

Subject:	Constitutional Changes		
Date of Meeting:	3 June 2013		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Penny Jennings	Tel: 29-1065
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Key Decision:	No		
Wards Affected:	All		

For General Release

1. SUMMARY AND POLICY CONTEXT

- 1.1 On 17th May 2012 the Council adopted a new constitution based on a committee system of governance. This was the earliest date that the Council could move to a committee system following the implementation of the Localism Act 2011 and Brighton & Hove was one of the first authorities to move to the new system of governance.
- 1.2 This report sets out recommendations for amendments to the constitution in relation to the Children and Young People Committee which were agreed at the meeting of Full Council held on 28 May 2013. These took into account how the new arrangements have worked in practice since their implementation and feedback from Members and Officers.

2. RECOMMENDATIONS

- 2.1 That the Committee's terms of reference as set out in this report, be noted.

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 After approximately 9 months in operation, Members and Officers had the opportunity to assess what had worked well in the new system and where changes could be made to improve the arrangements in line with the original design principles. During that period, the Council's new Chief Executive had also joined the Council and a new senior officer structure had been approved.
- 3.4 Officers worked with the Leaders Group to draw together key issues and proposals. Council agreed to the changes set out below in relation to the Children & Young People Committee:

Matters reserved to full council

- 3.5. School admissions arrangements (defined as comprising the council's admissions policy as represented by the admissions booklet for primary and secondary schools and the School Organisation Plan) were previously reserved to full Council. Any organisational changes to individual schools proposed under the school organisation legislation are subject to a number of statutory stages: (i) consultation, (ii) the publication of statutory notices, (iii) a period for making representations, and (iv) a final decision. At present the first three stages are considered at the Children and Young People Committee with the final decision reserved to full Council. This has caused problems with timetabling as there is a statutory requirement under the Education and Inspections Act 2006 and associated Regulations that the final decision *must* be taken within two months of the end of the representation period.
- 3.6 It was therefore agreed to adopt revised arrangements that reserve to full Council the most strategic aspects of school admissions while allowing the Children & Young People Committee to deal with the annual admissions policy.
- 3.7 This means the following functions will be dealt with by the Children & Young People Committee:
- (1) The annual consultation and determination of school admission arrangements under section 88 of the School Standards and Framework Act 1998, and
 - (2) Any proposals under the Education and Inspections Act 2006 (the school organisation legislation) concerning the expansion, alteration, or change in age range of a maintained school.
- 3.8. The following functions will be reserved to full Council:
- (1) Approval of the school organisation plan; and
 - (2) Approval of any changes to catchment areas.
- 3.9. Given its strategic importance and the challenges facing the Council in supporting the local economy, it is recommended that the Council's Economic Strategy be added to the list of policies and strategies reserved for approval by Council. There is also a legal requirement under the Localism Act 2011 for

the Statement of Pay Policy to be approved by full Council. It is therefore proposed to add this to the list of functions reserved to full Council in the constitution.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 There are no specific financial implications arising from this report. It is expected that the overall effect of the introduction of the new constitution will be cost neutral.

Finance Officer Consulted: Name Anne Silley Date: 20/05/13

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: Natasha Watson Date: 20/05/13

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 The provision of this pay policy statement provides greater transparency to enable the public to understand and challenge local decisions of pay and reward of the council's workforce.

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 There are none.

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. There are none.

2.

Background Documents

1. The Constitution

