

The following Committees are established under all Council powers:-

- (1) **Audit and Scrutiny Committee – 9 Members of the Council**
- (2) **Housing, Health and Community Committee – 9 Members of the Council**
- (3) **Dismissals Advisory Panel – 3 Independent Persons**
- (4) **Dismissal Appeals Committee – 9 Members of the Council**
- (5) **Emergency Committee – 10 Members of the Council**
- (6) **Green and Clean Committee – 9 Members of the Council**
- (7) **Planning Committee – 12 Members of the Council**
- (8) **Licensing Committee – the same Members of the Council appointed to the Planning Committee**
- (9) **Finance, Assets, Investment and Recovery Committee – 9 Members of the Council**
- (10) **Staff Appointments Committee – 9 Members of the Council**

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

## **CHAPTER 3 - POWERS AND DELEGATIONS**

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

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

##### **1.1 Council**

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

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

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

##### **1.2 Functions of the Council**

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;

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

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

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

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

- (a) To carry out the duties and powers of the Council within current legislation;

- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the committee;

## **2.1 Finance, Assets, Investment and Recovery Committee**

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

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

### Policy

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

### Finance

- 1) Financial Services
- 2) Contracts, commissioning, procurement
- 3) Legal services
- 4) Health and safety at work (in so far as it relates to the Council as an employer)
- 5) Corporate communications and media protocols
- 6) Corporate and Democratic services
- 7) Human Resources
- 8) Information Communication Technology
- 9) Revenues and Benefits

- 10) Customer Services
  - 11) Assets (strategically)
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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 write off of any outstanding debt owed to the Council above the delegated limit of £5,000.
  - 8. To determine capital grant applications.
  - 9. To make recommendations on the allocation and use of resources to achieve the council's priorities.
  - 10. To manage and monitor the Council approved budgets and allocation of resources.
  - 11. To provide the lead on partnership working including the joint delivery of services.
  - 12. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
  - 13. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following-

#### The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.

- (c) Promoting the use of Council owned assets by the local community and other interested parties.
  - (d) To manage any lands or property of the Council;
  - (e) To include properties within the council's Asset Management Portfolio including Halls etc.
  - (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
  - (g) To review the corporate Asset Management Plan annually.
  - (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
  - (i) Disposal of land surplus to the requirements of a council function.
  - (j) Appropriation of land surplus for the requirements of another Council function.
  - (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.
  - (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
  - (m) To receive updates reports on the Asset Development Programme and the work of the Asset Development Programme and Project Board.
  - (n) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
  - (o) To agree and monitor the governance arrangements for any commercial and/or partnership arrangement with the Council.
  - (p) Promoting a culture of entrepreneurialism and building the required skills and capacity.
  - (q) To consider and approve business cases and commercial business plans for commercial activity.
14. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

## Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countrywide or regional economic development initiatives.
  - (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
  - (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
  - (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
  - (e) To develop and deliver a Borough wide initiative on apprenticeships.
  - (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
  - (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
  - (h) To maintain a special interest in promoting employment in the Borough.
  - (i) To promote and encourage tourism and heritage.
  - (j) Parking (off street parking provision in Council owned/leased off-street parking places).
  - (k) Any matters relating to Crossrail.
15. To consider a report from the Monitoring Officer at the beginning of the Municipal Year, for the Committee to appoint the membership of the Constitution Working Group, in order for the Monitoring Officer to consult with such Members on the regular review of the Constitution documentation in accordance with Article 12 of the Constitution during the year.
16. To review and facilitate the transformation of delivery of services.

## Transformation

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

## Projects

- (a) To identify, monitor and oversee the implementation of those Corporate Projects that have been agreed by the committee to be major.

## Scrutiny

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

## **2.2 Green and Clean Committee**

The functions within the remit of the Green and Clean Committee are set out below:

1. Waste management, refuse collection and recycling
2. Environmental improvement schemes
3. The quality of the public realm, including street services and grounds maintenance
4. Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage
5. Public conveniences
6. Cemeteries and closed churchyards
7. Environmental Health
8. Environmental nuisance and pollution controls
9. Other miscellaneous powers enforced by Environmental Health
10. Unlawful incursions
11. Operational facilities management (including maintenance) of the Town Hall and the Depot

12. Oversee and monitor the enforcement activities of the Council
13. Community Safety (including Community Safety Partnership) and CCTV
14. To implement working parties as required

### **2.3 Housing, Health & Community Committee**

The functions within the remit of the Housing, Health & Community 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. Affordable housing
9. Housing strategy and investment programme where the Finance, Assets, Investment & Recovery Committee does not decide to exercise such functions as the superior Committee.
10. The Housing Revenue Account Business Plan where the Finance, Assets, Investment & Recovery Committee does not decide to exercise such functions as the superior Committee
11. Housing standards, homelessness, homelessness prevention and advice
12. Housing needs assessment



13. Housing benefit - welfare aspects (was this going to (Finance, Assets, Investment & Recovery Committee)
14. Private sector housing and administration of housing grants
15. Tenancy Management and landlord functions
16. To make recommendations to Finance, Assets, Investment & Recovery Committee on the setting of rents for Council homes.
17. Food safety
18. Health & Safety
19. To take the lead on community leadership and consultation with stakeholders.
20. To implement working parties as required.

## **2.4 Audit and Scrutiny Committee**

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

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

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

### Audit Activity

- (a) To approve the Annual Internal Audit risk based plan of work.
- (b) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance, risk management and internal control arrangements.

- (c) To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (d) To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (e) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (f) To consider the arrangements for the appointment of the Council's Internal and External Auditors.

### Regulatory Framework

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

- 9) To monitor the Council's Member's Training arrangements.
- 10) Standard Board sub-committee

#### Accounts

- 1) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2) To review the Council's Annual Governance Statement.
- 3) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### Scrutiny Activity

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

- 8) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions.

## **2.5 Planning Committee**

### Planning

- (a) Town and Country Planning Act 1990 and any related legislation including: -
- (i) determination of planning applications;
  - (ii) enforcement of planning control;
  - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990:-
- (i) determination of applications for Listed Buildings and Conservation Area consent;
  - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities:-
- (i) To guide the Council in setting its policy objectives and priorities.
  - (ii) To carry out the duties and powers of the Council under current legislation;
  - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
  - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
  - (v) To consider and approve relevant service plans;
  - (vi) To comply with the standing orders and financial regulations of the Council;
  - (vii) To operate within the budget allocated to the committee by the Council.
  - (vii) To determine fees and charges relevant to the committee;
- To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance
- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

## **2.6 Licensing Committee**

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

- (a) To enable the Council to function in emergency situations when fewer Councillors and /or Officers are available to attend meetings.
- (b) There will be no informal meetings of the Emergency Committee called.

- (c) The Committee will be convened, as required, as part of the Borough Council's Major Incidents and Emergency Planning process.
- (d) The decision to convene the Committee will be made by the Chief Executive through consultation with the Leader and after the Monitoring Officer has assessed the appropriateness of taking a particular report to the Committee. The decision will be recorded on the agenda. Only decisions that cannot be deferred will be taken to the Committee.
- (e) The Agenda will include a Statement of Purpose for the Committee being convened and will record reasons why the decision being sought could not be deferred, there will be a clear statement of what the Committee will be discussing.
- (f) Equally a proposal to stand down the Committee will be brought by the Chief Executive through consultation with the Leader to each Committee, and after obtaining such advice as necessary from the Monitoring Officer or their deputy as appropriate, such proposal to stand down the Committee will be decided by a majority vote of members at the meeting. All members of the council will also have the ability to influence the decision to stand down the committee. This can be undertaken by at least a third of councillors writing to the Chief Executive and the Monitoring Officer requesting the committee stands down. If this action is taken, then the reinstatement of the full committee structure will take place or an extraordinary council meeting can be called to debate any other emergency governance models required to enable the council to function lawfully.
- (g) Once the Committee is convened it can take on the role of the delegations afforded to the following:
  - (i) Council emergency functions only:
  - (ii) Finance, Assets, Investment and Recovery
  - (iii) Green and Clean
  - (i) Housing, Health & Community
  - (ii) Planning/ Licensing
  - (iii) Audit & Scrutiny Committee – ONLY with regard to the development of any emergency budget that may be required or to sign off the Annual Accounts if this could not be bought to Audit & Scrutiny Committee.
- (h) The intention, where possible, is to still undertake Planning/Licensing and Audit & Scrutiny Committees separately when required and appropriate. This will be decided by the Chief Executive through consultation with the Leader, and Monitoring Officer. These powers can be in full or in part.

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

### Membership

- (a) The Committee shall consist of 10 named Members of the Borough Council, to include:
  - (i) Chair of Finance, Assets, Investment and Recovery

- (ii) Vice-Chairman of Finance, Assets, Investment & Recovery
  - (iii) The Chairman of the Housing, Health & Community Committee
  - (iv) The Chairman of the Green & Clean Committee
  - (v) The Leaders of all groups
  - (vi) Other named members to achieve a political balance
- (b) If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.
- (c) Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee. Substitutes for this committee will be submitted in writing by Group Leaders to the Chief Executive and Monitoring Officer ahead of the first meeting and updated for future meetings where necessary.

### Quorum

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

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

- (a) To appoint the following designated officers:

Chief Executive  
 Section 151 Finance Officer  
 Monitoring Officer

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

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

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

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



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

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

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

**Extract from Part 4.1 – Council Procedure Rules**

18. **Size**

<b>Committee</b>	<b>Membership</b>	<b>Quorum</b>
Finance, Assets, Investment & Recovery	9	3
Green & Clean	9	3
Housing, Health & Community	9	3
Planning/Licensing	12	4
Audit and Scrutiny	9	3
Staff appointments*	9	3
Dismissal appeals of statutory officers*	9	3
Emergency*	10	3

\* These committees meet on demand.

20. **Appointments and Substitutes**

20.1 Following Annual Council, the Chief Executive on the nomination of Group Leaders, or in their absence, Deputy Group Leaders, appoints and removes members of committees and sub-committees.

20.2 A substitute Member may attend a particular meeting of the committee, and will have full powers of the committee Member, provided that the Member is a specified nominated substitute for that Member of the particular political group and in a list agreed by full Council. In the event that the absent committee Member is a non-aligned Member, the specified substitute for the Member can be any Member of the Council.

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

- 20.4 Substitutes for regulatory committees must be drawn from Members who have received training in regulatory decision making. If a casual vacancy occurs on a regulatory committee it will not be filled until the nominated member has been trained.
- 20.5 All Members are entitled to attend the training provided for members of regulatory committees.

