (LAB)	Cllr Barrett (LAB) Cllr Dr Barrett (LAB) Cllr Morrissey (LAB)
ECC Local Highways Panel	Cllr Cloke Cllr Hirst	Cllr Cloke Cllr Morrissey (LAB)

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	Cllr Ms Rowlands Cllr Mrs Fulcher (LD)	Cllr Poppy Cllr Fryd (LD)
Essex Police and Crime Panel	Cllr Hossack	Cllr Hossack
Essex Community Foundation	Cllr Hirst	Cllr Hirst
Hartwood Golf Club	Cllr Wiles VACANT	Cllr Mrs Hones Cllr Laplain (LD)
Headley Common Trustees	Mrs Jill Hubbard Mr David Tee Mr Michael Wild Mr Giles Murray	Mrs Jill Hubbard Mr David Tee Mr Michael Wild Mr Giles Murray
Health and Safety Committee	Cllr Kerlake	Cllr Kerlake
Health and Wellbeing Board	Cllr Ms Sanders Cllr Mrs Davies (LD)	Cllr Miss Sanders Cllr Mrs Davies (LD)
Herongate Village Hall Management Committee	Cllr Mrs Murphy	Cllr Mrs Tierney
Howard Memorial Trust	Cllr Mrs Murphy	Cllr Mrs Pearson
Hutton Charities	Cllr Hirst Cllr Kerlake	Cllr Hirst Cllr Kerlake
IAA Member Working Group	Cllr Parker	Cllr Parker
Local Government Association	Cllr Mrs McKinlay	Cllr Hossack
SNAP	Cllr Reed	Cllr Reed
South Essex Parking Partnership Representative	Cllr Cloke	Cllr Cloke
South Weald Parish Hall Management Committee	Cllr McLaren Cllr Russell	Cllr McLaren Cllr Chilvers (LD)
South East Children's Partnership Board	Cllr Russell	Cllr Mrs McKinlay
Brentwood Children's Advisory Board	Cllr McLaren	Cllr Mrs McKinlay
Taxi Trade Consultative Group	Cllr Ms Sanders Cllr Mrs Rowlands Cllr Mynott (LD)	Cllr McLaren Cllr McCheyne Cllr Mynott (LD)
Tenants' Talkback	Cllr Hossack (Chair of relevant committee – Community, Health and Housing) Cllr Poppy (Vice-chair of C, H & H) Cllr Mrs Davies (LD)	Cllr Hossack (Chair of Environment, Enforcement and Housing) Cllr Kerlake (Vice Chair of Environment, Enforcement and Housing) Cllr Naylor (LD)
Three Arch Bridge Community Hall	Cllr Wiles Cllr Morrissey (LAB)	Cllr Morrissey (LAB) Cllr Dr Barrett (LAB)

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