



**Rochford District
Council**

REPORT TITLE:	Report of the Constitution Working Group: Proposed Committee Structure from May 2024
REPORT OF:	Cllr James Newport – Chairman of the Constitution Working Group

REPORT SUMMARY

On 23 May 2023, the Council resolved to adopt a committee style of governance with effect from the Annual Council meeting in May 2024. To support the transition to the committee system the Council also appointed a Constitution Working Group (CWG) with the remit of developing a workable committee structure and producing terms of reference for each of the committees within that structure. The CWG was also tasked with supporting the Monitoring Officer with a full review of the Council's constitution. The revised constitution will be presented to Council for adoption in February 2024.

The CWG has met frequently during the period July 2023 to October 2023 to develop the committee structure recommended in this report for the Council's approval (Appendix A). For each proposed committee, the CWG has created a term of reference (Appendix B) including:

- The number of members,
- The arrangements for substitutes,
- The frequency of meetings,
- The main purpose of the committee, and
- Its areas of responsibility.

To aid this work, the CWG has also developed a draft calendar of meetings for 2024/25 (Appendix C) which is based on the principles contained in Appendix D.

If the committee structure is agreed, the Council will appoint members to the revised committees at the Annual Council Meeting on 21 May 2024 in line with the political proportionality calculation, which will be updated following the election.

RECOMMENDATIONS

- R1** - That the proposed Committee Structure and Terms of Reference be agreed with effect from the Annual Council meeting on 21 May 2024.
- R2** - That the Calendar of Meeting Dates for 2024-25 be agreed.
- R3** - That, subject to the agreement of recommendation 1, the Monitoring Officer is instructed to give public notice of the revised governance structure in accordance with the requirements set out in paragraph 7.3 of this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATIONS

- 1.1** The Council has resolved to adopt a committee style of governance with effect from the Annual Council Meeting in May 2024. For the Council to be able to properly appoint Members to committees at that Annual Council Meeting, it is essential that a committee structure and terms of reference for those committees are agreed in advance.

2.0 BACKGROUND INFORMATION

Proposed Structure

- 2.1** The CWG has developed a proposed structure of committees as set out in the structure chart at Appendix A to this report. The structure includes a mix of policy committees, regulatory committees and scrutiny-based committees as follows:

Policy Committees:	Communities, Wellbeing and Housing Committee Economic Development, regeneration, and Tourism Committee Environment and Climate Change Committee Planning Policy Committee Strategy, Finance and Policy Committee
Scrutiny Committees:	Audit and Governance Committee Scrutiny and Performance Committee
Regulatory Committees:	Development Committee Licensing and Regulatory Committee

Other:	Chief Officers Employment Committee

2.2 In developing these committees the CWG has considered:

- the requirements for the effective conduct of the democratic business of the council,
- ensuring transparency, accountability, and ease of access to democratic engagement for the public,
- the workload and availability of Members, and
- protecting the decision-making authority and impact of the Full Council.

2.3 It has been recognised that the committee structure is likely to adapt and evolve over time as the committee system becomes established. In that regard the CWG has recommended a scaled-down system of delegated authority to committees, initially, to ensure that the decision-making authority of the Full Council is preserved. Furthermore, no one committee has any greater authority or takes precedence over another.

Comparison with Existing Arrangements

2.4 The proposed structure includes ten committees in addition to the Full Council and four sub-committees which will only be called to meet on an ‘as required’ basis. The current structure includes nine committees in addition to the Full Council, the Executive and two ad-hoc sub-committees. Therefore, there is no overall increase in the number of substantive decision-making bodies (excluding sub-committees) operating in the proposed structure.

2.5 The total number of committee places in the existing structure is 87. There are also (up to) 10 places on the Executive and 9 places on the Climate Emergency Committee, which is a committee of the Executive. The latter two are not politically balanced, but taking those into account the total number of places is 106. The proposed structure has a total of 104 committee places, which means that each of the 39 Members would need to sit on 2 or 3 committees. However, in the committee style of governance there are no restrictions on Members sitting on certain combinations of committees¹. This is further demonstrated in the table at Appendix E.

2.6 In 2023/24 there are 49 formal public meetings which have been held or are scheduled in total for the municipal year. The proposed structure will see this increase to 57 meetings in total per municipal year if all scheduled meetings go ahead. There are also normally 12 Executive Briefing meetings per annum which would no longer be required under the committee system.

¹ In a Leader and Executive system of governance, Executive Members are prohibited from sitting on scrutiny committees.

- 2.7 The financial and resource implications of this increase are considered in section 6 of this report.

Calendar of Meetings

- 2.8 The CWG has also developed a draft calendar of meetings for the 2024/25 municipal year (Appendix C). Due to the removal of Executive decision-making and based on the pared back scheme of delegations it is likely that the Full Council will see an increase in the amount of business that it needs to consider and therefore it is proposed that monthly meetings of the Full Council are scheduled. However, any scheduled meeting can be cancelled before the deadline for the agenda to be issued if there is insufficient business to consider. The CWG has worked on the principle that it is easier to cancel a Full Council meeting than trying to fit in an additional meeting mid-year.

3.0 OTHER OPTIONS CONSIDERED

- 3.1 The CWG considered several different possibilities for the committee structure including:
- An 'Executive' style committee;
 - Service-based committees;
 - Priority-based committees; and
 - The use of sub-committees.

4.0 RELEVANT RISKS

- 4.1 That there is insufficient business for the frequency of meetings – There is a medium likelihood of this risk occurring, but the impact is low. The risk is mitigated by the ability to cancel meetings where there is insufficient substantive business to be considered.
- 4.2 That there is too much business for the frequency of meetings – There is a medium likelihood of this risk occurring and the impact is medium. The risk is mitigated by the ability to add extra meetings into the calendar of meetings and to call extraordinary meetings.
- 4.3 That the committees make decisions that are ultra vires or outside of their delegated authority – There is a low likelihood of this risk occurring, but the impact is significant. The risk is mitigated by having clear terms of reference for committees which sit alongside section 3 of the constitution (responsibility for functions) and the various codes and protocols in section 5. There is a clear schedule of decisions which are reserved to the Full Council.
- 4.4 That the proposed structure is overly bureaucratic – There is a low likelihood of this risk occurring and the impact is low. The structure has been designed in a way to avoid a 'ping-pong' effect between committees and ensure that each decision-making body has a clear role and responsibilities.

- 4.5 That the number and frequency of committee meetings is unmanageable for members and officers – There is a medium likelihood of this risk occurring and the impact is medium. This risk will be mitigated by keeping workloads and resource levels under regular review.
- 4.6 That the structure and relevant decision-making body is not clear to members of the public – There is a medium likelihood of this risk occurring and medium impact. This risk is mitigated by each committee having its own terms of reference.

5.0 ENGAGEMENT/CONSULTATION

- 5.1 There is no requirement for external consultation in respect of this decision. All Members have had the opportunity to attend an all-member briefing to engage with the proposals.

6.0 FINANCIAL IMPLICATIONS

Councillor Allowances

- 6.1 The 2023/24 budget for member allowances is £278,000 based on the current scheme of allowances. The Independent Remuneration Panel is undertaking a review of member allowances to comply with the requirement to keep the scheme under regular review and to consider the change to the committee style of governance. Recommendations arising from this review will be presented to the Full Council in a separate report.
- 6.2 In order to provide a like for like cost comparison and to avoid any artificial inflation of cost through any increase to allowances that may be proposed by the IRP (Independent Remuneration Panel) review, the current scheme of allowances has been applied when considering the financial implications of this report. Based on the current scheme of allowances, the financial impact of the proposed committee structure is as follows:

Element	Estimated number of members in receipt of the element	Unit Cost (£)	Total (£)
Basic Allowance	39	5,000	195,000
Leader of the Council	1	10,000	10,000
Deputy Leader	1	7,500	7,500
Opposition Group Leader	2	2,500	5,000
Chairman of the Council	1	5,000	5,000
Vice Chairman of the Council	1	2,500	2,500
Chairman of the O&S Committee	1	3,500	3,500
Chairman of any other committee	9	2,500	22,500
Committee Vice-Chairman	10	500	5,000
Sub-Committee Chairman	0	500	0
			256,000

The following assumptions have been applied to the above table:

- There will only be 1 Deputy Leader appointed by the Council
- There will be 2 'opposition' groups - based on the current political make-up of the Council
- There will be no special responsibility allowance for the Chairmen of Sub-Committees as these will operate as panels in the future without a fixed Chairman.

Resources

- 6.3 The current Democratic Services Team consists of three FTE staff members who provide administrative services for meetings including management of the work programmes, agenda preparation, governance support to the Chairman and members at the meetings and production of the minutes. They also provide a support service to members.
- 6.4 The resources are currently being reviewed as part of the creation of a OneTeam to support the strategic partnership between Rochford District Council and Brentwood Borough Council. However, as the current team is working at capacity it can be assumed that an additional resource will be needed to support the extra eight meetings generated by the proposed committee structure. This resource is estimated at 0.5 FTE at a cost of circa £15,000 plus on costs.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

- 7.1 The Council has powers to determine its own governance arrangements at any point in the electoral cycle under Part 1A, Chapter 4, s.9K of the Local

Government Act 2000 as amended by the Localism Act 2011. Any changes must take effect on the date of the next annual council meeting.

- 7.2 The authority is 'locked in' to any revised governance arrangements for a period of five years from the date that the resolution to adopt those arrangements was made unless a further change is agreed by referendum. (Part 1A, Ch.4, s.9KC (4) Local Government Act 2000).
- 7.3 Following a resolution to amend governance arrangements, the Council must publicise the change by making available, for public inspection, documents explaining the new arrangements and advertising the change in one or more newspapers published in the area. The Council will also need to make the relevant amendments to its own constitution.
- 7.4 The Council can determine its own committee structure but, in doing so, it must have regard to the following:
- The Council is required to have the following committees by law:
 - Licensing / Regulatory (s.6 Licensing Act 2003)
 - Standards (s.53 Local Government Act 2000)
 - Although it is not a legal requirement to appoint an audit committee, the Council is required "to ensure that its financial management is adequate and effective and that it has a sound system of internal control which facilitates the effective exercise of its functions." Part of these internal control arrangements are to appoint an audit committee.
 - It is strongly recommended that the Council appoints and delegates authority to determine planning applications to a Planning Committee.
 - It is strongly recommended that the Council appoints at least one scrutiny committee.
 - There are certain functions that the Full Council cannot delegate to a committee (Local Authorities (Committee System) Regulations 2012).

8.0 EQUALITY & HEALTH IMPLICATIONS

- 8.1 An Equality Impact Assessment initial screening has been completed and there are no equality impacts arising from this report.

9.0 ENVIRONMENT & CLIMATE IMPLICATIONS

- 9.1 There are no direct environment and climate impacts associated with this decision. Meetings will continue to be conducted in a way which supports the reduction of carbon emissions, for example by utilising digital agendas and minimising the impacts of travelling to meetings.

10.0 ECONOMIC IMPLICATIONS

- 10.1 There are no economic impacts associated with this decision.

REPORT AUTHOR:

Name: Emily Yule

Title: Strategic Director (Deputy Chief Executive) & Monitoring Officer

Phone: 07543 500908

Email: Emily.yule@brentwood.rochford.gov.uk

APPENDICES

Appendix A – Committee Structure Chart

Appendix B – Committee Terms of Reference

Appendix C – Draft Calendar of Meeting Dates

Appendix D – Principles for the Calendar of Formal Meetings

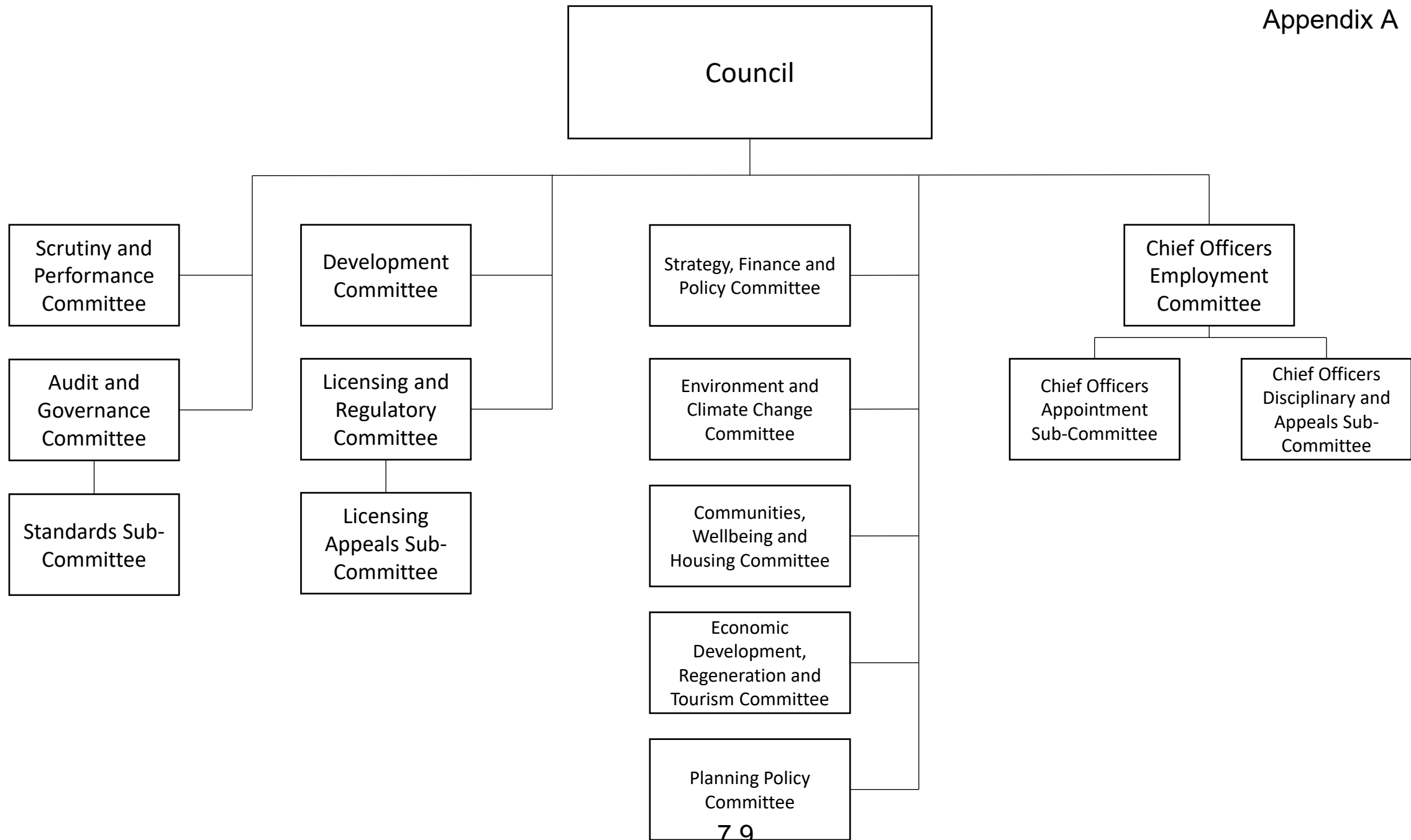
Appendix E – Comparison between proposed structure and current arrangements

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council – Item 8: Appointment of the Constitution Working Group	28/06/2023
Annual Council – Item 16: Adoption of the Committee Style of Governance	23/05/2023



Terms of Reference
AUDIT AND GOVERNANCE COMMITTEE

Number of Members: 9

Quorum: 3

Substitutes: Any Member from the same political group

Frequency of Meetings: 4 meetings per municipal year

Main Purpose

To provide independent assurance of the adequacy of the risk management framework and the associated control environment.

To assess the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment.

To oversee the financial reporting process including scrutiny of the treasury management strategy and policies.

To ensure that Members maintain high standards of probity in their public life by forming a sub-committee to consider standards complaints referred by the Monitoring Officer.

To appoint representatives to any outside bodies which fall within the remit of this committee.

Responsibility for Functions

1. Advise on the adequacy and effectiveness of the Council's corporate governance arrangements and internal control environment.
2. Consider the method of appointment of the Council's External Auditor and make recommendations to Council.
3. Monitor the adequacy and effectiveness of the Council's External Audit service and respond to its findings. Specifically:
 - a. Consider the nature and scope of the External Audit of the Council's services and functions;
 - b. Receive and consider External Audit Reports including the Annual Audit Letter and Governance Report;
 - c. Monitor management's response to the External Auditor's findings and the implementation of External Audit recommendations.

4. Monitor the adequacy and effectiveness of the Internal Audit service.
Specifically:
 - a. Approve the terms of reference for Internal Audit;
 - b. To approve the annual Internal Audit Plan and monitor progress against the Plan through receipt of periodic progress reports;
 - c. Receive and consider major Internal Audit findings and recommendations;
 - d. Monitor management's response to Internal Audit findings and the implementation of its recommendations;
 - e. Evaluate the extent to which Internal Audit complies with best practice, is sufficiently resourced and meets agreed performance targets.
5. Monitor the arrangements for the identification, monitoring and control of strategic and operational risk within the Council including approval of the Council's Risk Management Strategy and Risk Appetite Statement.
6. Monitor the adequacy and effectiveness of the arrangements in place for combating fraud and corruption, including scrutiny of the Council's Anti-Fraud Policy.
7. To review and approve the annual Statement of Accounts and the Annual Governance Statement.
8. To be responsible for the formation and recommendation of the Treasury Management Strategy to Full Council and to scrutinise the quarterly Treasury Management Reports.
9. To formulate and keep under review the Employee Code of Conduct to promote high ethical standards amongst Officers and to do anything that is calculated to promote and maintain high standards of conduct by Officers.
10. To formulate and keep under review the Council's 'Whistle-blowing' Policy.
11. To consider amendments to the Council's constitution and make such recommendations to amend the constitution to the Full Council as necessary.
12. To develop and agree the annual programme of training and briefings for Members.
13. To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council's Code of Conduct for Members. Including:
 - a. To monitor the operation of the Code of Conduct for Members and receive regular standards complaints monitoring reports from the Monitoring Officer;
 - b. To advise the Council on any amendment or revision of the Code;

- c. To secure adequate and appropriate training of Councillors and co-opted Members on the Code of Conduct for Members;
 - d. To monitor and review the Member and employee registers of interests and registers of gifts and hospitality.
14. To undertake an annual review of outside bodies to which representatives are appointed and to receive reports on the activity of outside bodies from the appointed Member representatives.

Standards Sub-Committee

The Standards Sub-Committee will be convened as and when required by the Monitoring Officer to consider standards complaints in line with the Council's Code of Conduct complaints procedure.

The Sub-Committee will comprise of 3 Members of the Audit & Governance Committee and must be cross-party.

The primary functions of the Standards Sub-Committee are:

1. To receive reports referred from the Monitoring Officer following investigations into complaints against District and Parish Councillors.
2. To conduct standards hearings and all other steps associated with that function, including taking into account the advice of the Independent Person.
3. If the panel determines that a breach of the Council's Code of Conduct has occurred, the panel can impose one or more of the following sanctions, if appropriate:
 - a. Public Censure;
 - b. Report to Council;
 - c. Recommend actions to the Leader or Chairman of the Council;
 - d. Recommend actions to Group Leader;
 - e. Recommend removal from Outside Bodies;
 - f. Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.
4. The Sub-Committee will also act as an interview panel for the recruitment of Independent Persons before recommending appointments to the Full Council.

Terms of Reference

CHIEF OFFICERS EMPLOYMENT COMMITTEE

Number of Members: 9

Quorum: 3

Substitutes: No substitutes are permitted for this committee

Frequency of Meetings: As required

Main Purpose

To be responsible for employment matters pertaining to the Chief Officers of the Council, as defined by this Constitution.

To establish a Chief Officers Appointment Sub-Committee for the purposes of conducting interviews and making appointments of the Chief Officers of the Council, except for the Statutory Officers, Strategic Directors and the Chief Executive (if not Head of Paid Service) which will be reserved to the Full Council.

To establish a Chief Officers Disciplinary and Appeals Sub-Committee for the purposes of conducting disciplinary hearings for Chief Officers of the Council and agreeing the dismissal of the Chief Officers of the Council, except for the Statutory Officers, Strategic Directors and the Chief Executive (if not Head of Paid Service) which will be reserved to the Full Council

To ensure the effective operation of the Officer Employment Procedure Rules contained in Part 4 of this constitution.

Responsibility for Functions

Chief Officers Appointment Sub-Committee

The Sub-Committee will be formed of 3 Members of the Chief Officers Employment Committee on a case by case basis. The Sub-Committee will, in so far as is practicable, reflect the political balance of the Council.

It will be responsible for:

1. Considering applications and conducting interviews for the Chief Officer roles.
2. Making recommendations to the Full Council for the appointment of Statutory Officers and the Strategic Directors.
3. Agreeing the appointment of all other Chief Officers.

Interim appointments of Directors, for 12 months or less are delegated to the Head of Paid Service.

Chief Officers Disciplinary and Appeals Sub-Committee

The Sub-Committee will be formed of 3 Members of the Chief Officers Employment Committee on a case by case basis. The Sub-Committee will, in so far as is practicable, reflect the political balance of the Council.

A Member will be prevented from sitting on the Disciplinary and Appeals Sub-Committee for any particular Officer if that Member was part of the Appointment Sub-Committee for that same Officer.

It will be responsible for:

1. Undertaking disciplinary procedures in relation Chief Officers, including having regard to the recommendations of the Independent Person in relation to disciplinary matters involving the Statutory Officers.
2. Agreeing the dismissal of Chief Officers, other than the Statutory Officers.
3. Reporting the outcome of disciplinary processes and making dismissal recommendations to the Full Council in respect of Statutory Officers.
4. To consider grievances, submitted by Chief Officers, at stage 2 of the Council's grievance policy in circumstances where, in the opinion of the Monitoring Officer, following consultation with the Service Manager – People and OD, it would be prejudicial to the fair consideration of the grievance for it to be considered by a Strategic Director or the Chief Executive.

Terms of Reference

COMMUNITIES, WELLBEING AND HOUSING COMMITTEE

Number of Members: 11

Quorum: 3

Substitutes: Any Member from the same political group

Frequency of Meetings: 4 meetings per municipal year

Main Purpose

In respect of the areas listed below:

- Oversee the implementation of policies and strategies set by the Full Council.
- Develop, review and recommend policy to the Full Council.
- Formulate the budget for the committee's areas of responsibility for recommendation to the Full Council.
- Monitor the use of financial and other resources in the delivery of services.
- Monitor progress against delivery objectives and key performance indicators.
- Agree consultation responses to matters within the Committee's remit unless reserved to the Full Council.
- To appoint representatives to any outside bodies which fall within the remit of this committee.
- Responsibility for all decision-making in respect of matters within the Committee's remit unless restricted by other provisions contained within this constitution or by statute.

Responsibility for Functions

- Housing options and homelessness
- Leisure, Sports & Health Improvement
- Community Safety
- Assets of Community Value – Applications and process
- Environmental Health
- Public Health
- Safeguarding
- Community Grants
- Health and Well
- Tenant Engagement
- Disabled Adaptations Grants
- Youth provision

Terms of Reference

DEVELOPMENT COMMITTEE

Number of Members: 13

Quorum: 4

Substitutes: Any Member from the same political group who has undertaken the necessary training.

Frequency of Meetings: Monthly

Main Purpose

To discharge those functions in relation to town and country planning and development control as specified in this terms of reference and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

To operate within the provisions of the Code of Good Practice for Planning Matters contained within Part 5 of this Constitution.

To appoint representatives to any outside bodies which fall within the remit of this committee.

Responsibility for Functions

1. To exercise the Council's powers as local planning authority in respect of:
 - a. All aspects of planning and development control referred to Committee for determination which fall outside of the delegated authority to the Chief Planning Officer.
 - b. All aspects of planning and development control where the decision would not be in accordance with the overall policies and procedures approved by the Council.
2. For the purpose of the above all aspects of planning and development control including:
 - a. the consideration, modification and amendment of all aspects of planning obligations under Section 106 of the Town & Country Planning Act 1990 (as amended).
 - b. all aspects of planning enforcement including the enforcement of matters under The Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.
 - c. in relation to Planning Policy the consideration of briefs for the development and/or redevelopment of land.

- d. all aspects of the Planning (Hazardous Substances) Act 1990 including enforcement matters.
 - e. all aspects of Tree Preservation control under the Town & Country Planning Act 1990 (as amended).
 - f. all aspects of the control of advertisements under the Town & Country Planning Act 1990 (as amended).
 - g. the revocation or modification of a planning permission, listed building consent or conservation area consent.
- 3. To consider and determine matters concerning public rights of way.
 - 4. To consider and make Orders under Section 215 of the Town and Country Planning Act 1990 relating to the proper maintenance of land and resolutions to prosecute for non-compliance with an order.
 - 5. To organise site visits in accordance with the planning protocol to aid the thorough consideration of a planning application.
 - 6. To receive notice of the outcome of planning appeals.

Terms of Reference

ECONOMIC DEVELOPMENT, REGENERATION AND TOURISM COMMITTEE

Number of Members: 7

Quorum: 3

Substitutes: Any Member from the same political group

Frequency of Meetings: 4 meetings per municipal year

Main Purpose

In respect of the areas listed below:

- Oversee the implementation of policies and strategies set by the Full Council.
- Develop, review and recommend policy to the Full Council.
- Formulate the budget for the committee's areas of responsibility for recommendation to the Full Council.
- Monitor the use of financial and other resources in the delivery of services.
- Monitor progress against delivery objectives and key performance indicators.
- Agree consultation responses to matters within the Committee's remit unless reserved to the Full Council.
- To appoint representatives to any outside bodies which fall within the remit of this committee.
- Responsibility for all decision-making in respect of matters within the Committee's remit unless restricted by other provisions contained within this constitution or by statute.

Responsibility for Functions

- Arts, Culture and Events (Including the Mill Hall Arts and Events Centre)
- Tourism
- Public Relations
- Economic Development
- Relationships with Businesses
- Car Parking
- Business Improvement Districts
- Business Rates Relief
- Broadband Infrastructure
- Transport Infrastructure including matters related to Southend Airport
- The Rochford Environmental Business Alliance (REBA)

Terms of Reference

ENVIRONMENT AND CLIMATE CHANGE COMMITTEE

Number of Members: 11

Quorum: 3

Substitutes: Any Member from the same political group

Frequency of Meetings: 4 meetings per municipal year

Main Purpose

In respect of the areas listed below:

- Oversee the implementation of policies and strategies set by the Full Council.
- Develop, review and recommend policy to the Full Council.
- Formulate the budget for the committee's areas of responsibility for recommendation to the Full Council.
- Monitor the use of financial and other resources in the delivery of services.
- Monitor progress against delivery objectives and key performance indicators.
- Agree consultation responses to matters within the Committee's remit unless reserved to the Full Council.
- To appoint representatives to any outside bodies which fall within the remit of this committee.
- Responsibility for all decision-making in respect of matters within the Committee's remit unless restricted by other provisions contained within this constitution or by statute.

Responsibility for Functions

- Sustainability and Climate Change
- Parks and Open Spaces
- Woodlands
- Flood Working Group
- Air Pollution
- Cemeteries
- Waterways
- Waste Management

Terms of Reference

LICENSING AND REGULATORY COMMITTEE

Number of Members: 15

Quorum: 4

Substitutes: Any Member from the same political group who has undertaken the required training.

Frequency of Meetings: 2 meetings per municipal year

Main Purpose

To discharge those functions in relation to appeals, licensing and registration and those functions under the Town Police Clauses Act 1847, Local Government Act 1972, Local Government Misc Provisions Act 1977 & 1982, Licensing Act 2003, Gambling Act 2005, Policing and Crime Act 2009, Animal Welfare Act 2006, Zoo Licensing Act 1981, Business and Planning Act 2020, Dangerous Wild Animals Act 1976, Charities Act 2006, Scrap Metal Dealers Act 2013, Hypnotism Act 1952, House to House Collections Act 1939 and all associated or amending legislation as specified in these terms of reference and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

To appoint representatives to any outside bodies which fall within the remit of this committee.

Responsibility for Functions

Licensing Functions

1. To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the statement of licensing policy.
2. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, with agreed policy.
3. To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the statement principles.
4. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy.
5. To discharge the Council's functions as a Licensing Authority under the Department of Transport Minimum Standards in relation to Private Hire and Hackney Carriage Policy.
6. To arrange for the discharge of any of the licensing functions exercisable by the Committee to an officer of the Licensing Authority subject to the limitations set out in Section 10(4) of the Licensing Act 2003 and Section 154 of the Gambling Act 2005.

7. To discharge any other Council function which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not a licensing function (i.e. street trading) after consideration of a report from the Licensing Section.

Licensing Act 2003

1. To carry out functions as the Licensing Committee pursuant to the Licensing Act 2003.
2. To advise the Council on its 'Statement of Licensing Policy', related Licensing policies and practices and make recommendations to the Council on their adoption and review.
3. To appoint Sub-Committees of three members (to be known as Licensing Sub Committees) and to delegate any of its functions within its terms of reference to the Licensing Sub-Committee or officers, subject to the restrictions set out in the Licensing Act 2003.

Regulatory Functions

1. To establish and act through Committees made up of 3 members of the Regulatory Committee (to be known as Regulatory Sub-Committees) to determine a range of regulatory and other functions (including Naming of Streets, Trees, Staffing etc).
2. Power to issue licences, certificates or consents including (where legally possible):
 - a. a power to attach conditions to any licence, certificate or consent;
 - b. a power to refuse to grant any licence, certificate or consent;
 - c. a power to set general conditions and regulations with respect to all licences of a certain kind;
 - d. the power to revoke or suspend licences, certificates or consent;
 - e. any function for which the Council may charge and issue any approval or consent that may be needed under the terms of any licence.
3. The Licensing & Regulatory Committee shall decide its own procedures for dealing with applications and disciplinary hearings and in carrying out these functions shall have due regard to any relevant regulations/national guidance. It shall have the power to set enforcement and other licensing or regulatory policies.

Hackney Carriage and Private Hire Vehicle Licensing

1. To determine suspension or revocation (or else no action) of licences for Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire Vehicles, Private Hire Drivers, Private Hire Operators.
2. To determine applications for licences for Hackney Carriage Vehicles; Hackney Carriage Drivers; Private Hire Vehicles; Private Hire Drivers and

Private Hire Operators when the Principal Licensing Officer is disposed to recommend suspension or revocation of a licence or refusal to grant or refusal to renew and chooses not to exercise his/her delegated authority but refers the matter to the Licensing & Regulatory Committee for consideration in accordance with a protocol approved by the Licensing & Regulatory Committee.

General Matters

1. Any other appeal arrangements as shall arise under any enactment or government regulation.
2. To determine licences, registrations and consents or to make, revoke or vary closing orders as necessary pursuant to licensing, regulatory, environmental, safety and other statutes (or any subsequent amendment thereto) if the appropriate officer is disposed to recommend revocation, variation, refusal or refusal to renew or does not wish to use his/her delegated authority.

Gambling Act Functions

1. To carry out functions as the Licensing Committee pursuant to the Gambling Act 2005.
2. To advise the Council on its 'Statement of Licensing Principles', related Gambling Act 2005 policies and practices and make recommendations to the Council on their adoption and review.
3. To appoint Sub-Committees of three members to be known as the Licensing Sub-Committee.
4. To delegate any of its functions within its terms of reference to the Licensing Sub-Committee or officers, subject to the restrictions set out in the Gambling Act 2005.

LICENSING ACT 2003: SCHEME OF DELEGATIONS

Matter to be dealt with	Sub-Committee	Officers
	<i>Where there is an objection, representation or review</i>	<i>No objection or representation</i>
Application for personal licence	✓	✓
Application for personal licence with unspent convictions	✓	
Application for premises licence/club premises certificate	✓	✓
Application for provisional statement	✓	✓
Application to vary premises licence/ club premises certificate	✓	✓
Application to vary a designated premises supervisor	✓	✓
Request to be removed as a designated premises supervisor	✓	✓
Application for transfer of premises licence	✓	✓
Applications for interim authorities	✓	✓
Application to review premises licence / club premises certificate	✓	
Decision on whether a representation is irrelevant, frivolous, vexatious etc	✓	✓
Decision to object when local authority is a consultee and not the relevant authority considering the application	✓	
Determination of a police representation to a temporary event notice	✓	
Determination of minor variation applications for premises licences and club premises certificates	✓	✓
Determination of applications to disapply mandatory conditions at community premises	✓	✓
Licensing Authority role as a responsible authority	✓	✓

GAMBLING ACT 2005: SCHEME OF DELEGATIONS

Matter to be dealt with	Council	Committee	Sub-Committee	Officers
			<i>Where there is an objection, representation or review</i>	<i>No objection or representation</i>
Final approval of three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting (when appropriate)		✓		
Application for premises licences			✓	✓
Application for a variation to a licence			✓	✓
Application for a transfer of a licence			✓	✓
Application for a provisional statement			✓	✓
Review of a premises licence			✓	
Application for club gaming/club machine permits			✓	✓
Cancellation of club gaming/club machine permits			✓	
Applications for other permits			✓	✓
Cancellation of licensed premises gaming machine permits			✓	✓
Consideration of temporary use notice			✓	✓
Decision to give a counter notice to a temporary use notice			✓	

Terms of Reference

PLANNING POLICY COMMITTEE

Number of Members: 7

Quorum: 3

Substitutes: Any Member from the same political group

Frequency of Meetings: 4 meetings per municipal year

Main Purpose

In respect of the areas listed below:

- Oversee the implementation of policies and strategies set by the Full Council.
- Develop, review and recommend policy to the Full Council.
- Formulate the budget for the committee's areas of responsibility for recommendation to the Full Council.
- Monitor the use of financial and other resources in the delivery of services.
- Monitor progress against delivery objectives and key performance indicators.
- Agree consultation responses to matters within the Committee's remit unless reserved to the Full Council.
- To appoint representatives to any outside bodies which fall within the remit of this committee.
- Responsibility for all decision-making in respect of matters within the Committee's remit unless restricted by other provisions contained within this constitution or by statute.

RESPONSIBILITY FOR FUNCTIONS

- Planning Policy
- Infrastructure
- Development and review of the Local Plan (for recommendation to Full Council)

Terms of Reference

SCRUTINY AND PERFORMANCE COMMITTEE

Number of Members: 9

Quorum: 3

Substitutes: Any Member from the same political group.

Frequency of Meetings: 6 meetings per municipal year

Main Purpose

To review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.

To make reports and/or recommendations to the Full Council and/or any Committee in connection with the discharge of any functions.

To consider any matter affecting the area or its inhabitants, including the ability to scrutinise the work of any other public sector body or partner of the Council.

To monitor the Council's performance against agreed indicators.

To appoint representatives to any outside bodies which fall within the remit of this committee.

Responsibility for Functions

1. Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
2. Make reports and/or evidence based recommendations to the Council and any committee or joint committee in connection with the discharge of any functions.
3. Consider any matter affecting the area or its inhabitants.
4. Make reports and/or evidence based recommendations to the Council and/or its Committees and/or any joint committee on matters which affect the Council's area or the inhabitants of that area.
5. Policy development and review:
 - a. review existing policy and recommend changes to such policy or the creation of new policy;
 - b. assist the Council in the development of its Budget and Policy Framework by in-depth analysis of policy issues;

- c. conduct research, involve the community and carry out other consultation in the analysis of policy issues and possible options;
- d. consider and implement ways to encourage and enhance community participation in the development of policy options;
- e. question members of committees and senior officers about their views on issues and proposals affecting the area; and
- f. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

In so doing, the Scrutiny and Performance Committee will be able to:

- a. Select significant issues to investigate, which are both strategic and linked to the Council's Corporate Priorities;
- b. Undertake pre-investigation project planning: drawing up terms of reference, plan for research methods to be used, timescales, officer support and reporting mechanisms;
- c. Involve partners, the public and outside experts: this can take the form of presenting orally or in writing evidence around the topic under investigation;
- d. Report findings and make evidence based recommendations to the appropriate Committee;
- e. Follow up on action agreed to ensure that Scrutiny and Performance Committee decisions have been implemented.

The focus of a policy development and review exercise could be on:

- a. Whether the intended policy outcomes have been achieved;
- b. Whether services have been taken up by the intended client group;
- c. Processes used in service delivery;
- d. Assessing whether service provision is addressing the needs of the community;
- e. How satisfied customers are with current service provision;
- f. Whether resources are allocated effectively for the service.

The policy development and review function could be discharged in a number of ways including:

- a. Meetings of the relevant whole Overview and Scrutiny Committee;
- b. Task and Finish Review Groups comprised of a selection of Overview and Scrutiny Committee Members, as well as potentially other co-opted Members (e.g. external experts) and members of the community

6. Scrutiny:

- a. review and scrutinise the performance of committees and Council officers and decisions made both in relation to individual decisions and over time;
- b. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

- c. question members of committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects when necessary;
 - d. exercise the right to call-in, for re-consideration, decisions made but not yet implemented by any committee, where appropriate;
 - e. make evidence based recommendations to the appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - f. review and scrutinise, with or without others, the performance and activities of other public bodies in the area on any relevant, general or specific issue;
 - g. question and gather evidence from any person (with their consent) when necessary; and
 - h. exercise overall responsibility for the work programme of the officers employed to support their work.
7. Responsibility for monitoring the performance of any partnership arrangement.
8. Ability to undertake joint scrutiny activity with Brentwood Borough Council for any matters of common interest to the strategic partnership.
9. To formulate and keep under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman.
10. The Overview and Scrutiny Committees shall report annually to Council on its workings and make evidence based recommendations for future work programmes and amended working methods if appropriate.

Terms of Reference

STRATEGY, FINANCE AND POLICY COMMITTEE

Number of Members: 13

Quorum: 4

Substitutes: Any Member from the same political group

Frequency of Meetings: 4 meetings per municipal year

Main Purpose

In respect of the areas listed below:

- Oversee the implementation of policies and strategies set by the Full Council.
- Develop, review and recommend policy to the Full Council.
- Formulate the budget for the committee's areas of responsibility for recommendation to the Full Council.
- Monitor the use of financial and other resources in the delivery of services.
- Monitor progress against delivery objectives and key performance indicators.
- Agree consultation responses to matters within the Committee's remit unless reserved to the Full Council.
- To appoint representatives to any outside bodies which fall within the remit of this committee.
- Responsibility for all decision-making in respect of matters within the Committee's remit unless restricted by other provisions contained within this constitution or by statute.

Responsibility for Functions

- Corporate Strategy / Business Plan (for recommendation to Full Council)
- Budget and Medium Term Financial Strategy (for recommendation to Full Council)
- Council Assets
- Information Technology
- Customer Services
- HR
- Finance
- Democratic Services
- External Grant Funding
- Partnerships
- Transformation / Change
- Programme and Project Management

	2024								2025			
Date	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL
Wed	1								1 NEW YEARS DAY			
Thu	2 ELECTIONS			1					2			
Fri	3			2			1		3			
Sat	4	1		3			2		4	1	1	
Sun	5	2		4	1		3	1	5	2	2	
Mon	6 BANK HOLIDAY	3	1	5	2		4	2	6	3	3	
Tue	7	4	2 AUDIT & GOVERNANCE	6	3 AUDIT & GOVERNANCE	1	5	3 AUDIT & GOVERNANCE	7	4	4 AUDIT & GOVERNANCE	1
Wed	8	5	3	7	4	2	6	4	8	5	5	2
Thu	9	6 SCRUTINY AND PERFORMANCE	4 ENVIRONMENT & CLIMATE CHANGE	8 SCRUTINY AND PERFORMANCE	5 SCRUTINY AND PERFORMANCE	3 ENVIRONMENT & CLIMATE CHANGE	7 SCRUTINY AND PERFORMANCE	5 SCRUTINY AND PERFORMANCE	9 ENVIRONMENT & CLIMATE CHANGE	6 SCRUTINY AND PERFORMANCE	6 ENVIRONMENT & CLIMATE CHANGE	3
Fri	10	7	5	9	6	4	8	6	10	7	7	4
Sat	11	8	6	10	7	5	9	7	11	8	8	5
Sun	12	9	7	11	8	6	10	8	12	9	9	6
Mon	13	10	8	12	9	7	11	9	13	10	10	7
Tue	14	11 COMMUNITIES, WELLBEING & HOUSING	9 LICENSING & REGULATORY	13	10 COMMUNITIES, WELLBEING & HOUSING	8	12	10 COMMUNITIES, WELLBEING & HOUSING	14 LICENSING & REGULATORY	11	11 COMMUNITIES, WELLBEING & HOUSING	8
Wed	15	12	10	14	11	9	13	11	15	12	12	9
Thu	16	13 ECONOMIC DEVELOPMENT, REGENERATION & TOURISM	11 PLANNING POLICY	15	12 ECONOMIC DEVELOPMENT, REGENERATION & TOURISM	10 PLANNING POLICY	14	12 ECONOMIC DEVELOPMENT, REGENERATION & TOURISM	16 PLANNING POLICY	13	13 ECONOMIC DEVELOPMENT, REGENERATION & TOURISM	10
Fri	17	14	12	16	13	11	15	13	17	14	14	11
Sat	18	15	13	17	14	12	16	14	18	15	15	12
Sun	19	16	14	18	15	13	17	15	19	16	16	13
Mon	20	17	15	19	16	14	18	16	20	17	17	14
Tue	21 ANNUAL COUNCIL	18 COUNCIL	16 COUNCIL	20 COUNCIL	17 COUNCIL	15 COUNCIL	19 COUNCIL	17 COUNCIL	21 COUNCIL	18 COUNCIL (BUDGET)	18 COUNCIL	15
Wed	22	19	17	21	18	16	20	18	22	19	19	16
Thu	23	20	18	22	19	17	21	19 DEVELOPMENT	23	20	20 PLANNING POLICY	17
Fri	24	21	19	23	20	18	22	20	24	21	21	18 GOOD FRIDAY
Sat	25	22	20	24	21	19	23	21	25	22	22	19
Sun	26	23	21	25	22	20	24	22	26	23	23	20 EASTER SUNDAY
Mon	27 BANK HOLIDAY	24	22	26 BANK HOLIDAY	23	21	25	23	27	24	24	21 EASTER MONDAY
Tue	28	25 STRATEGY, FINANCE & POLICY	23	27	24 STRATEGY, FINANCE & POLICY	22	26 STRATEGY, FINANCE & POLICY	24	28 STRATEGY, FINANCE & POLICY	25	25	22
Wed	29	26	24	28	25	23	27	25 CHRISTMAS DAY	29	26	26	23
Thu	30 DEVELOPMENT	27 DEVELOPMENT	25 DEVELOPMENT	29 DEVELOPMENT	26 DEVELOPMENT	24 DEVELOPMENT	28 DEVELOPMENT	26 BOXING DAY	30 DEVELOPMENT	27 DEVELOPMENT	27 DEVELOPMENT	24 DEVELOPMENT
Fri	31	28	26	30	27	25	29	27	31	28	28	25
Sat		29	27	31	28	26	30	28			29	26
Sun		30	28		29	27		29			30	27
Mon			29		30	28		30			31	28
Tue			30			29		31				29
Wed			31			30						30
Thu						31						

Principles for the Calendar of Formal Meetings

- Meetings are held on Tuesdays and Thursdays to allow attendance at parish council meetings
- Council meetings are always the 3rd Tuesday of the month
- Development meetings are always the 4th Thursday of the month (except December)
- There are no more than 2 formal meetings per week
- There are no meetings between the election day and annual council
- There is a gap after annual council to allow for the appointments on committees to be actioned and summonses issued correctly
- No meetings during the pre-election moratorium – except regulatory functions (and try to avoid using these dates if possible)
- Other timetables such as budget setting and financial reporting have been taken into account

Proposed Committee Structure		
	Places	Number of Meetings
Audit & Governance	9	4
Chief Officers Employment	9	0
Communities, Wellbeing & Housing	11	4
Development	13	12
Econ Dev, Regen and Tourism	7	4
Environment and Climate Change	11	4
Licensing & Regulatory	15	4
Planning Policy	7	4
Scrutiny and Performance	9	6
Strategy, Finance and Policy	13	4
Total Number of Committee Places	104	
Full Council	39	11
Total Number of Meetings		57
10 Committees 10 Chairs 10 Vice-Chairs 1 Leader 1 Deputy Leader 1 Council Chair 1 Council Vice-Chair		

Current Arrangements		
	Places	Number of Meetings 2023/24
Audit	11	4
Chief Officer Appointments	9	1
Development	13	10
Licensing & Appeals	15	2
Overview & Scrutiny	15	9
Planning Policy	7	2
Standards	8	2
Statutory Officer Personnel	9	0
Total Number of Committee Places	87	
Executive	10	9
Climate Emergency Committee (Exec Committee)	9	3
Total Number of Places including Exec arrangements	106	
Full Council	39	7
Total Number of Meetings		49
9 Committees 9 Committee Chairs 9 Committee Vice-Chairs 1 Leader 2 Deputy Leaders 7 Lead Members 1 Council Chair 1 Council Vice-Chair		