



Minutes

Annual Council
Wednesday, 16th May, 2018

Attendance

Cllr Russell (Mayor)	Cllr McCheyne
Cllr Mrs Murphy (Deputy Mayor)	Cllr Mrs McKinlay
Cllr Barrell	Cllr McLaren
Cllr Barrett	Cllr Mrs Middlehurst
Cllr Bridge	Cllr Mynott
Cllr Chilvers	Cllr Naylor
Cllr Clarke	Cllr Nolan
Cllr Cloke	Cllr Parker
Cllr Mrs Davies	Cllr Poppy
Cllr Mrs Fulcher	Cllr Mrs Pound
Cllr Haigh	Cllr Reed
Cllr Hirst	Cllr Ms Rowlands
Cllr Mrs Hones	Cllr Ms Sanders
Cllr Hossack	Cllr Mrs Slade
Cllr Kendall	Cllr Tierney
Cllr Kerslake	Cllr Trump
Cllr Keeble	Cllr Wiles

Apologies

Cllr Morrissey	Cllr Tumbridge
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Officers Present

Angela Abbott	-	Interim Head of Housing
Kim Anderson	-	Partnership, Leisure and Funding Manager
Phoebe Barnes	-	Principal Accountant
Greg Campbell	-	Director Of Operations
Philip Drane	-	Planning Policy Team Leader
Chris Leslie	-	Commercial Manager
Tracey Lilley	-	Enforcement Manager
Claire Mayhew	-	Corporate and Democratic Services Manager
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Steve Summers	-	Chief Operating Officer
Daniel Toohey	-	Head of Legal Services and Monitoring Officer
Jacqueline Van Mellaerts	-	Chief Financial Officer

1. **Apologies for Absence**

Apologies for absence were received from Cllr Tumbridge, Cllr Morrissey, Alex Burghart MP, Alderman Keith Brown and Alderwoman Valerie Davis.

2. **Mayor's Announcements**

The Mayor welcomed everyone to the meeting and congratulated the newly elected Members Cllrs Haigh, McLaren, Naylor, Nolan and Mrs Tierney and re-elected Members Cllrs Aspinell, Barrett, Cloke, Hirst, Mynott, Parker, Mrs Pound and Ms Sanders.

A minute's silence was observed in tribute to former Councillor and Council Chairman Peter Adams who had recently passed away.

The Mayor thanked the trustees of the Mayor's Community Trust Fund and announced that £10,000 had been raised and work was continuing on the grant-making process.

Thanks were also given to Civic Officers and the Mayoress for their support during the past year.

3. **Designate a Mayor for the ensuing municipal year**

The Council was required to elect a Mayor from amongst its membership to serve for the Municipal Year 2018/19 and until their successor was entitled to act in that office in accordance with the procedure as set out in Appendix B of the Constitution.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** that Cllr Mrs Sheila Murphy should be designated Mayor and it was

RESOLVED UNANIMOUSLY that

Cllr Mrs Sheila Murphy be installed as Mayor for the Municipal Year 2018/19.

Reason for Recommendation

It is a statutory duty.

4. **Designate a Deputy Mayor for the ensuing municipal year**

The Council was required to appoint a Deputy Mayor from amongst its membership to serve for the Municipal Year 2018/19.

The Deputy Mayor was 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.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** that Cllr Keith Parker be appointed Deputy Mayor and it was

RESOLVED UNANIMOUSLY that

Cllr Keith Parker be appointed as Deputy Mayor for the Municipal year 2018/19.

Reason for Recommendation

It is a statutory duty.

5. Receive any declaration of interest from Members and Officers

No declarations of interest were received.

6. Brentwood Borough Council Elections

The results of the elections were tabled for Members' information.

7. Political Groups on the Council

The Constitution provided that the Chief Executive Officer would 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.

The CEO, Mr Ruck, advised that he had received Notices from the Conservative, Liberal Democrat and Labour Groups indicating that they wished to be treated as political groups on the Council and listing membership of their Group.

Cllr Mrs Murphy **MOVED** and Cllr Parker **SECONDED** the recommendation in the report

and it was **RESOLVED UNANIMOUSLY that**

Annual Council note the Notices of Political Groups served on the Chief Executive.

Reason for Recommendation

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

8. Designate a Leader and Deputy Leader of the Council

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

The Mayor invited nominations for the election of Leader and Deputy Leader for the Municipal Year 2018/19.

Cllr Kerslake **MOVED** and Cllr Mrs Slade **SECONDED** that Cllr Mrs McKinlay be designated as Leader of the Council and it was

RESOLVED UNANIMOUSLY that

Cllr Mrs McKinlay be designated Leader of the Council.

Cllr Mrs McKinlay **MOVED** and Cllr Mrs Pound **SECONDED** that Cllr Kerslake be designated Deputy Leader of the Council and it was

RESOLVED UNANIMOUSLY that

Cllr Kerslake be designated Deputy Leader of the Council.

Reason for Recommendations

To comply with Article 4 of the Constitution.

9. Leader's Statement

Cllr Mrs McKinlay made her statement during which she gave her personal thanks to officers for their dedication and efficiency in dealing with the difficult budget challenges faced by the authority. She was also pleased to advise that £100k of additional funding was to be given to Local Highway Panels by ECC which would be match-funded by BBC.

Leaders of the opposition groups, Cllrs Aspinell and Barrett, and independent Member Cllr Keeble responded to the Leader's statement.

10. Committees and their Terms of Reference

The Council operated a committee system form of governance and there were a number of statutory provisions relating to committees.

The Constitution provided that the Annual Meeting of Council considered the establishment of committees, their size and terms of reference. Certain matters were laid down by law and the Council had no discretion in its considerations.

Cllr Mynott made reference to an error on page 28 of the report relating to Corporate Projects and Scrutiny Committee. This was noted by the clerk and would be amended.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

- 1. That the Committees listed in Appendix A be appointed for the Municipal Year 2018/19.**
- 2. That the size of the Committees listed in Appendix A be agreed.**
- 3. That the Terms of Reference of the Committees listed in Appendix A be agreed.**
- 4. That the Council's Monitoring Officer be authorised to make any legally necessary changes to the Constitution and those agreed as a result of these decisions.**

For clarity, Appendix A is appended to these minutes.

Reasons for Recommendation

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

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

The Council was required to:

- a) Approve the allocation of seats on Committees;
- b) Receive the nominations from political groups to Committees; and
- c) Appoint Chairs and Vice-Chairs of Committees.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and it was

RESOLVED UNANIMOUSLY

1. That the allocation of seats as set out in Appendix A be approved.
2. That the nominations from the political groups to Committees as set out in Appendix B be approved.
3. That the Chairs and Vice-Chairs of Committees as set out in Appendix C be appointed.

For clarity, Appendix A including Appendices B and C are appended to these minutes.

Reasons for Recommendation

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.

12. Committee Calendar for 2018-2019

The Constitution provided that the Annual Meeting of Council would 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.

Cllr McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and it was

RESOLVED UNANIMOUSLY

That the Calendar of Meetings attached as Appendix A for 2018/19 be approved, subject to confirmation on proposed dates from Brentwood County High School.

For clarity the Calendar of meetings is appended to these minutes.

Reasons for Recommendation

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

13. Appointment of Independent Persons

The Localism Act 2011 required 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. The report before Members related to a proposal that Brentwood Borough Council confirmed the appointment of three Independent Persons to comply with the statutory requirements of the Act.

Cllr McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendation in the report and it was

RESOLVED UNANIMOUSLY

1. That Mr John Boylin, Mr Mike Hawkins and Mr Steve Marsh be appointed 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 2020.
2. 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

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.

14. Members Allowances 2018-2019

The Council operated a Members' Allowances Scheme which was reviewed annually by the Independent Remuneration Panel (IRP) who had reviewed the current scheme and made recommendations for the 2018/19 Municipal Year.

The IRP report before Members had recommended an increase to the Mayor's and Deputy Mayor's allowance, but no changes to other Members' allowances for 2018/19.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and it was

RESOLVED UNANIMOUSLY

1. That the report of the Independent Remuneration Panel at Appendix A be noted.
2. That the Members Allowances at Appendix B be agreed.

Reasons for Recommendation

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.

15. Urgent Business

There were no items of urgent business.

The meeting ended at 8.15pm

16. Committees and their Terms of Reference; Political Balance and committee nominations; Calendar of meetings for 2018-19

The following Committees are established under all Council powers:-

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

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, Projects and Resources Committee

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

Policy

To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

Finance

- 1) Financial Services
 - 2) Contracts, commissioning, procurement
 - 3) Legal services
 - 4) Health and safety at work (in so far as it relates to the Council as an employer)
 - 5) Corporate communications and media protocols
 - 6) Corporate and Democratic services
 - 7) Member Development
 - 8) Data quality
 - 9) Human resources
 - 10) Information Communication Technology
 - 11) Revenues and Benefits
 - 12) Customer Services
 - 13) Assets (strategically)
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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 making of a virement or payment from the Council's reserves with a maximum value of £200,000.
8. To approve the write-off of any outstanding debt owed to the council above the delegated limit of £5,000.
9. To determine capital grant applications.
10. To make recommendations on the allocation and use of resources to achieve the Council's priorities.
11. To manage and monitor the Council approved budgets;
12. To provide the lead on partnership working including the joint delivery of services.
13. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
14. 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 (including by lease) surplus to the requirements of any Panel or Committee.
- (j) Appropriation of land surplus to the requirements of a committee.
- (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate
- (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
- (m) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
- (n) Promoting a culture of entrepreneurialism and building the required skills and capacity.
- (o) To consider, and approve, business cases and commercial business plans for commercial activity.

15. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countywide 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 countywide 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 a climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.

- (d) To encourage the growth of existing businesses in the Borough and access to the skills and training necessary to support them.
- (e) To develop and deliver a Borough wide initiative on apprenticeships
- (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
- (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
- (h) To maintain a special interest in promoting employment in the borough.
- (i) To promote and encourage tourism and heritage
- (j) Parking (off Street parking provision in Council owned/leased off-street parking places)
- (k) Crossrail

16. To consider a report from the Monitoring Officer at the beginning of the civic 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.

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

Transformation

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

18. Projects

- (a) To identify, monitor and oversee the implementation of major Corporate projects.
- (b) To advise the Corporate Projects Scrutiny Committee of the major Corporate projects that require scrutiny in 2017/18.

2.2 Environment and Enforcement Committee

1. The functions within the remit of the Environment and Enforcement Committee (including the operational management of assets which for the sake of clarity also comprises maintenance) 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) Operational facilities management (including maintenance) of the Town Hall and the Depot
 - 9) Environmental nuisance and pollution controls
 - 10) Other miscellaneous powers enforced by Environmental Health
 - 11) Food safety and health and safety
 - 12) Oversee and monitor the enforcement activities of the Council.

2.3 Community, Health and Housing Committee

1. The functions within the remit of the Community, Health and Housing Committee are set out below
 - 1) Community and Localism Initiatives including Assets of Community Value
 - 2) The Voluntary Sector and community partnerships
 - 3) Leisure and cultural initiatives.
 - 4) Parish Council liaison
 - 5) Health and Wellbeing
 - 6) Grants to organisations/voluntary organisations.
 - 7) Parks, open spaces, countryside, allotments
 - 8) Community Safety and CCTV

- 9) Affordable housing
 - 10) Housing strategy and investment programme where the Policy, Projects and Resources Committee does not decide to exercise such functions as the superior Committee
 - 11) The Housing Revenue Account Business Plan where the Policy, Projects and Resources Committee does not decide to exercise such functions as the superior Committee
 - 12) Housing standards, homelessness, homelessness prevention and advice
 - 13) Housing needs assessment
 - 14) Housing benefit - welfare aspects
 - 15) Private sector housing and administration of housing grants
 - 16) Tenancy Management and landlord functions
 - 17) To make recommendations to Policy, Projects and Resources on the setting of rents for Council homes.
2. To take the lead on community leadership and consultation with stakeholders.

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. 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.
- (g) To be responsible for the Council's strategic and budgetary framework and its implementation.

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 and agree 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

The Audit and Scrutiny Committee 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:

- 1) Responsible to scrutinise major Corporate projects as identified and agreed by the Policy, Projects and Resources Committee.
- 2) To report to the Policy, Projects and Resources Committee or the appropriate committee on the progress of the major Corporate projects and to make relevant recommendations as required.
- 3) To establish working groups (in line with agreed protocols) to undertake the major Corporate projects work programme, 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 sub-committee, 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 Regulatory and Governance Committee

- 1) To maintain an overview of the Council's Constitution including contract procedure rules, financial regulations and codes of conduct and behaviour.
- 2) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 3) To monitor the effective development and operation of risk management and corporate governance in the Council.
- 4) To monitor Council policies and strategies on
 - Whistleblowing
 - Money Laundering
 - Anti-Fraud and Corruption
 - Insurance and Risk Management
 - Emergency Planning
 - Business Continuity
 - Corporate Complaints
- 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 and maintain an overview of the Council's requirements and duties under the General Data protection Regulations.
- 8) To monitor the Council's processes in relation to
 - Freedom of Information Requests
 - Members Enquiries

2.6 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.
 - (a) To guide the Council in setting its policy objectives and priorities.
 - (b) To carry out the duties and powers of the Council under current legislation;
 - (c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
 - (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
 - (e) To consider and approve relevant service plans;
 - (f) To comply with the standing orders and financial regulations of the Council;
 - (g) To operate within the budget allocated to the committee by the Council.
 - (h) 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.

2.7 Licensing Sub-Committees

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

Licensing Act 2003 and Gambling Act 2005

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

Scrap Metal Dealing

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

Street Collections and House to House Collections

- (a) Appeals against refusal to grant or renew a license.

Licensing of sex establishments

- (a) Determination of all applications, revocations and appeals.

Street Trading

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

Animal Welfare and Security, except for the following:

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

Mobile Homes

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.

2.8 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.

2.9 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.

2.10 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

Committee	Membership	Quorum
Policy, Projects and Resources	9	3
Environment and Enforcement	9	3
Community, Health and Housing	9	3
Planning and Licensing	12	4
Audit and Scrutiny	9	3
Regulatory and Governance	9	3
Staff Appointments*	9	3
Dismissal Appeals *	9	3

* These committees meet on demand.

20. Appointments and Substitutes

- 20.1 Following Annual Council, the Chief Executives 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 that 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.

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Brentwood Borough Council

POLITICAL BALANCE – 16 May 2018

The Political Balance of the Council is:

POLITICAL GROUP	NO. OF MEMBERS	%
CONSERVATIVE	25 =	67.57
LIBERAL DEMOCRATS	9 =	24.32
LABOUR	2 =	5.41
NON- ALIGNED	1 =	2.70
TOTALS	37	100

POLITICAL GROUP	NO. OF MEMBERS	NO. OF SEATS ON ORDINARY COMMITTEES
CONSERVATIVE	25	50.68
LIBERAL DEMOCRATS	9	18.24
LABOUR	2	4.06
NON- ALIGNED	1	2.02
		75

PROPOSAL:

	A&SC* (9)	CH & HC** (9)	DAC*** (9)	E&EC+ (9)	P&LC+ + (9)	P,P&RC # (12)	R&GC ## (9)	SAC~ (9)	TOTAL 75
CON	6	6	7	6	7	6	6	7	51
LIB DEM	2	3	2	2	3	2	2	2	18
LAB				1	1	1	1		4
NON- AL.	1				1				2
	9	9	9	9	12	9	9	9	75

*A&SC denotes Audit and Scrutiny Committee

**C, H & HC denotes Community, Health and Housing Committee

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

+ E & E C denotes Environment & Enforcement Committee

++ P & L C denotes Planning and Licensing Committee

P, P & R C denotes Policy, Projects & Resources Committee

R&GC denotes Regulatory and Governance 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 COMBINED WITH APPENDIX C

NOMINATIONS TO SEAT ALLOCATIONS & APPOINTMENTS

(Council must give effect to the wishes of the political groups as regards the nominations for the seats allocated to those political groups).

Audit & Scrutiny Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (0)	Non-Aligned (1)
Chair*:	Cllr Russell	Cllr Chilvers		Cllr Keeble
Vice-Chair**:	Cllr Mrs Hones	Cllr Haigh		
	Cllr Barrell			
	Cllr Mrs Middlehurst			
	Cllr Nolan			
	Cllr Ms Slade			
Approved Substitute:	Cllr Cloke	Cllr Naylor		Cllr Barrett
Approved Substitute:	Cllr Reed			
Approved Substitute:	Cllr Trump			
Approved Substitute:	Cllr Tumbridge			

Page 28

Community, Health & Housing Committee (9)	Conservative (6)	Liberal Democrat (3)	Labour (0)	Non-Aligned (0)
Chair*:	Cllr Hossack	Cllr Clarke		
Vice-Chair**	Cllr Poppy	Cllr Mrs Davies		
	Cllr Bridge	Cllr Ms Fulcher		
	Cllr McLaren			
	Cllr Ms Sanders			
	Cllr Mrs Tierney			
Approved Substitute:	Cllr McCheyne	Cllr Haigh		
Approved Substitute:	Cllr Mrs Pound	Cllr Naylor		
Approved Substitute:	Cllr Trump			
Approved Substitute:	Cllr Wiles			

Dismissals Appeal Committee (9)	Conservative (7)	Liberal Democrat (2)	Labour (0)	Non-Aligned (0)
Chair*:	Cllr Mrs McKinlay	Cllr Aspinell		
Vice-Chair**:	Cllr Kerslake	Cllr Chilvers		
	Cllr McLaren			
	Cllr Mrs Murphy			
	Cllr Parker			
	Cllr Poppy			
	Cllr Russell			
Approved Substitute:	Cllr Mrs Pound	Cllr Haigh		
Approved Substitute:	Cllr Ms Rowlands			
Approved Substitute:	Cllr Ms Slade			
Approved Substitute:	Cllr Trump			

Environment & Enforcement Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
Chair:	Cllr Parker	Cllr Ms Fulcher	Cllr Morrissey	
Vice-Chair:	Cllr Bridge	Cllr Naylor		
	Cllr McLaren			
	Cllr Poppy			
	Cllr Ms Tierney			
	Cllr Wiles			
Approved Substitute:	Cllr Barrell	Cllr Clarke	Cllr Barrett	
Approved Substitute:	Cllr McHeyne			
Approved Substitute:	Cllr Mrs Pound			
Approved Substitute:	Cllr Ms Slade			

Planning & Licensing Committee (12)	Conservative (7)	Liberal Democrat (3)	Labour (1)	Non-Aligned (1)
Chair*:	Cllr Ms Sanders	Cllr Chilvers	Cllr Morrissey	Cllr Keeble
Vice-Chair**:	Cllr McCheyne	Cllr Haigh		
	Cllr Nolan	Cllr Mynott		
	Cllr Mrs Pound			
	Cllr Reed			
	Cllr Ms Slade			
	Cllr Trump			
Approved Substitute:	Cllr Wiles	Cllr Mrs Davies	Cllr Barrett	Cllr Aspinell
Approved Substitute:	Cllr Mrs Hones	Cllr Ms Fulcher		
Approved Substitute:	Cllr McLaren			
Approved Substitute:	Cllr Mrs Middlehurst			

Policy, Projects & Resources Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
Chair*:	Cllr Mrs McKinlay	Cllr Kendall	Cllr Barrett	
Vice-Chair**:	Cllr Kerslake	Cllr Mynott		
	Cllr Hirst			
	Cllr Hossack			
	Cllr Parker			
	Cllr Mrs Rowlands			
Approved Substitute:	Cllr Bridge	Cllr Aspinell	Cllr Morrissey	
Approved Substitute:	Cllr Nolan			
Approved Substitute:	Cllr Poppy			
Approved Substitute:	Cllr Ms Sanders			

Regulatory and Governance Committee (9)	Conservative (6)	Liberal Democrat (2)	Labour (1)	Non-Aligned (0)
Chair*:	Cllr Ms Rowlands	Cllr Kendall	Cllr Barrett	
Vice-Chair**:	Cllr Tumbridge	Cllr Mynott		
	Cllr Cloke			
	Cllr Mrs Hones			
	Cllr McCheyne			
	Cllr Mrs Middlehurst			
Approved Substitute:	Cllr Hirst	Cllr Naylor	Cllr Morrissey	
Approved Substitute:	Cllr Mrs Murphy			
Approved Substitute:	Cllr Nolan			
Approved Substitute:	Cllr Mrs Tierney			

Staff Appointments Committee (9)	Conservative (7)	Liberal Democrat (2)	Labour (0)	Non-Aligned (0)
Chair*:	Cllr Mrs McKinlay	Cllr Aspinell		
Vice-Chair**:	Cllr Kerslake	Cllr Chilvers		
	Cllr Hossack			
	Cllr Parker			
	Cllr Mrs Rowlands			
	Cllr Russell			
	Cllr Ms Sanders			
Approved Substitute:	Cllr Hirst	Cllr Mynott		
Approved Substitute:	Cllr McLaren			
Approved Substitute:	Cllr Poppy			
Approved Substitute:	Cllr Mrs Pound			

Notice of Meetings 2018/2019

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 Brentwood County High School, Brentwood, Essex.

	Day	Time	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	January 2019	February 2019	March 2019	April 2019	May 2019
Annual Council	Wednesday	19:00	16th												15th
Ordinary Council	Wednesday	19:00		27th			12th		14th	5th		27th (Budget)			
Audit and Scrutiny Committee	Wednesday	19:00		13th	25th			17th			23rd		13th		
Community, Health and Housing Committee	Tuesday	19:00			3rd		11th			4th			5th		
Regulatory and Governance Committee	Wednesday	19:00			11th			10th	28th				6th		
Environment and Enforcement Committee	Wednesday	19:00			4th		26th			12th			20th		
Planning and Licensing Committee	Tuesday	19:00		12th	17th		4th	16th	13th	11th	15th	19th	12th		
Policy, Projects and Resources Committee	Tuesday	19:00		19th			18th		20th			5th (Budget)	19th		

	2018 May	June	July	August	September	October	November	December	2019 January	February	March	April	May
1		School holidays		School holidays	School holidays				Bank Holiday				
2				School holidays	School holidays	Conservative Party Conference			School holidays				
3	Elections			School holidays	School holidays	Conservative Party Conference							
4				School holidays									
5				School holidays									
6				School holidays									Bank Holiday
7	Bank Holiday			School holidays									
8				School holidays								School holidays	
9				School holidays								School holidays	
10				School holidays								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	Liberal Democrats Party Conference							School holidays	
16				School holidays	Liberal Democrats Party Conference							School holidays	
17				School holidays	Liberal Democrats Party Conference							School holidays	
18				School holidays	Liberal Democrats Party Conference					School holidays		School holidays	
19				School holidays						School holidays		Bank Holiday	
20				School holidays				School holidays		School holidays			
21				School holidays				School holidays		School holidays			
22				School holidays		School holidays		School holidays		School holidays		Bank Holiday	
23			School holidays	School holidays	Labour Party Conference	School holidays		School holidays					
24			School holidays	School holidays	Labour Party Conference	School holidays		School holidays					
25			School holidays	School holidays	Labour Party Conference	School holidays		Bank Holiday					
26			School holidays	School holidays	Labour Party Conference	School holidays		Bank Holiday					
27			School holidays	School holidays				School holidays					Bank Holiday
28	Bank Holiday		School holidays	Bank Holiday				School holidays					School holidays
29	School holidays		School holidays	School holidays				School holidays					School holidays
30	School holidays		School holidays	School holidays	Conservative Party Conference			School holidays					School holidays
31	School Holidays		School holidays	School holidays				School holidays					School holidays

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

Holiday Calendar 2018/2019