

Council

27 March 2014

Agenda Item 105

Brighton & Hove City Council

Subject: Review of the Council's Constitution 2014 - Extract from the Proceedings of the Policy & Resources Committee Meeting held on the 27 March 2014

Date of Meeting: 27 March 2014

Report of: Head of Law

Contact Officer: Name: **Mark Wall** Tel: **29-1006**

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Wards Affected: All

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

To receive the item referred from the Policy & Resources Committee for approval:

Recommendations:

- (1) That the proposed changes to the Council's constitution recommended in paragraphs 3.2 to 3.12 and Appendices 1 to 6 of the report be approved and adopted from 1st April 2014;
- (2) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the changes agreed by Council and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate all the changes referred to at (1) above.

POLICY & RESOURCES COMMITTEE**4.00 pm 20 March 2014****COUNCIL CHAMBER, HOVE TOWN HALL****DRAFT MINUTES**

Present: Councillor J Kitcat (Chair); Councillors Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Morgan (Group Spokesperson), Davey, Hamilton, Lepper, A Norman, Peltzer Dunn, and Shanks.

PART ONE

154 REVIEW OF THE COUNCIL'S CONSTITUTION 2014

- 154.1 The Monitoring Officer introduced the report which detailed the proposed changes to the council's constitution to take account of changes to officer delegations and the need to account for legislative changes and to incorporate best practice. He noted that recommendations had come forward from the Constitutional Working Group and the Planning Protocol Working Group. He also noted that following further discussions with the Members of the Constitutional Working Group certain aspects relating to the position of Neighbourhood Forums and Rottingdean Parish Council would be clarified and reported to Full Council as part of an addendum for the meeting on the 27th March. He then drew the committee's attention to the fact that the recommendation to Full Council should include paragraphs 3.2 to 3.12 rather than 3.11 as listed in the report.
- 154.2 Councillor Littman stated that he wished to thank the officers that supported the Constitutional Working Group and the Members who formed by of the Working Group, and stated that he believed it was an excellent example of cross-party working.
- 154.3 Councillor Peltzer Dunn also thanked the officers for their support to the Working Group and referred to pages 181 paragraph 1(b) and 183 paragraph (c) (3), and 192 paragraph 6 second bullet point, and asked if clarification could be made. He believed that the question of Members 'lobbying' Members of the Planning Committee needed to be clear and suggested that Ward Members should have the ability to speak to a matter at Planning Committee for a full 3 minutes each rather than find they had to share the allotted 3 minutes for objecting to an application. He also noted that no reference was made to those wishing to speak in support of an application and queried whether this should be included in the protocol.
- 154.4 The Monitoring Officer noted the comments and stated that further clarification could be made in regard to the issue of 'lobbying.' He also noted that the Planning Protocol Working Group had considered the question of enabling each Ward Member to speak for a full 3 minutes but had felt that it was appropriate to retain the 3 minutes in total for Ward Members to object to an application. However, he would raise the question again with the Head of Planning to see if the question could be reconsidered. He also noted that ultimately the Chair of the Planning Committee had the discretion and flexibility to extend the time allotted for objections to an application. With regard to the need to reference speaking rights for supported to an application, he stated that he would raise this with the Planning Protocol Working Group, but noted that there was no automatic legal right to speak at a committee meeting.
- 154.5 Councillor Peltzer Dunn referred to the role of the Neighbourhood Forum and Rottingdean Parish Council and suggested that the protocol should be revised to say that they would only have the ability to comment on developments in the area that related to their boundaries.
- 154.6 The Monitoring Officer stated that he would amend the definition in the protocol to clarify that Neighbourhood Forums and Rottingdean Parish Council could only comment on those applications which related to their specific areas.
- 154.7 Councillor Morgan stated that he wished to add his thanks to the officers who supported the Constitutional Working Group. He also noted the proposed change on

page 197 with the Scrutiny Team moving into the Policy Team and noted that he had previously presented a letter to the Committee seeking assurances that the role and work of scrutiny would remain independent to that of policy. He was therefore cautious about the proposal and felt that it was important to retain a relevant and independent scrutiny function.

- 154.8 Councillor G. Theobald referred to page 184 and queried whether officer support would be made available for planning appeals when a committee decision went against officer recommendations and was then taken to appeal.
- 154.9 The Monitoring Officer stated that the principle remained in that a Member decision would be supported by officers and therefore the Head of Planning needed to consider how best to provide officer support for any appeal where the decision had been made against officer recommendations. He would raise the matter with the Head of Planning and seek to amend the protocol accordingly.
- 154.10 Councillor A. Norman noted that it was proposed to extend the web casting of meetings to include the Environment, Transport & Sustainability and Housing Committees. She stated that having had to watch the web cast of the last committee meeting she had found difficulties with the quality and accessibility of the web cast on her council lap top. She therefore wondered if these problems should be addressed before the facility was extended to other committee meetings; as she believed she was not alone in experiencing such problems.
- 154.11 The Chair stated that there could be a number of factors that would affect the quality of the web cast such as the speed of the internet connection, the area people live in, the actual computer being used etc... He noted that the web cast facility had been approved following a procurement process and that the current provider was based in Hove and worked closely with Democratic Services to provide a good service. He would also be happy to look at Councillor Norman's set up to see if any changes would enable an improvement to be made.
- 154.12 Councillor Norman thanked the Chair and stated that she was keen to ensure that the provision was good value for the user.
- 154.13 The Chair noted the comments and put the recommendations to the vote with the amendment to include paragraph 3.12 which was carried.
- 154.14 **RESOLVED:**
- (1) That the proposed changes to officer delegations set out at paragraphs 3.13 to 3.15 and Appendices 7 (a) to (c) of the report be approved and that the changes come into effect on 1st April 2014;
 - (2) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the changes agreed by Policy & Resources Committee and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate all the changes referred to at (1) above;

154.15 RESOLVED TO RECOMMEND:

- (3) That full Council be recommended to approve the proposed changes to the Council's constitution as set out in paragraphs 3.2 to 3.12 and Appendices 1 to 6 of the report.
- (4) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the changes agreed by Council and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate all the changes referred to at (1) above.