

**Subject:** **Review of the Constitution – July 2019** - Extract from the proceedings of the Policy, Resources & Growth Committee meeting held on the 11<sup>th</sup> July 2019.

**Date of Meeting:** **25 July 2019**

**Report of:** **Executive Lead Strategy Governance & Law**

**Contact Officer:** Name: **Lisa Johnson** Tel: **01273 291228**  
E-mail: [lisa.johnson@brighton-hove.gov.uk](mailto:lisa.johnson@brighton-hove.gov.uk)

**Wards Affected:** All

**FOR GENERAL RELEASE*****Actions Required of the Full Council***

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

**Recommendations:**

1. That the proposed changes to delegations to Planning Committee as set out in paragraphs 4.1 to 4.4 of the report be approved;
2. That the proposal to clarify the mechanism for responding to written questions from elected members at Council Committees (and sub-committees) set out in paragraph 4.5-4.7 of the report be agreed;
3. That the review of Committee functions as set out at paragraphs 4.11 to 4.13 including the establishment of a new Tourism, Equalities, Communities & Culture Committee and the discontinuation of the Orbis Joint Committee (as set out in paragraph 4.26) be agreed;
4. That the changes to Council Procedure Rules to reflect the approach to reporting by sub committees to parent committees as set out at paragraph 4.20 of the report be agreed;
5. That it be agreed to invite both East Sussex Fire and Rescue Service and the Sussex Police and Crime Panel to present an Annual Report to Full Council asset out at paragraph 4.21 of the report;
6. That decisions to commit the Council to the principles or membership of alliances, charters and pledges should be reserved to Full Council and that this approach be kept under review and any impact on Council business assessed as set out at paragraph 4.22 of the report;
7. That the Council Procedure Rules be amended to ensure a consistent definition

of “Council meeting” as set out at paragraph 4.23 of the report.

8. 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 Policy, Resources & Growth Committee and by Full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council’s constitutional documents to incorporate the changes;
9. That the proposed changes come into force immediately following their approval by Policy, Resources & Growth Committee or adoption by Full Council, as appropriate.

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

**11 JULY 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**Present:** Councillors: Platts (Chair), Yates (Deputy Chair), Mac Cafferty (Opposition Spokesperson), Wares (Group Spokesperson), Childs, Clare, Hugh-Jones, Mears, Pissaridou and Shanks.

**MINUTE EXTRACT**

**PART ONE**

**18. REVIEW OF THE CONSTITUTION – JULY 2019**

- 18.1 The Committee considered the report of the Executive Lead Strategy Governance & Law, which set out the proposed changes to the Council's Constitution. The proposals set out in the report had been considered by the cross-party Constitutional Working Group and by the Leaders Group.
- 18.2 The Chair noted that an amendment to the recommendations had been put forward by the Green Group and asked Councillor Mac Cafferty to propose the amendment.
- 18.3 Councillor Mac Cafferty said that the Policy Resources & Growth Committee already had to consider a large amount of issues, which included detailed financial matters, and to take on additional work relating to major builds and environmental development issues was perhaps too much, and it would be better for the lower committees to scrutinise matters which related to its own areas of work first before coming to this committee. Councillor Mac Cafferty proposed the following amendment (changes in bold):

***Policy, Resources & Growth Committee:***

- 2.1 *That the proposal in paragraph 4.8 of the report that elected members be encouraged to provide sufficient detail so that the nature and parameters of oral questions to Full Council are clear be noted;*
- 2.2 *That the principles relating to elected member working groups as set out at paragraphs 4.9 to 4.10, the list of permanent working groups as set out in Appendix 1 and the Terms of Reference as set out at Appendix 2 be agreed;*
- 2.3 *That the amendments to officer delegations as set out at paragraphs 4.16-4.18 and the approach to the inclusion of Brexit implications as appropriate in committee reports as set out in paragraph 4.19 be agreed;*

- 2.4 That Full Council be recommended to approve the proposed changes to the Council's Constitution set out at paragraphs 4.1-4.4 (Planning Committee delegations); 4.5-4.7 (Written Questions); 4.11-4.13 (Committee Delegations); 4.20 (reporting by sub-committees to parent committees) 4.21 (External bodies reporting to Full Council); 4.22 (Alliances, Charters and Pledges); 4.23 (Council Procedure Rules – definition of Council meeting); and 4.26 (discontinuation of the Orbis Public Law Joint Committee.) **except that:**
- 4.11 and 4.12 are amended to retain the Economic Growth and Regeneration and Major Built Environment Projects portfolio within the remit of the new Tourism, Equalities, Communities and Culture committee and not pass these delegated functions to Policy and Resources Committee.**
- 2.5 That the Executive Lead Officer for Strategy, Governance & Law be authorised to agree necessary modifications to the inter-authority agreement between Brighton & Hove, East Sussex County Council, Surrey County Council and West Sussex County Council

### **Full Council**

- 2.6 That the proposed changes to delegations to Planning Committee as set out in paragraphs 4.1 to 4.4 of the report be approved;
- 2.7 That the proposal to clarify the mechanism for responding to written questions from elected members at Council Committees (and sub-committees) set out in paragraph 4.5-4.7 of the report be agreed;
- 2.8 That the review of Committee functions as set out at paragraphs 4.11 to 4.13 including the establishment of a new Tourism, Equalities, Communities & Culture Committee and the discontinuation of the Orbis Joint Committee (as set out in paragraph 4.26) be agreed;
- 2.9 That the changes to Council Procedure Rules to reflect the approach to reporting by sub committees to parent committees as set out at paragraph 4.20 of the report be agreed;
- 2.10 That it be agreed to invite both East Sussex Fire and Rescue Service and the Sussex Police and Crime Panel to present an Annual Report to Full Council as set out at paragraph 4.21 of the report;
- 2.11 That decisions to commit the Council to the principles or membership of alliances, charters and pledges should be reserved to Full Council and that this approach be kept under review and any impact on Council business assessed as set out at paragraph 4.22 of the report;
- 2.12 That the Council Procedure Rules be amended to ensure a consistent definition of "Council meeting" as set out at paragraph 4.23 of the report.

### **Policy, Resources & Growth Committee and Full Council**

2.13 *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 Policy, Resources & Growth Committee and by Full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes;*

2.14 *That the proposed changes come into force immediately following their approval by Policy, Resources & Growth Committee or adoption by Full Council, as appropriate.*

- 18.4 Councillor Clare seconded the proposed amendment.
- 18.5 Councillor Wares noted that the Constitutional Working Group had spent a considerable amount of time considering the changes and they had felt that the allocation of work was correct. He asked the Monitoring Office how seats would be allocated on the new Tourism, Equalities, Communities and Culture (TECC) Committee. The Monitoring Officer said that the report which would go to Full Council would have the seat allocation and said that it would be in line with the other committees, and would most likely be 4 for Labour Group, 3 for Green Group and 3 for Conservative Group.
- 18.6 Councillor Yates referred to Recommendation 2.8 and asked if it should refer to the 'discontinuation of the Orbis Public Law Joint Committee', and the Monitoring Officer confirmed it should. He said the proposals brought forward a number of positive changes, and that many of the development and environmental issues could still be considered at the new TECC Committee, and the intention was to avoid reports being referred to a number of committees before a decision could be made. Being able to separate some of the work into the different boards which would be set up, would enable members who were more local to those projects to engage better with them.
- 18.7 Councillor Hugh-Jones said that at the moment there wasn't enough clarity about the boards, how big a project would need to be to justify having its own board, who would sit on them etc. and until that was agreed it would be preferable for the committees to retain their current remit. The Executive Director Economy Environment & Culture said that currently the members of the Strategic Delivery Board which oversaw all the major projects from a strategic point were made up of members from this committee. In addition, the terms of reference allowed for specific cross-party project boards to be established to oversee major projects, and custom and practice was to allow local Ward Councillors to be on those boards.
- 18.8 Councillor Mears said that she was a member of the current TD&C Committee and felt that members on that committee did not always fully discuss those reports where they could not make a final decision, and it would therefore be preferable for those reports to come straight to this committee where a decision could be made, and so she would not be supporting the amendment.
- 18.9 The Chair said that she had been a member of TD&C and said it was rare to have a report on a major project as they always went straight to this committee, and TD&C only received an update at the end of its meeting with no full report. It was therefore felt that it would better to set up major project boards which could include local councillors.

18.10 Councillor Yates referred to Appendix 2 to the report, which set out the Terms of Reference for the Strategic Delivery Board.

18.11 The Committee voted on the proposed amendment, but it was not agreed.

**18.12 RESOLVED:**

- (1) That the proposal in paragraph 4.8 of the report that elected members be encouraged to provide sufficient detail so that the nature and parameters of oral questions to Full Council are clear be noted;
- (2) That the principles relating to elected member working groups as set out at paragraphs 4.9 to 4.10, the list of permanent working groups as set out in Appendix 1 and the Terms of Reference as set out at Appendix 2 be agreed;
- (3) That the amendments to officer delegations as set out at paragraphs 4.16-4.18 and the approach to the inclusion of Brexit implications as appropriate in committee reports as set out in paragraph 4.19 be agreed;
- (4) That Full Council be recommended to approve the proposed changes to the Council's Constitution set out at paragraphs 4.1-4.4 (Planning Committee delegations); 4.5-4.7 (Written Questions); 4.11-4.13 (Committee Delegations); 4.20 (reporting by sub-committees to parent committees) 4.21 (External bodies reporting to Full Council); 4.22 (Alliances, Charters and Pledges); 4.23 (Council Procedure Rules – definition of Council meeting); and 4.26 (discontinuation of the Orbis Public Law Joint Committee.);
- (5) That the Executive Lead Officer for Strategy, Governance & Law be authorised to agree necessary modifications to the inter-authority agreement between Brighton & Hove, East Sussex County Council, Surrey County Council and West Sussex County Council;
- (6) 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 Policy, Resources & Growth Committee and by Full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes;
- (7) That the proposed changes come into force immediately following their approval by Policy, Resources & Growth Committee or adoption by Full Council, as appropriate.

**18.13 RESOLVED TO RECOMMEND:**

- (1) That the proposed changes to delegations to Planning Committee as set out in paragraphs 4.1 to 4.4 of the report be approved;
- (2) That the proposal to clarify the mechanism for responding to written questions from elected members at Council Committees (and sub-committees) set out in paragraph 4.5-4.7 of the report be agreed;

- (3) That the review of Committee functions as set out at paragraphs 4.11 to 4.13 including the establishment of a new Tourism, Equalities, Communities & Culture Committee and the discontinuation of the Orbis Joint Committee (as set out in paragraph 4.26) be agreed;
- (4) That the changes to Council Procedure Rules to reflect the approach to reporting by sub committees to parent committees as set out at paragraph 4.20 of the report be agreed;
- (5) That it be agreed to invite both East Sussex Fire and Rescue Service and the Sussex Police and Crime Panel to present an Annual Report to Full Council as set out at paragraph 4.21 of the report;
- (6) That decisions to commit the Council to the principles or membership of alliances, charters and pledges should be reserved to Full Council and that this approach be kept under review and any impact on Council business assessed as set out at paragraph 4.22 of the report;
- (7) That the Council Procedure Rules be amended to ensure a consistent definition of “Council meeting” as set out at paragraph 4.23 of the report.
- (8) 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 Policy, Resources & Growth Committee and by Full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council’s constitutional documents to incorporate the changes;
- (9) That the proposed changes come into force immediately following their approval by Policy, Resources & Growth Committee or adoption by Full Council, as appropriate.

