



# Agenda

## Annual Council

Wednesday, 19 May 2021 at 7.00 pm

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Membership (Quorum – 10 )

**THOSE BRENTWOOD COUNCIL MEMBERS WHO HAVE BEEN SUMMONED TO ATTEND THE ABOVE MEETING TO TRANSACT THE BUSINESS SET OUT BELOW.**

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Agenda

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	<b>Live broadcast</b>		
	<a href="#">Live broadcast to start at 7pm and available for repeat viewing.</a>		
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1.	To appoint a Member to preside at the meeting if the Mayor nor the Deputy Mayor are present and able to preside		
2.	Apologies for Absence		
3.	Mayor's Announcements		
4.	Designate a Mayor for the ensuing municipal year		7 - 10
5.	Designate a Deputy Mayor for the ensuing municipal year		11 - 14
6.	Receive any declaration of interest from Members and Officers		

7. **Brentwood Borough Council Elections**  
The Chief Executive will report the results of the elections.
8. **Political Groups on the Council** 15 - 18  
The Chief Executive will report receipt of Notices served on him by Members under the provisions of the Local Government (Committee and Political Groups) Regulations 1990.
9. **Designate a Leader and Deputy Leader of the Council** 19 - 22
10. **Leader's Statement**  
The Leader of the Council will make a statement.
11. **Committees and their Terms of Reference** 23 - 46
12. **Political Balance, Allocation of Committee Seats and Committee Appointments** 47 - 56
13. **Committee Calendar for 2021-2022** 57 - 62
14. **Appointment of Independent Persons** 63 - 72
15. **Members Allowances 2021-2022** 73 - 86
16. **Urgent Business**  
An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.



Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
04.05.2021

# Agenda Item 4

<b>Committee(s):</b> Annual Council	<b>Date:</b> 19th May 2020
<b>Subject:</b> Election of Mayor for Municipal Year 2021/2022	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

The Council is required to elect a Mayor at its Annual Meeting from amongst its membership to serve for the Municipal Year 2021/2022 and until their successor is entitled to act in that office in accordance with the procedure as set out in Appendix B of the Constitution.

## Recommendation(s)

**Members are asked to:**

- R1. To elect a Mayor for the Municipal Year 2021/2022 and until their successor is entitled to act in that office.**

## Main Report

### **Introduction and Background**

1. The Mayor is elected by the Council to continue in office for one Municipal Year in accordance with the procedure as set out in Appendix B of the Constitution and until their successor is entitled to act in that office. The Mayor is the First Citizen of the Borough, a Member of the Council and its Civic and Ceremonial head. The Mayor will represent and promote the Borough at events both within and outside the Borough.
2. The Mayor is Chair of the meetings of the Council in accordance with Council Procedure Rules.

3. The Mayor will invite nominations for the election of Mayor for the Municipal Year 2021/2022.
4. Once the election has taken place the newly elected Mayor will duly take the Declaration of Acceptance of Oath. Following the declaration, the meeting will be adjourned to allow the newly elected Mayor to robe.
5. On the return of the Mayoral Party, the Mayor will make announcements including which charities the Mayor has chosen to work with during the Mayoral year.
6. The Mayor is accompanied to events by a Mayoress or a Consort. The Mayoress or Consort is recognised by the Council as such. A Mayoress or Consort will be announced.
7. After the Mayor's Mayoress or Consort has been announced, the outgoing Consort will invest the incoming Mayoress or Consort with the badge of office.
8. A vote of thanks to the outgoing Mayor will be proposed. Other Members will be invited to speak on the vote of thanks. The Past Mayor will then be presented with the Past Mayor's badge and with gifts from officers.

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

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

### **Reasons for Recommendation**

10. It is a statutory duty.

## **Consultation**

11. Group Leaders would be consulted.

## **References to Corporate Plan**

12. This report underpins the corporate priority of transformation as the role of Deputy Mayor assists to uphold and promote the Constitution and so deliver improvements in governance arrangements.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

13. There are no direct financial implications arising from the election of a Mayor. For the purpose of enabling the Mayor to meet the expense of their office, the Council may pay such allowance as the Council thinks reasonable. Item 15 of the Agenda deals with allowances.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law and Governance) and Monitoring Officer**  
**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

14. The Council has a statutory duty to elect a Mayor annually from among its members. The election of the Mayor must be the first business transacted at the Annual Meeting.
15. The process for electing the Mayor is set out in the Council's Constitution.

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning & Economy)**  
**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

16. There are no direct economic implications.

## **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

17. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

18. None.

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

19. None

## **Appendices to this report**

20. None

# Agenda Item 5

<b>Committee(s):</b> Annual Council	<b>Date:</b> 19 <sup>th</sup> May 2021
<b>Subject:</b> Appointment of a Deputy Mayor for Municipal Year 2021/2022	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

The Council is required to appoint a Deputy Mayor from amongst its membership to serve for the Municipal Year 2021/2022.

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

## Recommendation(s)

**Members are asked to:**

- R1. To appoint a Deputy Mayor for the Municipal Year 2021/2022 and until immediately after the election of the Mayor at the next Annual Meeting.**

## Main Report

### **Introduction and Background**

1. The Deputy Mayor will support the Mayor in their role during their term of office. Subject to any standing orders made by the Council, anything authorised or required to be done by, to or before the Mayor may be done by, to or before the Deputy Mayor.
2. The Mayor will invite nominations for the appointment of Deputy Mayor for the Municipal Year 2021/2022.

3. Once Annual Council has made the appointment of Deputy Mayor, the newly appointed Deputy Mayor duly takes the Declaration of Acceptance of Oath.
4. The Deputy Mayor is accompanied to events by a Deputy Mayoress or Consort. The Deputy Mayoress or Consort is recognised by the Council as such. A Deputy Mayoress or Consort will be announced.
5. After the Deputy Mayor's Deputy Mayoress or Consort has been announced, the outgoing Consort will invest the incoming Consort with the badge of office.

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

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

### **Reasons for Recommendation**

7. It is a statutory duty.

### **Consultation**

8. Group Leaders would be consulted.

### **References to Corporate Plan**

9. This report underpins the corporate priority of transformation as the role of Deputy Mayor assists to uphold and promote the Constitution and so deliver improvements in governance arrangements.

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

10. There are no direct financial implications arising from the appointment of a Deputy Mayor. For the purpose of enabling the Deputy Mayor to meet the expenses of their office, the Council may pay such allowance as the Council thinks fit. Agenda Item 15 deals with allowances.



### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

11. The Council has a statutory duty to elect a Deputy Mayor annually from among its members. The election of the Mayor and Deputy Mayor must be the first business transacted at the Annual Meeting.

12. The process for electing the Deputy Mayor is set out in the Council's Constitution.

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

13. There are no direct economic implications

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

14. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

15. None.

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

16. None

## **Appendices to this report**

17. None

# Agenda Item 8

<b>Committee(s):</b> Annual Council	<b>Date:</b> 19th May 2021
<b>Subject:</b> Political Groups on the Council	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For decision</b>

## Summary

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

## Recommendation(s)

**Members are asked to:**

- R1. That Council notes the Notices of Political Groups served on the Chief Executive.**

## Main Report

### **Introduction and Background**

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

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

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

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

#### **Reasons for Recommendation**

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

#### **Consultation**

9. Officers consulted with Members post the Borough Elections on 6th May 2021.

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

10. None.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**

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

11. There are no direct financial implications.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

12. The Council's Proper Officer has a statutory obligation to report the receipt of Notices served on him by members under the provisions of the Local Government (Committees and Political Groups Regulations 1990 ('the Regulations')). The members of an authority are to be treated as divided into different political groups when there is at least one political group in existence which has been constituted in accordance with prescribed requirements.

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

13. There are no direct economic implications.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

14. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

15. None.

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

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

**Appendices to this report**

17. None

# Agenda Item 9

<b>Committee(s):</b> Annual Council	<b>Date:</b> 19 <sup>th</sup> May 2021
<b>Subject:</b> Appointment of Leader and Deputy Leader	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

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

The Mayor will invite nominations for the election of Leader and Deputy Leader for the Municipal Year 2021/2022.

## Recommendation(s)

**Members are asked to:**

- R1. That a Leader of the Council be elected**
- R2. That a Deputy Leader of the Council be elected**

## Main Report

### **Introduction and Background**

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

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

2. Annual Council must comply with the Constitution.

### **Reasons for Recommendation**

3. To comply with Article 4 of the Constitution.

### **Consultation**

4. None.

### **References to Corporate Plan**

5. None

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**

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

6. There are no direct financial implications arising from this report, the respective allowances are reported under item 15 of this agenda.

#### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and**

**Monitoring Officer**

**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

7. The Council's Constitution provides that the Annual Meeting will elect from its members a Leader and Deputy Leader of the Council in any year in which their term of office expires.

#### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

8. There are no direct economic implications.



## **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

9. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

10. None.

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

11. None

## **Appendices to this report**

12. None.

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<b>Committee(s):</b> Annual Council	<b>Date:</b> 19 <sup>th</sup> May 2021
<b>Subject:</b> Committees and their Terms of Reference 2021/2022	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

The Council operates a committee system form of local government governance and there are a number of statutory provisions relating to committees.

The Constitution under Council Procedure Rule 2.1 (k) provides that the Annual Meeting of Council considers the establishment of committees, their size and terms of reference for such Committees. Certain matters are laid down by law and the Council has no discretion in its considerations.

## Recommendation(s)

**Members are asked to:**

- R1. That the Committees listed in Appendix A be appointed for the Municipal Year 2021/2022.**
- R2. That the size of the Committees listed in Appendix A be agreed.**
- R3. That the Terms of Reference of the Committees listed in Appendix A be agreed.**
- R4. That the Council's Monitoring Officer be authorised to make any necessary changes to the Constitution.**

## Main Report

### **Introduction and Background**

1. As stated above, the Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.

2. The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
3. 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.
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.
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).
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.
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.
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.

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

9. Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2021/2022.
  
10. The proposed Committees for 2021/2022 (including their suggested/required size and terms of reference) are appended to this report. This including the Terms of Reference for the Emergency Committee adopted at Extra Ordinary Council 29<sup>th</sup> April 2020.

## **Reasons for Recommendation**

11. 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.

## **Consultation**

12. None

## **References to Corporate Plan**

13. 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.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

14. The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2021/2022.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**

**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

15. 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.

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

16. There are no direct economic implications.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

17. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

18. None.

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

19. None

## **Appendices to this report**

Appendix A: Committees and their Terms of Reference 2021/2022

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# Appendix A

The following Committees are established under all Council powers:-

- (1) Audit and Scrutiny Committee – 9 Members of the Council
- (2) Community & Health Committee – 9 Members of the Council
- (3) Dismissal Appeals Committee – 9 Members of the Council
- (4) Environment, Enforcement Committee – 9 Members of the Council
- (5) Planning and Licensing Committee – 12 Members of the Council
- (6) Policy, Resources and Economic Development Committee – 9 Members of the Council
- (7) Staff Appointments Committee – 9 Members of the Council
- (8) Dismissals Advisory Panel – 3 Independent Persons
- (9) Emergency Committee – 10 Members of the Council

The Terms of Reference of the above are set out as follows:-

## CHAPTER 3 - POWERS AND DELEGATIONS

### PART 3.1 - POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

#### 1. Matters Reserved to meetings of Council

##### 1.1 Council

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

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

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

##### 1.2 Functions of the Council

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;
- (c) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;

- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving of the Council's Corporate Plan;
- (m) approving or adopting the Council policies and strategies which form the policy framework;
- (n) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (o) confirming the appointment or dismissal of the Chief Executive; Monitoring Officer; and Section 151 Officer;
- (p) to consider reports on cross cutting matters not expressly delegated to another committee;
- (q) all other matters which by law must be reserved to Council;

## **2. General Powers of Committees**

This scheme of delegation sets out the functions of the Council to be discharged by its committees and sub-committees and includes the terms of reference of statutory and non-statutory bodies set up by the Council.

Each committee or sub-committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.

- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the committee;

## **2.1 Policy, Resources and Economic Development Committee**

1. The committee shall consider all matters of policy and strategic importance to the Council including matters referred to it by other Committees and/or Chief Officers.

The function within the remit of the Policy, Resources and Economic Development 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

Generally to review and oversee the co-ordination and governance of all functions of the Council. 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) Human resources
- 8) Information Communication Technology
- 9) Revenues and Benefits
- 10) Customer Services
- 11) 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 and allocation of resources.
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 council function.
  - (j) Appropriation of land surplus for the requirements of another Council function.
  - (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 receive updates reports on the Asset Development Programme and the work of the Asset Development Programme and Project Board.
  - (n) 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.
  - (o) To agree and monitor the governance arrangements for any commercial and/or partnership arrangement with the Council.
  - (p) Promoting a culture of entrepreneurialism and building the required skills and capacity.
  - (q) 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) Any matters relating to 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 those Corporate Projects that have been agreed by the committee to be major.

#### Scrutiny

- (a) To advise the Audit & Scrutiny Committee of any matters that require scrutiny in accordance with the Audit and Scrutiny Procedure Rules.

- (b) To receive requests and determine on matters that require scrutiny from any Committee in accordance with the Audit and Scrutiny Procedure Rules.
- 17. To consider any requests for sponsorship and use of the Council's Coats of Arms and logos.

## **2.2 Environment, Enforcement and Housing Committee**

The functions within the remit of the Environment, Enforcement and Housing Committee are set out below:

- 1) Waste management, refuse collection and recycling
- 2) Environmental improvement schemes
- 3) The quality of the public realm, including street services and grounds maintenance
- 4) Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage
- 5) Public conveniences
- 6) Cemeteries and closed churchyards
- 7) Unlawful incursions
- 8) Affordable housing
- 9) Housing strategy and investment programme where the Policy, Resources and Economic Development Committee does not decide to exercise such functions as the superior Committee.
- 10) The Housing Revenue Account Business Plan where the Policy, Resources and Economic Development Committee does not decide to exercise such functions as the superior Committee
- 11) Housing standards, homelessness, homelessness prevention and advice
- 12) Housing needs assessment
- 13) Housing benefit - welfare aspects

- 14) Private sector housing and administration of housing grants
- 15) Tenancy Management and landlord functions
- 16) To make recommendations to Policy, Resources and Economic Development Committee on the setting of rents for Council homes.
- 17) Operational facilities management (including maintenance) of the Town Hall and the Depot
- 18) Oversee and monitor the enforcement activities of the Council
- 19) Community Safety (including Community Safety Partnership) and CCTV
- 20) To implement working parties as required

### **2.3 Community and Health Committee**

1. The functions within the remit of the Community and Health Committee are set out below:
  - a) Community and Localism Initiatives including Assets of Community Value
  - b) The Voluntary Sector and community partnerships
  - c) Leisure and cultural initiatives.
  - d) Parish Council liaison
  - e) Health and Wellbeing
  - f) Grants to organisations/voluntary organisations.
  - g) Parks, open spaces, countryside, allotments
  - h) Environmental Health
  - i) Environmental nuisance and pollution controls
  - j) Other miscellaneous powers enforced by Environmental Health



- k) Food safety and health and safety
- 2. To take the lead on community leadership and consultation with stakeholders.
- 3. To implement working parties as required.

## **2.4 Audit and Scrutiny Committee**

The Audit and Scrutiny Committee provides advice to the Council and the committees on the effectiveness of the arrangements for the proper administration of the Council's financial affairs, including all relevant strategies and plans.

It also acts as the Council's Overview and Scrutiny Committee with all the powers under Part 3 of the Local Authorities (Committee System) (England) Regulations 2012, and discharges the functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).

Without prejudice to the generality of the above, the terms of reference include those matters set out below.

### Audit Activity

- (a) To approve the Annual Internal Audit risk based plan of work.
- (b) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance, risk management and internal control arrangements.
- (c) To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (d) To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (e) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (f) To consider the arrangements for the appointment of the Council's Internal and External Auditors.

## Regulatory Framework

- 1) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 2) To monitor the effective development and operation of risk management and corporate governance in the Council.
- 3) To monitor Council policies and strategies on an Annual basis
  - Whistleblowing
  - Money Laundering
  - Anti-Fraud and Corruption
  - Insurance and Risk Management
  - Emergency Planning
  - Business Continuity
- 4) To monitor the corporate complaints process.
- 5) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 6) To consider the Council's compliance with its own and other published standards and controls.
- 7) To monitor the Council processes in relation to
  - Freedom of Information
  - Member Enquires
- 8) To monitor the Council's Data Quality arrangements.
- 9) To monitor the Council's Member's Training arrangements.

## Accounts

- 1) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

- 2) To review the Council's Annual Governance Statement.
- 3) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

### Scrutiny Activity

- 1) Responsible to scrutinise any matters as identified and agreed by the Policy, Resources and Economic Development Committee as set out in the Audit and Scrutiny Procedure rules.
- 2) To report to the Policy, Resources and Economic Development Committee or the appropriate committee on the progress of any matters that have been requested and to make relevant recommendations as required.
- 3) To establish working groups as appropriate (in line with agreed protocols) to undertake the scrutiny of any matters requested by the Policy, Resources and Economic Development Committee, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.
- 4) Responsibility for the monitoring of Council service performance, including Performance Indicators and, Formal Complaints, making reports if required to any committee, or subcommittee, any officer of the Local Authority, or any joint committee on which the Local Authority is represented, or any sub-committee of such a committee.
- 5) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Local Authority.
- 6) To deal with those issues raised through the 'Councillor Call for Action' scheme in line with agreed protocols and procedures.
- 7) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
- 8) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions.

## **2.5 Planning and Licensing Committee**

### Planning

- (a) Town and Country Planning Act 1990 and any related legislation including: -
  - (i) determination of planning applications;
  - (ii) enforcement of planning control;

- (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990:-
  - (i) determination of applications for Listed Buildings and Conservation Area consent;
  - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities:-
  - (i) To guide the Council in setting its policy objectives and priorities.
  - (ii) To carry out the duties and powers of the Council under current legislation;
  - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
  - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
  - (v) To consider and approve relevant service plans;
  - (vi) To comply with the standing orders and financial regulations of the Council;
  - (vii) To operate within the budget allocated to the committee by the Council.
  - (vii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

### Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

- (d) To exercise all other functions relating to licensing and registration including:-
  - i. Trading Requirements
  - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
  - iii. Animal Welfare and Security
  - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
  - v. Sex establishments (including Sex Entertainment Venues (SEV))
  - vi. Pavement Permits
  - vii. Charitable Collections
  - viii. Camping, Caravan Sites and Mobile Homes
  - ix. Scrap Metal
  - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.

## **2.6 Emergency Committee (to meet on demand in an emergency situations)**

- (a) To enable the Council to function in emergency situations when fewer Councillors and /or Officers are available to attend meetings.
- (b) There will be no informal meetings of the Emergency Committee called.
- (c) The Committee will be convened, as required, as part of the Borough Council's Major Incidents and Emergency Planning process.
- (d) The decision to convene the Committee will be made by the Chief Executive through consultation with the Leader and after the Monitoring Officer has assessed the appropriateness of taking a particular report to the Committee. The decision will be recorded on the agenda. Only decisions that cannot be deferred will be taken to the Committee.
- (e) The Agenda will include a Statement of Purpose for the Committee being convened and will record reasons why the decision being sought could

not be deferred, there will be a clear statement of what the Committee will be discussing.

- (f) Equally a proposal to stand down the Committee will be brought by the Chief Executive through consultation with the Leader to each Committee, and after obtaining such advice as necessary from the Monitoring Officer or their deputy as appropriate, such proposal to stand down the Committee will be decided by a majority vote of members at the meeting. All members of the council will also have the ability to influence the decision to stand down the committee. This can be undertaken by at least a third of councillors writing to the Chief Executive and the Monitoring Officer requesting the committee stands down. If this action is taken, then the reinstatement of the full committee structure will take place or an extraordinary council meeting can be called to debate any other emergency governance models required to enable the council to function lawfully.
- (g) Once the Committee is convened it can take on the role of the delegations afforded to the following:
  - (i) Council emergency functions only:
  - (i) Policy Resources & Economic Development,
  - (ii) Environment, Enforcement & Housing,
  - (iii) Community & Health,
  - (iv) Planning & Licensing
  - (v) Audit & Scrutiny Committee – ONLY with regard to the development of any emergency budget that may be required or to sign off the Annual Accounts if this could not be brought to Audit & Scrutiny Committee.
- (h) The intention, where possible, is to still undertake Planning & Licensing and Audit & Scrutiny Committees separately when required and appropriate. This will be decided by the Chief Executive through consultation with the Leader, and Monitoring Officer. These powers can be in full or in part.
- (i) All members sitting on the Committee will have the appropriate Planning and Licensing Training prior to the consideration of any item, relating to planning and licensing, being presented at this committee.
- (j) The Committee will only undertake decisions that relate to the budgetary function of the Council and if there is a statutory reason that an urgent decision is needed and the Audit & Scrutiny Committee cannot be convened for whatever reason.

- (k) Any decisions made by the Emergency Committee may be subject to the scrutiny of the Audit & Scrutiny Committee when it is next convened.
- (l) Officer delegations will remain as per the Constitution.
- (m) The Committee will also meet as required and consider the immediate strategic issues for the Borough Council arising from the incident, having received reports from the Chief Executive.
- (n) The Emergency Committee may authorise action affecting any of the Borough Council's functions if the urgency of the situation demands this. Subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of Full Council.
- (o) The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular communications on the incident and the action being taken.
  - (i) Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media if required in consultation with the Councils' communications manager.
  - (ii) The Committee should consider the longer-term implications arising from the incident and the impact these may have on the Borough Council.
  - (iii) Emergency Committee may not change the decisions made at the meeting of Extraordinary Council on 29 April 2020.
  - (iv) The minutes to any Emergency Committee will be published no later than three working days after the meeting.

### Membership

- (a) The Committee shall consist of 10 named Members of the Borough Council, to include:
  - (i) Leader of the Council and Chair of Policy, Resources & Economic Development (who will be the Chairman of this Committee)
  - (ii) Vice-Chairman of Policy, Resources and Economic Development
  - (iii) The Chairman of the Community & Health Committee
  - (iv) The Chairman of the Environment, Enforcement & Housing Committee
  - (v) The Leaders of all groups
  - (vi) Other named members to achieve a political balance
- (b) If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.

- (c) Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee. Substitutes for this committee will be submitted in writing by Group Leaders to the Chief Executive and Monitoring Officer ahead of the first meeting and updated for future meetings where necessary.

#### Quorum

- (a) The minimum number of members to transact any business shall be one third (3) of the committee.

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

- (a) To appoint the following designated officers:

Chief Executive  
Section 151 Finance Officer  
Monitoring Officer

and such other posts as may be determined from time to time by Group Leaders in consultation with the Chief Executive.

- (b) To comply with the requirements set out in Chapter 4 of the Constitution (Staff Employment Procedure Rules).
- (c) To agree, review and amend to salary and grading structures for chief officer posts in line with the agreed remuneration policy.

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

- (a) To consider and determine any appeal by the Chief Executive, Section 151 Officer or Monitoring Officer against dismissal.
- (b) To consider and determine any allegation or issue of misconduct, incapability or breakdown in trust against the Chief Executive, Section 151 Finance Officer, Monitoring Officer or a Deputy Monitoring Officer.

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

- (a) To advise full Council on matters relating to the dismissal of the Chief Executive, the Chief Finance Officer and the Monitoring Officer

NB. This Panel comprises three independent persons who are not Members of the Council.



## Extract from Part 4.1 – Council Procedure Rules

### 18. Size

<b>Committee</b>	<b>Membership</b>	<b>Quorum</b>
Policy, Resources and Economic Development	9	3
Environment, Enforcement and Housing	9	3
Community and Health	9	3
Planning and Licensing	12	4
Audit and Scrutiny	9	3
Staff appointments*	9	3
Dismissal appeals of statutory officers*	9	3
Emergency*	10	3

\* These committees meet on demand.

### 20. Appointments and Substitutes

- 20.1 Following Annual Council, the Chief Executive on the nomination of Group Leaders, or in their absence, Deputy Group Leaders, appoints and removes members of committees and sub-committees.
- 20.2 A substitute Member may attend a particular meeting of the committee, and will have full powers of the committee Member, provided that the Member is a specified nominated substitute for that Member of the particular political group and in a list agreed by full Council. In the event that the absent committee Member is a non-aligned Member, the specified substitute for the Member can be any Member of the Council.
- 20.3 The names of substitutes shall be announced at the start of the meeting by the Chair. The substitution shall be for the whole meeting and cease at the end of the meeting.
- 20.4 Substitutes for regulatory committees must be drawn from Members who have received training in regulatory decision making. If a casual vacancy occurs on a regulatory committee it will not be filled until the nominated member has been trained.
- 20.5 All Members are entitled to attend the training provided for members of regulatory committees.



<b>Committee(s):</b> Annual Council	<b>Date:</b> 19 <sup>th</sup> May 2021
<b>Subject:</b> Political Balance, Allocation of Committee Seats and Committee Appointments	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

The Council is required to:

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

## Recommendation(s)

**Members are asked to:**

- R1. That the allocation of seats as set out in Appendix A be approved;**
- R2. That the nominations from the political groups to Committees as set out in Appendix B be approved;**
- R3. That the Chairs and Vice-Chairs of Committees as set out in Appendix B be appointed.**

## Main Report

### **Introduction and Background**

1. Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 as amended when two or more Councillors duly notify the Chief Executive as Proper Officer of their wish to be treated as a political group.
2. Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the allocation of seats on Committees of the Council between the political groups.

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

### **Political proportionality**

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

$$\frac{\text{Number of Group Members} \times 100}{37}$$

7. The political balance of the Council is set out in Appendix A (to follow).
8. To calculate political proportionality, the Council must have agreed the number of seats on each Committee and the total number of seats available on all Committees.
9. Councillors that are not members of political groups have no entitlement to an allocation of seats on Committees. Political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by Councillors not belonging to a political group. Such Councillors are called 'non-aligned'.

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

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

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

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

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

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

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

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

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

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

18. The nominations of political groups to seats on committees and nominations for Chair and Vice Chair positions are set out in Appendix B.

### **Reasons for Recommendation**

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

### **Consultation**

20. Group Leaders will be consulted.

### **References to Corporate Plan**

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

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

22. The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2021/2022. The cost of servicing committees will be met through existing budgets.

#### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law and Governance) and Monitoring Officer**  
**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

23. The Council has statutory obligations within an existing legal framework to review and determine the allocation of seats on committees of the Council between the political groups and appoint nominees to those seats.

24. The Council's Constitution provides that the Annual Meeting will note the allocation of seats on committees to members of political groups and to members who are not in any political group, appoint members to those allocated seats in accordance with

nominations from the political group leaders and to the remaining committee seats from among those members who are not in any political group.

**Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning & Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

25. There are no direct economic implications

**Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

26. TO BE ADDED

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

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

27. None.

**Appendices to this report**

Appendix A - Allocation of seats

Appendix B - Nominations from the political groups to Committees & Nominations for Chairs and Vice-Chairs of Committees

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## Brentwood Borough Council POLITICAL BALANCE – 19 May 2021

The Political Balance of the Council is:

POLITICAL GROUP	NO. OF MEMBERS	%	POLITICAL GROUP	NO. OF MEMBERS	NO. OF SEATS ON ORDINARY COMMITTEES
CONSERVATIVE	23 =	62.16	CONSERVATIVE	23	41 (40.9)
LIBERAL DEMOCRATS	12 =	32.43	LIBERAL DEMOCRATS	12	21 (21.40)
LABOUR	2 =	5.41	LABOUR	2	4 (3.57)
<b>TOTALS</b>	<b>37</b>	<b>100</b>			<b>66</b>

### PROPOSAL:

	A & S C (9)*	C & H C (9)**	DAC+ (9)	E, E & H C ++ (9)	P & LC# (12)	P, R & ED C ## (9)	SAC~ (9)	TOTAL 66
<b>CON</b>	6 (5.59)	6 (5.59)	6 (5.59)	5 (5.59)	7 (7.45)	5 (5.59)	6 (5.59)	41
<b>LIB DEM</b>	3 (2.9)	3 (2.9)	3 (2.9)	3 (2.9)	4 (3.8)	3 (2.9)	2 (2.9)	21
<b>LAB</b>	0 (0.48)	0 (0.48)	0 (0.48)	1 (0.48)	1 (0.64)	1 (0.48)	1 (0.48)	4
	9	9	9	9	12	9	9	<b>66</b>

\*A & S C denotes Audit & Scrutiny Committee

\*\*C & H C denotes Community and Health Committee

+ D A C denotes Dismissal Appeals Committee (*Only meets on demand*)

++ E, E & H C denotes Environment, Enforcement and Housing Committee

# P & L C denotes Planning and Licensing Committee

## P, R & ED C denotes Policy, Resources and Economic Development Committee  
~ S A C denotes Staff Appointments Committee (*Only meets on demand*)

## **Section 15 (5) principles**

Section 15 (5) of the Local Government and Housing Act 1989 states:-

'The principles mentioned in subsection (4) above, in relation to the seats on any body which fall to be filled by appointments made by any relevant authority or committee of a relevant authority, are –

- (a) that not all the seats on the body are allocated to the same political group;
- (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.'

Ordinary Committees do not include sub-committees or advisory committees or advisory sub-committees.

## **APPENDIX B**

Nomination of seats to committees

TO FOLLOW

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<b>Committee(s):</b> Annual Council	<b>Date:</b> 19 <sup>th</sup> May 2021
<b>Subject:</b> Committee Calendar for 2021/2022	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

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

A Calendar of Meetings, subject to Agenda Item 11 has been prepared.

## Recommendation(s)

**Members are asked to:**

- R1. That the Calendar of Meetings attached as Appendix A for 2021/2022 be approved**

## Main Report

### **Introduction and Background**

1. Members agree the date, time and place of ordinary meetings of the Council and its committees for the 2021-2022 Municipal Year at the Annual Meeting of Council.

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

2. As required by Schedule 12 of the Local Government Act 1972, a notice is published on the notice board at the Town Hall informing the public of the meetings of the Council and its Committees.
3. If changes are made to the public notice by the Proper Officer, the notice will be updated and information fully publicised on the Council's website.

4. Appendix A provides a schedule of meetings to deliver the Committee arrangements consequential to Agenda Item 11.

### **Reasons for Recommendation**

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

### **Consultation**

6. None.

### **References to Corporate Plan**

7. The governance arrangements at the Council should be such as to enable the delivery of the Corporate Strategy 2020-2025.

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)  
Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

8. The cost of the governance arrangements at the Council can be met from existing budgets within the Medium Term Financial Plan 2020/2021. However, any increase in the number of meetings will have an impact on the officer support structure.

#### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and  
Monitoring Officer  
Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

9. The Council's Constitution provides that the Annual Meeting will consider and agree the timetable for ordinary meetings of Council for the current municipal year.

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

10. There are no direct economic implications.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

11. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

12. None.

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

13. None

### **Appendices to this report**

Appendix A – Calendar of Meetings 2020/2021

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# Notice of Meetings 2021/2022

## LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

NOTICE IS HEREBY GIVEN that the following meetings, open to the Public and Press, will be held at the Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

	Day	Time	May 2021	June 2021	July 2021	August 2021	September 2021	October 2021	November 2021	December 2021	January 2022	February 2022	March 2021	April 2022	May 2022
Annual Council	Wednesday	19:00	19th												18th
Ordinary Council	Wednesday	19:00		23rd				13th		8th		23rd (Budget)	16th (if required)		
Audit and Scrutiny Committee	Tuesday	19:00			6th		28th (20/21 Accounts)			7th	25th		8th		
Community and Health Committee	Monday	19:00		28th			13th			6th			14th		
Environment, Enforcement and Housing Committee	Monday	19:00			5th		20th			13th			7th		
Planning and Licensing Committee	Wednesday	19:00		29th	13 <sup>th</sup> /27 <sup>th</sup> (If needed)		21 <sup>st</sup>	19 <sup>th</sup>	23 <sup>rd</sup>	14 <sup>th</sup>	18 <sup>th</sup>	22 <sup>nd</sup>	1 <sup>st</sup> /15 <sup>th</sup> (If needed)		
Policy, Resources and Economic Development Committee	Wednesday	19:00		30 <sup>th</sup>			29 <sup>th</sup>		24 <sup>th</sup>			2 <sup>nd</sup> (Budget)			

Dated this 19<sup>th</sup> May 2021

J. Stephenson  
HEAD OF PAID SERVICES

(Proper Officer for the purposes of Part VA of the Act)

# Holiday Calendar 2021/2022



	2021 May	June	July	August	September	October	November	December	2022 January	February	March	April	May
1		School holidays					School holidays						
2		School holidays		School holidays									Bank holiday
3	Bank holiday	School holidays		School holidays		Conservative Party Conference			Bank holiday				
4		School holidays		School holidays		Conservative Party Conference			School holidays			School holidays	
5				School holidays		Conservative Party Conference						School holidays	Elections
6	Elections			School holidays		Conservative Party Conference						School holidays	
7												School holidays	
8												School holidays	
9				School holidays									
10				School holidays									
11				School holidays								School holidays	
12				School holidays								School holidays	
13				School holidays								School holidays	
14										School holidays		School holidays	
15										School holidays		Bank holiday	
16				School holidays						School holidays			
17				School holidays	Liberal Democrats Conference					School holidays			
18				School holidays	Liberal Democrats Conference					School holidays		Bank Holiday	
19				School holidays	Liberal Democrats Conference								
20				School holidays	Liberal Democrats Conference			School holidays					
21								School holidays					
22			School holidays					School holidays					
23			School holidays	School holidays				School holidays					
24				School holidays				School holidays					
25				School holidays	Labour Party Conference	School holidays							
26			School holidays	School holidays	Labour Party Conference	School holidays							
27			School holidays	School holidays	Labour Party Conference	School holidays		Bank holiday					
28			School holidays		Labour Party Conference	School holidays		Bank holiday					
29			School holidays		Labour Party Conference	School holidays		School holidays					
30			School holidays	Bank Holiday				School holidays					Bank holiday
31	Bank Holiday			School holidays				School holidays					School holidays

<b>Committee(s):</b> Annual Council	<b>Date:</b> 19th May 2020
<b>Subject:</b> Appointment of Independent Persons for Purpose of the Localism Act 2011	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew, Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author:</b> Name: Claire Mayhew, Corporate and Democratic Services Manager Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	<b>For Decision</b>

## Summary

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

## Recommendation(s)

**Members are asked to:**

- R1. This report proposes the confirmation of appointment of Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh as the three Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011 for a period terminating post the first Council after municipal elections 2023 and**
- R2. That a Brentwood Borough Council Independent Person be paid an annual allowance of £500 calculated on a pro-rata 12 monthly basis.**

## Main Report

### **Introduction and Background**

1. The Localism Act 2011 (the "Act") changed the arrangements for dealing with governance issues regarding the conduct of elected and co-opted Members. It

abolished the national Standards Board and required that local authorities establish their own Code of Conduct and establish a process for dealing with allegations that elected and co-opted members of the authority and its associated parish councils may have breached their Code of Conduct.

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

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

### *Statutory Compliance*

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

### *Need to Avoid Conflicts of Interest*

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

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

#### *Need for Three Appointments*

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

#### **Appointment of Independent Persons**

11. To meet the risks outlined in the previous section of this report a recruitment exercise was carried out by the Monitoring Officer. Confirmation of selection was made to Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh
12. To ensure sound governance the Monitoring Officer has met with the three individuals and proposes in due course to place them under an Agreement as set out in the Appendix A to this report which is utilised as best practice by other boroughs. Subject to the recommendation being agreed the appointments

will commence forthwith subject to satisfactory references and an induction process being arranged, which will allow the independent persons to function according to the Localism Act.

13. The role of Independent Person in adjacent Boroughs attracts an annual nominal allowance of £500. It would be suggested that Brentwood Borough Council reflects this nominal payment which can be met from existing budgets. The Independent Person may also claim reasonable expenses for attendance, travel and subsistence. The Independent Persons are not Co-Opted Members and therefore the inclusion of such an allowance provision will not engage any need to have it approved/reviewed by a Members Remuneration Panel.
14. It is the recommendation of the Monitoring Officer that the Council agrees to confirm the appointments of Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh as the three Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011 for a period terminating post the first Council after municipal elections 2023.
15. That a Brentwood Borough Council Independent Person be paid an annual allowance of £500 calculated on a pro-rata 12 monthly basis.

### **Reasons for Recommendation**

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

### **Consultation**

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

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

18. The proposed allowance is met by Existing budgets within Democratic Services and is included in the Medium Term Financial Plan 2021/2020.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law and Governance) and Monitoring Officer**

**Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk**

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

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning & Economy)**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

20. There are no direct economic implications.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

21. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

22. None.

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

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

### **Appendices to this report**

Appendix A: Independent Person Agreement

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Dated: 4<sup>th</sup> May 2021

**INDEPENDENT PERSON AGREEMENT**

**BETWEEN**

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

**Introduction**

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

**The terms are agreed as follows:**

**1. Definitions**

1.1 In this document

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

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

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

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

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

## **2. Defined Role**

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

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

## **3. Period**

- 3.1 The period of the independent persons shall commence with immediate effect until the Assembly meeting following the next municipal elections in 2021.

## **4. Termination**

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

## **5. Data Protection**

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

**6. Council Property**

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

**7 Fees and Expenses**

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

**8 Agreement**

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

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

.....

**For and on behalf of the Brentwood Borough Council**

**Dated** .....

**Signed**.....

**Independent Person**

**Dated**.....

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<b>Committee(s):</b> Annual Council	<b>Date:</b> 19 May 2021
<b>Subject:</b> Members Allowances 2021/22	<b>Wards Affected:</b> All
<b>Report of:</b> Jacqueline Van Mellaerts, Corporate Director (Finance and Resources)	<b>Public</b>
<b>Report Author/s:</b> Name: Jacqueline Van Mellaerts E-mail: Jacqueline.vanmellaerts@brentwood.gov.uk	<b>For Decision</b>

## Summary

The Council operates a Members' Allowances Scheme which is reviewed annually by the Independent Remuneration Panel (IRP). The Members' Allowance Scheme is Chapter 6 of the Council's Constitution, the IRP have reviewed the current scheme and have made recommendations for the 2021/22 Municipal Year and is attached in Appendix A.

Following the IRP meeting held on 17<sup>th</sup> December 2020, the IRP report has recommended to round down current member allowances to the nearest £50. The report also recommends to utilise the savings to introduce a new special responsibility allowance to the Mayor and Deputy Mayor for their roles of Charing Ordinary Council.

## Recommendation(s)

**Members are asked:**

- R1. That the report of the Independent Remuneration Panel at Appendix A be noted.**
- R2. That the Members Allowances at Appendix B be agreed and delegated authority is given to the Monitoring Officer to amend the constitution.**

## Main Report

### **Introduction and Background**

1. The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an Independent Remuneration Panel. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.

2. Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.
3. No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Head of Paid Services.
4. The timing and process of the IRP's annual review was discussed in 2017/18. It was agreed that it would be more productive and useful to undertake the review alongside the Council's budget setting process in order to enable Members to scrutinise and consider the IRP's recommendations as part of their budget deliberations and decisions. This timing and process was put into place during 2018/19 has continued since then.
5. The IRP reviewed parental leave and carers allowances and was subsequently included within the members allowance scheme in 2019/20.

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

6. The IRP held a meeting on the 17th December 2020 to discuss the Member's Allowance Scheme which is reviewed annually and set out in Chapter 6 of the constitution.
7. The meeting was held earlier than normal, so any proposals can be in line with the budget cycle.
8. The analysis of options by the IRP is set out in detail in Sections 10 to 13 of their report as attached at Appendix A.
9. The IRP were mindful of the function which Councillors perform in protecting and enhancing local democracy by providing representation on issues of local concern and ensuring that the Council remains accountable to the community which it serves. Accordingly, the IRP followed the same principles as in previous years:
  - the need for Councillors to come from a wide range of backgrounds

- the necessity to ensure some recompense for the time and effort spent in serving the community, whilst recognising that the work of Councillors should include a substantial voluntary contribution
  - recognition of the time and resource demands of training and development, as well as other activities: and
  - whilst recognising that individual Members could choose not to take their allowance in whole or part, the IRP were keen to ensure that the scheme should encourage and support local democracy by ensuring that personal financial constraints would not be a bar to office.
10. Additional factors considered by the IRP in preparing its report to Annual Council 2021 included:
- Budget pressures on the Council and the need for affordability.
  - The impact of Covid-19 on the Council and its staff and Members.
  - The Mayor and Deputy Mayor are also Chair and vice-Chair of Ordinary Council in addition to their mayoral duties.
11. Various options were discussed, keeping in mind the principles above. The key options were for member allowances to:
- a. Remain unchanged
  - b. Increase by 1% or 2% in line with provisional increases for staff
  - c. Round down to the nearest £50, which would allow for new Special Responsibility allowances to be created for the Chair and Vice Chair of Ordinary Council.
12. It was agreed that the preferred option was c) Round member allowances down and introduce new special responsibility allowances for the Chair and Vice Chair of Ordinary Council. The final proposed Member Allowances and Mayor and Deputy Mayor Allowances are included within Appendix B.

### **Reasons for Recommendation**

13. The Local Authorities (members Allowances) (England) Regulations 2003 require that before Council can determine its Members Allowances for the forthcoming Municipal Year, it must consider a report from the Independent Remuneration Panel

## **Consultation**

14. The Independent Remuneration Panel held a meeting on the 17<sup>th</sup> December 2020 with officers and the leader. Minutes were taken, and the Panel considered a series of contextual information which is set out within their report.

## **References to Corporate Plan**

15. Meets objective of the corporate plan by ensuring the Council is managed efficiently and effectively.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

16. The proposed Members Allowances as outlined in Appendix B has been included within the 2021/22 budget.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer**  
**Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk**

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

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director (Planning and Economy)**  
**Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk**

18. There are no direct economical implications from this report.



## **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

19. Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

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

20. None

## **Background Papers**

21. Annual reports of the Independent Remuneration Panel to Brentwood Borough Council are publicly available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk)

## **Appendices to this report**

Appendix A: Report of the Independent Remuneration Panel re. 2021/22

Appendix B: Schedule of proposed Members Allowances for 2021/22

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# **Brentwood Borough Council**

## **Members Allowances 2021/22**

### **Report of the Independent Remuneration Panel**

**December 2020**

## **Introduction**

1. This report presents the findings of the Independent Remuneration Panel (IRP) and our recommendations for the scheme for 2021/22.

## **Background**

2. The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an *Independent Remuneration Panel*. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.
3. Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.
4. No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Head of Paid Service.
5. The timing and process of the IRP's annual review was discussed in 2017/18. It was agreed that it would be more productive and useful to undertake the review alongside the Council's budget setting process in order to enable Members to scrutinise and consider the IRP's recommendations as part of their budget deliberations and decisions. This timing and process was put into place during 2018/19 and has continued since then.

## **The Independent Remuneration Panel**

6. The Independent Remuneration Panel 2021/22 comprised of
  - Mr Michael Hawkins
  - Mr Steve Marsh
  - Mr John Boylin

## **Existing Scheme**

7. Due to Covid-19 restrictions Annual Council in May 2020 was cancelled. Members Allowances remained unchanged from 2019/20 allowances. 2020/21 budget for Members Allowances is £275,814, which includes an £1,500 contingency.

## **Political Structure**

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

## **Our Approach and considerations**

10. The deliberations of the IRP were informed by:
  - The Council's current committee structure, and that there are currently no proposed changes to the structure for 2021.
  - Benchmarking information from Shire Districts in Essex.
  - Desktop research and contextual information regarding the Council's Medium Term Financial Plan.
  - Previous reports and recommendations from the IRP.
11. The IRP were mindful of the function which Councillors perform in protecting and enhancing local democracy by providing representation on issues of local concern and ensuring that the Council remains accountable to the community which it serves. Accordingly, the IRP followed the same principles as in previous years:
  - the need for Councillors to come from a wide range of backgrounds
  - the necessity to ensure some recompense for the time and effort spent in serving the community, whilst recognising that the work of Councillors should include a substantial voluntary contribution
  - recognition of the time and resource demands of training and development, as well as other activities: and
  - whilst recognising that individual Members could choose not to take their allowance in whole or part, the IRP were keen to ensure that the scheme should encourage and support local democracy by ensuring that personal financial constraints would not be a bar to office.

12. Additional factors considered by the IRP in preparing its report to Annual Council 2021 included:

- Budget pressures on the Council and the need for affordability.
- The impact of Covid-19 on the Council and its staff and Members.
- The Mayor and Deputy Mayor are also Chair and vice-Chair of Ordinary Council in addition to their mayoral duties.

13. The options considered by the IRP included:

<b>Option</b>	<b>Analysis</b>
That members allowances for 2021/22 remain unchanged.	<ul style="list-style-type: none"> <li>• Members Allowances had increased by 1% in 2019/20, the first increase since 2014/15.</li> <li>• The Mayor and Deputy Mayor received an increase in 2019/20.</li> <li>• New Committee arrangements had been adopted in 2013, 2014, 2015, 2016, 2017 and 2018, 2019.</li> <li>• There is currently proposed to be no change to the number of committees in 2021/22.</li> </ul>
That members allowances for 2021/22 be increased (options of 1% and 2% were considered)	<ul style="list-style-type: none"> <li>• Staff are receiving a 2% pay increase in 2020/21.</li> <li>• The MTFP includes a provisional 2% increase for staff for 2021/22.</li> <li>• Cancellation of Annual Council 2020 due to Covid-19 means the proposed 1% increase in Members allowances did not occur in 2020/21.</li> </ul>
That members allowances be rounded down.	<ul style="list-style-type: none"> <li>• This could provide a small saving to the council.</li> <li>• Savings from the current budget could allow new Special Responsibility Allowances to be introduced for the Mayor and Deputy Mayor.</li> </ul>

## Other Matters

It was noted that some other Council's set a Basic Allowance and then calculate their Special Responsibility Allowances as a proportion of the Basic amount.

## Recommendations

15. After careful consideration of all the information provided the Independent Remuneration Panel recommend the following, with the total being no more than £275,800.

(i) That members allowances for 2021/22 are rounded as follows

<b><u>Members Allowances 2021-22</u></b>	<b>Recommendation 2021-22</b>
Basic Allowance	6,000
Leader	13,200
Deputy Leader	6,350
Leader of Main Opposition	5,350
Leader of Minority Opposition	2,650
Committee Chair(s)	3,550
Committee Vice(s)	950

(ii) With Mayor allowances for 2021/22 also being rounded, alongside introducing new Special Responsibility Allowances for their roles chairing Ordinary Council.

<b><u>Members Allowances 2021-22</u></b>	<b>Recommendation 2021-22</b>
Mayor	4,500
Ordinary Council Chair	1,750
Deputy Mayor	1,500
Ordinary Council Vice Chair	500

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<u>Members Allowances 2021-22</u>	<u>Only One SRA Permitted</u>	<u>Number</u>	<u>Allowances 2020-21*</u>	<u>Allowances 2021-22</u>	<u>Previously Recommended 2020-21</u>	<u>Total Recommendation 2021-22</u>	<u>Variance</u>
Basic Allowance		37	6,010.31	6,000.00	222,381.47	222,000.00	-381.47
Leader		1	13,217.11	13,200.00	13,217.11	13,200.00	-17.11
Deputy Leader		1	6,380.68	6,350.00	6,380.68	6,350.00	-30.68
Leader of Main Opposition		1	5,371.94	5,350.00	5,371.94	5,350.00	-21.94
Leader of Minority Opposition		1	2,685.51	2,650.00	2,685.51	2,650.00	-35.51
Chair of Audit & Scrutiny Committee		1	3,581.29	3,550.00	3,581.29	3,550.00	-31.29
Chair of Community and Health Committee		1	3,581.29	3,550.00	3,581.29	3,550.00	-31.29
Chair of Environment, Enforcement and Housing Committee		1	3,581.29	3,550.00	3,581.29	3,550.00	-31.29
Chair of Planning and Licensing Committee		1	3,581.29	3,550.00	3,581.29	3,550.00	-31.29
Chair of Policy, Resources and Economic Development Committee	Leader of the Council	0	3,581.29	3,550.00	0.00	0.00	0.00
Vice Chair of Audit & Scrutiny Committee		1	976.82	950.00	976.82	950.00	-26.82
Vice Chair of Community and Health Committee		1	976.82	950.00	976.82	950.00	-26.82
Vice Chair of Environment, Enforcement and Housing Committee		1	976.82	950.00	976.82	950.00	-26.82
Vice Chair of Planning and Licensing Committee		1	976.82	950.00	976.82	950.00	-26.82
Vice Chair of Policy, Resources and Economic Development Committee	Deputy Leader of the Council	0	976.82	950.00	0.00	0.00	0.00
<b>Sub-total</b>					<b>268,269.15</b>	<b>267,550.00</b>	<b>-719.15</b>
Mayor Duties		1	4,535.00	4,500.00	4,535.00	4,500.00	-35.00
Deputy Mayor Duties		1	1,510.00	1,500.00	1,510.00	1,500.00	-10.00
Contingency					1,500.00	0.00	-1,500.00
<b>Sub-total</b>					<b>7,545.00</b>	<b>6,000.00</b>	<b>-1,545.00</b>
<b>Total</b>					<b>275,814.15</b>	<b>273,550.00</b>	<b>-2,264.15</b>
<b>New Allowances</b>							
Chair Ordinary Council		1	N/A	1,750.00	0.00	1,750.00	1,750.00
Vice Chair of Ordinary Council		1	N/A	500.00	0.00	500.00	500.00
<b>Total Member Allowance Budget</b>					<b>275,814.15</b>	<b>275,800.00</b>	<b>-14.15</b>

\* Member allowances for 2020/21 are the same as 2019/20 as Annual Council was cancelled due to COVID-19

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## **Members Interests**

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

## **Ordinary Council Terms of Reference**

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

#### **Council**

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

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

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

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

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

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