

**Council**6<sup>th</sup> April 2017**Agenda Item 96**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of the Constitution – February 2017– Extract from the proceedings of the Policy, Resources &amp; Growth Committee meeting held on the 9<sup>th</sup> February 2017</b>		
<b>Date of Meeting:</b>	<b>6 April 2017</b>		
<b>Report of:</b>	<b>Executive Lead for Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Ross Keatley</b>	<b>Tel:</b> 01273 291064
	<b>E-mail:</b>	<a href="mailto:ross.keatley@brighton-hove.gov.uk">ross.keatley@brighton-hove.gov.uk</a>	
<b>Wards Affected:</b>	All		

**FOR GENERAL RELEASE*****Action Required of Council:***

To receive the item referred from the Policy, Resources & Growth Committee for decision:

- (1) That the Committee approves the recommendations set out at paragraphs 3.20 and 3.21 (Scheme of Delegations, including to Field Officers) and notes the information at paragraphs 3.8 and 3.9 (Officer Employment Procedure Rules).
- (2) That the Committee recommends to full Council the proposed changes to the Council's constitution as set out at paragraphs 3.2 to 3.19 in the report and Appendices 1-3 (together with the amendment to paragraph 2(c) in Appendix 3)
- (3) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by the Committee or Full Council and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.
- (4) That, subject to resolution (5) below, the changes come into force immediately following approval by PR&G and full Council.
- (5) That the changes referred to in paragraph 3.6 (limiting the time for debates on reports for information) come into force following annual Council and that the changes referred to in paragraphs 3.19 to 3.23 (delegations regarding field offices) come into force as soon as the field officers are appointed.

**Recommendation:**

That the proposed changes to the Council's constitution recommended in resolution (2) above be approved and adopted.

**BRIGHTON & HOVE CITY COUNCIL**  
**POLICY, RESOURCES & GROWTH COMMITTEE**

**4.00pm 9 FEBRUARY 2017**

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ**

**MINUTES**

**Present:** Councillors Morgan (Chair), Hamilton (Deputy Chair), G Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Chapman, Janio, Mitchell, A Norman, Sykes and Wealls.

**PART ONE**

**129 REVIEW OF THE CONSTITUTION**

- 129.1 The Committee considered a report of the Executive Lead Officer for Strategy, Governance & Law in relation to Review of the Constitution. The report proposed changes to the Council's Constitution for approval by the Committee and Council. The issues set out in the report had been considered by the cross party Constitutional Working Group and Leaders Group.
- 129.2 Councillor G. Theobald expressed his concern in relation to paragraph 3.11 in the report which required any Committee making a decision outside the budget policy framework to specify how this would be done – he was concerned this could obstruct elected Members being able to propose amendments at Committees. Officers confirmed that any Member would be well within their rights to ask Officers to assist in finding this information; the responsibility would be with the Committee to ensure the funding was costed to prevent unfunded commitments.
- 129.3 In response to Councillor Sykes it was confirmed that whilst Budget Council made resourcing decisions these could be changed by service Committees within their agreed virement, if a decision was outside the budget 'envelope' this decision would have to be referred to the Policy, Resources & Growth Committee as it had the power to make such budget decisions.
- 129.4 Councillor Janio proposed an amendment to Appendix Three, paragraph 2(c) to insert the words shown below in italics, and read:
- (c) Where any Committee or Sub-Committee, subsequent to approval of the budget at Budget Council, intends to make a change which creates a financial commitment (including removal or deferral of approved savings) which is not provided for within the approved budget and policy framework set by full Council, the Committee shall identify from which funds the relevant commitment shall be

met. Alternatively, the Committee or Sub-Committee will propose alternative savings measures to meet the commitment *or refer it to Policy, Resources & Growth Committee for decision*. Any such proposals must be consistent with virement rules set out in the Council's Financial Regulations.

- 129.5 Councillor G. Theobald formally seconded amendment, and this was then put to the vote and **carried**.
- 129.6 Councillor A. Norman highlighted the proposed changes to the Audit & Standards Committee's terms of reference; the changes had come from a self-review looking at three main areas: playing a more effective role to create a control environment; supporting greater help from Members and creating more flexible means to focus on issues. All Members on the Committee and the Independent Persons had worked to achieve the aims which had led to more detailed reviews, more training and more internal meetings. Part of this work had been to review the terms of reference to ensure that the Committee acted as a critical friend to the Council, and make it clear that the Committee had a special role to secure value for money by explicitly stating this.
- 129.7 In response to Councillor G. Theobald it was explained that the currently agreed standards framework was considered to be the minimum that was legally required. The Council was obliged to have arrangements for dealing with complaints, this had to have a degree of objectivity and have independent persons. The Council had reduced the committee burden by combining the work with that of the committee audit functions, whilst most authorities still had a standalone standards committee. It was the view of the Monitoring Officer that it would be difficult to minimise the regime further.
- 129.8 The Chair then put the amended recommendations to the vote. These were **carried** with 6 in support and 4 against.
- 129.9 **RESOLVED:**
- (1) That the Committee approves the recommendations set out at paragraphs 3.20 and 3.21 (Scheme of Delegations, including to Field Officers) and notes the information at paragraphs 3.8 and 3.9 (Officer Employment Procedure Rules).
  - (2) That the Committee recommends to full Council the proposed changes to the Council's constitution as set out at paragraphs 3.2 to 3.19 in the report and Appendices 1-3 (together with the amendment to paragraph 2(c) in Appendix 3)
  - (3) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by the Committee or Full Council and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.
  - (4) That, subject to resolution (5) below, the changes come into force immediately following approval by PR&G and full Council.
  - (5) That the changes referred to in paragraph 3.6 (limiting the time for debates on reports for information) come into force following annual Council and that the

changes referred to in paragraphs 3.19 to 3.23 (delegations regarding field offices) come into force as soon as the field officers are appointed.

129.10 **RESOLVED TO RECOMMEND:** That the proposed changes to the Council's constitution recommended in resolution (2) above be approved and adopted.