

Brighton & Hove City Council

Council

Agenda Item 70

Subject: **Review of the council's constitution** - Extract from the Proceedings of the Policy & Resources Committee meeting held on the 2 December 2021

Date of meeting: **3 February 2022**

Report of: **Executive Director for Governance, People & Resources**

Contact Officer: **Name: Mark Wall**
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Ward(s) affected: **All**

For general release

Action Required of the Committee / Council:

To receive the report from the Tourism, Equalities, Communities & Culture Committee for consideration and the recommendations for approval.

Recommendations:

- (1) That the proposal to make changes to the Council's Procedure Rules in Part 3.2 of the Council's Constitution indicated in paragraphs 4.1, 4.2, 4.4, 4.5 and Appendix 1 to the report, but not the changes indicated in paragraph 4.3 which Policy & Resources Committee recommends are not adopted be approved;
- (2) That the proposal outlined in para 4.8 to transfer responsibility to manage authorised and unauthorised encampments (including all activities incidental to the Council's functions of Gypsies, Roma and Travellers and Van dwellers) to the Housing Committee from the Environment, Transport & Sustainability Committee be agreed;
- (3) That it be noted that the disability representative agreed by the Policy & Resources Committee at its meeting on 2 May 2021, would attend Environment, Transport & Sustainability Committee and has the status of a standing invitee, the appointment of which is a matter for Policy & Resources Committee;
- (4) That both the proposal to make changes to Part 8.5 and the amendments to the rules on future changes to that Part outlined in para 4.21 of the report be approved;
- (5) That the proposed changes referred to in paras 2.1 (Appendix 1) of the report be approved;
- (6) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental for the implementation of the changes agreed by the

Policy & Resources Committee and by Full Council and authorises the Monitoring Officer 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 Committee or adoption by Full Council, as appropriate.

BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES COMMITTEE

4.00pm 2 DECEMBER 2021

HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

Present: Councillor Mac Cafferty (Chair) Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Allcock (Joint Opposition Spokesperson), Appich (Joint Opposition Spokesperson), Bell (Group Spokesperson), Clare, Evans, Miller and Yates.

Also present: Dr Anusree Biswas Sasidharan, Standing Invitee

PART ONE

74 REVIEW OF THE COUNCIL'S CONSTITUTION

- 74.1. The Executive Lead Officer for Strategy, Governance & Law introduced the report which outlined the recommendations of the Constitution Working Group for changes to the Council's Constitution. He drew the Committee's attention to various changes that were being put forward and thanked the Working Group for their work. He also drew the Committee's attention to an error in the report and the need for the reference at 36.39 to refer to the Executive Director for Housing, Neighbourhoods & Communities rather than the Executive Director for Economy, Environment & Culture.
- 74.2. Councillor Evans moved an amendment on behalf of the Labour Group which was formally seconded by Councillor Allcock. She welcomed the report and thanked the Working Group and the officers for their work and noted that the amendment was being brought to maintain the essential part of the democratic process of full Council but also noted the aim for the number of written questions to be kept at a reasonable level.
- 74.3. Councillor Clare thanked her colleagues for their work on the Working Group and noted that the aim had been for any proposed changes to be raised with the respected Groups prior to each meeting of the Working Group, in order to enable an informed debate at the Working Group. She was therefore disappointed to see the amendment and hoped that in the future there would be a greater clarity of views brought to the Working Group. She also suggested that rather than one written question per Member the proposal could be changed to two written questions per Member.
- 74.4. Councillor Appich noted the comments and stated that the Labour Group had been unable to consider the proposals ahead of the Working Group

and whilst the intention to reduce the number of written questions at full Council was supported, it was felt that there was a need to wait until the Member casework system was rolled out and became an effective resource for councillors.

- 74.5. Councillor Allcock stated that there was a need for Members to be able to represent the concerns of residents at full Council and therefore until other avenues for raising matters improved, it was important to retain the ability to submit questions to the Council.
- 74.6. The Chair noted the comments and put the Labour amendment to the vote, which was carried by 4 votes to 0, with 5 abstentions.
- 74.7. The Chair then put the recommendations as amended to the vote which were carried by 8 votes to 0, with 1 abstention.
- 74.8. **RESOLVED:**

- (1) That the resources described at paras 4.6 & 4.7 and attached at Appendices 2 & 3 be approved and that the Monitoring Officer be given delegated authority to review and update those as necessary in future;
- (2) That the proposals to make changes to the Council's Member Working Groups and Advisory Bodies in Part 4 of the Council's Constitution as set out in paragraph 4.9, with the following underlined changes made to clause (ii) to bring it in line with clause (iii) be agreed:

That approval is given in principle to changing the Terms of Reference of the Stanmer Park Working Group to remove the requirement that its members be appointed from its parent Committee: a provision which is not included in the Terms of Reference of such other Groups as the Strategic Delivery Board and the Housing Supply Board. It is proposed that instead express provision be made to allow this aspect of the Terms of Reference to be for the parent Committee to decide.

- (3) That the proposals to make changes to the Council's Member Working Groups and Advisory Bodies in Part 4 of the Council's Constitution as set out in paragraphs 4.9 (as amended in (2) above) to 4.14 inclusive and Appendix 4, including (but not only) by disbanding the Orbis Joint Committee and substituting a new Orbis Partnership Oversight Board be agreed;
- (4) That it be agreed to delegate to the Chief Executive the power to appoint an individual as disability representative in accordance with recommendation 3 to council below (and any other appointment of individuals as co-optees or standing invitees where the principle of the appointment has been agreed by the relevant committee or Council) following consultation with Group spokespersons for the relevant committee;

- (5) That the re-appointment for a period of 12 months of the Council's two Black and Minority Ethnic standing invitees (to Policy & Resources Committee and Tourism, Equalities, Communities & Culture Committees respectively) as specified in paragraph 4.15 of the report be agreed;
- (6) That the proposals to make the changes to the Scheme of Delegations to Officers in Part 6 of the Council's Constitution (paragraphs 4.17 to 4.20 inclusive and 4.23 and Appendices 5 and 6) be agreed;
- (7) That the Parents and Carers Leave Policy for Members (as outlined in para 4.22 and Appendix 7) of the report and the revised Indemnity for Members (para 4.24 and Appendix 8) of the report be agreed;

74.9. RESOLVED TO RECOMMEND:

- (8) That the proposal to make changes to the Council's Procedure Rules in Part 3.2 of the Council's Constitution indicated in paragraphs 4.1, 4.2, 4.4, 4.5 and Appendix 1 to the report, but not the changes indicated in paragraph 4.3 which Policy & Resources Committee recommends are not adopted be approved;
- (9) That the proposal outlined in para 4.8 to transfer responsibility to manage authorised and unauthorised encampments (including all activities incidental to the Council's functions of Gypsies, Roma and Travellers and Van dwellers) to the Housing Committee from the Environment, Transport & Sustainability Committee be agreed;
- (10) That it be noted that the disability representative agreed by the Policy & Resources Committee at its meeting on 2 May 2021, would attend Environment, Transport & Sustainability Committee and has the status of a standing invitee, the appointment of which is a matter for Policy & Resources Committee;
- (11) That both the proposal to make changes to Part 8.5 and the amendments to the rules on future changes to that Part outlined in para 4.21 of the report be approved;
- (12) That the proposed changes referred to in paras 2.1 (Appendix 1) of the report be approved;
- (13) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental for the implementation of the changes agreed by the Policy & Resources Committee and by Full Council and authorises the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes.
- (14) That the proposed changes come into force immediately following their approval by Policy & Resources Committee or adoption by Full Council, as appropriate.

