

Subject: Constitutional Matters
Date of Meeting: 9 July 2013
Report of: Monitoring Officer
Contact Officer: Name: John Peel Tel: 29-1058
Email: john.peel@brighton-hove.gov.uk
Ward(s) affected: All

GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of its urgency sub-committee.

2. RECOMMENDATIONS

- 2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted; and
- 2.2 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 When Brighton & Hove City Council adopted its new constitution in May 2012, it was recognised that the new arrangements would need to be kept under review and that, once the system had been in place for a time, it would be good practice to consider any further changes that could be made to improve its effectiveness.
- 3.2 The design principles that were agreed for the development of the new constitution included:-
- (1) Openness and Transparency
 - (2) Accountability
 - (3) Efficiency
 - (4) Soundness
 - (5) Affordability
 - (6) Best practice from the cabinet system
 - (7) Forward Looking
- 3.3 When the constitution was adopted in May 2012, it was agreed that the workload of the Transport Committee and Environment & Sustainability Committee would be monitored and a decision made as to whether to retain the two separate

committees or to merge them. A review of the existing arrangements conducted by officers and Members found that whilst there was an advantage of one meeting focused on environment and sustainability and another on transport, it was considered possible to manage the work of the two committees within one committee meeting and thereby achieve some efficiency savings. It was therefore agreed by Full Council that the two committees be merged into one 'Environment, Transport and Sustainability Committee'.

Matters reserved to full council

3.4 In addition, it was agreed that, the following policies and strategies are no longer reserved to full Council for approval that they are better dealt with by the relevant policy committee rather than impose a mandatory requirement for it to be approved by full Council:-

- Official Feed and Food Control Service Plan

3.5 Article 6 of the constitution, incorporates a schedule of all the Committees/Sub-committees established in the new constitution together with a summary of their respective functions.

The Environment, Transport & Sustainability Committee – Terms of Reference

3.3 A copy of the terms of reference for the committee is attached in Appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

3.5 The membership of the committee is set at 10 Members of the council.

3.6 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18 to 24, apply to meetings of the Environment, Transport & Sustainability Committee.

Programme Meetings

3.7 Ordinary meetings of the Environment, Transport & Sustainability Committee are scheduled to take place on the following dates during 2013/14:

Tuesday 9 July 2013
Tuesday 8 October 2013
Tuesday 26 November 2013
Tuesday 14 January 2014
Tuesday 4 March 2014
Tuesday 29 April 2014

3.8 Meetings of the Committee will normally be held at Hove Town Hall and will start at 4.00 p.m.

Urgency Sub-Committee

- 3.9 The Constitution states that 'each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The Membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of one Member from each of the three political groups on the Council.
- 3.10 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.'

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 All Members considered and approved the constitution and the changes therein on the 28 March 2013.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no additional financial implications arising from the recommendations in this report.

Finance Officer Consulted: Jeff Coates

Date: 12/06/13

Legal Implications:

- 5.2 The Council's constitution complies with the requirements of the Localism Act 2011, the Local Government Act 2000, the Local Authorities (Constitutions) Direction and relevant guidance.
- 5.3 There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Elizabeth Culbert

Date: 12th June 2013

Equalities Implications:

- 5.4 There are no equalities implications arising from the report.

Sustainability Implications:

- 5.5 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.6 There are no crime & disorder implications arising from the report.

Risk and Opportunity Management Implications:

- 5.7 . There are no risk and opportunity management implications arising from the report.

Public Health Implications:

- 5.8 There are no public health implications arising from the report.

Corporate / Citywide Implications:

- 5.9 There are no corporate or city wide implications arising from the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations are being put forward in line with the requirements of the constitution.

SUPPORTING DOCUMENTATION

Appendices:

1. Environment, Transport & Sustainability Committee Terms of Reference.

Background Documents

1. The Constitution