



Agenda

Annual Council

Wednesday, 18 May 2022 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood CM15 8AY

Membership (Quorum – 10)

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

Agenda

Item	Item	Wards(s) Affected	Page No
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Contents

Live broadcast

[Live broadcast to start at 7pm and available for repeat viewing.](#)

- 1. Apologies for Absence**
- 2. Mayor's Announcements and Presentations**
- 3. Designate a Mayor for the ensuing municipal year**
- 4. Designate a Deputy Mayor for the ensuing municipal year**
- 5. Receive any declaration of interest from Members and Officers**
- 6. Brentwood Borough Council Elections**

The Chief Executive will report the results of the elections.

- 7. Political Groups on the Council**

The Chief Executive will report receipt of Notices served on her by Members under the provisions of the Local Government (Committee and Political Groups) Regulations 1990.

8. Appointment of Leader and Deputy Leader

9. Leader's Statement

The Leader of the Council will make a statement.

10. Committees and their Terms of Reference

11. Political Balance, Allocation of Committee Seats and Committee Appointments

12. Committee Calendar for 2022-2023

13. Members Allowances 2022-2023

Report to follow.

14. Urgent Business

An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.

A handwritten signature in black ink, appearing to read 'J. Stephenson', is centered on a light blue rectangular background.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
03.05.2022

Information for Members

Please note the changes in blue apply to remote meetings

Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any member may remotely attend any Committee to which these rules apply.

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order


A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation


A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

 **Access to Information and Meetings**

You have the right to **remotely** attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk.

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

The Council will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.


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

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

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

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

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

 **Private Session**

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

The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.

 **modern.gov app**

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

  **Access**

The Council will provide remote access for public participation by the meeting be accessible.

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

 **Evacuation Procedures**

This procedure does not apply whilst using remote meetings

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

Agenda Item 3

Committee(s): Annual Council	Date: 18th May 2022
Subject: Election of Mayor for Municipal Year 2022/2023	Wards Affected: All
Report of: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

Summary

The Council is required to elect a Mayor at its Annual Meeting from amongst its membership to serve for the Municipal Year 2022/2023 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 2022/2023 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 2022/2023.
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/Escort or a Consort. The Mayoress/Escort or Consort is recognised by the Council as such. A Mayoress/Escort or Consort will be announced.
7. After the Mayor's Mayoress/Escort or Consort has been announced, the outgoing Consort will invest the incoming Mayoress/Escort 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 Chair 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 the 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 and 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 13 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, Corporate Manager - Communities, Leisure and Health

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 4

Committee(s): Annual Council	Date: 18 th May 2022
Subject: Appointment of a Deputy Mayor for Municipal Year 2022/2023	Wards Affected: All
Report of: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

Summary

The Council is required to appoint a Deputy Mayor from amongst its membership to serve for the Municipal Year 2022/2023.

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 2022/2023 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 2022/2023.

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/Escort or Consort. The Deputy Mayoress/Escort or Consort is recognised by the Council as such. A Deputy Mayoress/Escort or Consort will be announced.
5. After the Deputy Mayor's Mayoress/Escort 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 13 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, Corporate Manager - Communities, Leisure and Health

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

Declaration of interest from Members and Officers

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Brentwood Borough Council – Elections Results

The Chief Executive will report the results of the elections.

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Agenda Item 7

Committee(s): Annual Council	Date: 18th May 2022
Subject: Political Groups of the Council	Wards Affected: All
Report of: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For decision

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 5th May 2022.

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, Corporate Manager - Communities, Leisure and Health

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 8

Committee(s): Annual Council	Date: 18 th May 2022
Subject: Appointment of Leader and Deputy Leader	Wards Affected: All
Report of: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

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 2022/20223.

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 13 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, Corporate Manager - Communities, Leisure and Health

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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Leader's Statement

The Leader of the Council will make a statement

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Committee(s): Annual Council	Date: 18 th May 2022
Subject: Committees and their Terms of Reference 2022/2023	Wards Affected: All
Report of: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

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 2022/2023.**
- 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 2022/2023.
10. The proposed Committees for 2022/2023 (including their suggested/required size and terms of reference) are appended to this report.

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 2022/2023.

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, Corporate Manager - Communities, Leisure and Health

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 2022/2023 – to follow

Committee(s): Annual Council	Date: 18 th May 2022
Subject: Political Balance, Allocation of Committee Seats and Committee Appointments	Wards Affected: All
Report of: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

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.
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 2022/2023. 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, Corporate Manager - Communities, Leisure and Health

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

26. The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

27. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful

28. Advance equality of opportunity between people who share a protected characteristic and those who do not.

29. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

30. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

31. The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

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)

32. None.

Appendices to this report

Appendix A - Allocation of seats – to follow

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

Committee(s): Annual Council	Date: 18 th May 2022
Subject: Committee Calendar for 2022/2023	Wards Affected: All
Report of: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer	Public
Report Author: Name: Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

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 10 has been prepared.

Recommendation(s)

Members are asked to:

- R1. That the Calendar of Meetings attached as Appendix A for 2022/2023 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 2022-2023 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 10.

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, Corporate Manager - Communities, Leisure and Health

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 2022/2023 – to follow

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Urgent Business

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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.