



ANNUAL COUNCIL

17th MAY 2023

REPORT TITLE:	Committees and their Terms of Reference 2023/2024
REPORT OF:	Claire Mayhew, Corporate Manager (Democratic Services) & Deputy Monitoring Officer

REPORT 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.

RECOMMENDATIONS

Members are asked:

- R1. That the Committees listed in Appendix A be appointed for the Municipal Year 2023/2024.**
- 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.**

SUPPORT ING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

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.

2.0 OTHER OPTIONS CONSIDERED

Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2023/2024.

The proposed Committees for 2023/2024 (including their suggested/required size and terms of reference) are appended to this report.

3.0 BACKGROUND INFORMATION

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

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.

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.

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.

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).

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.

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.

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.

4.0 ENGAGEMENT/CONSULTATION

None

5.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2023/2024.

6.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

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.

7.0 EQUALITY IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

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.

8.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

There are no direct environment and climate implications.

REPORT AUTHOR:

Name:	Zoey Foakes
Title:	Governance & Member Support Officer
Phone:	01277 312 733
Email:	zoey.fokes@brentwood.gov.uk

APPENDICES

Appendix A: Committees and their Terms of Reference 2023/2024

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Council	18.05.2022
Annual Council	19.05.2021