

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
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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

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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