



**Brighton & Hove
City Council**

ANNUAL COUNCIL ADDENDUM

4.30PM, THURSDAY, 19 MAY 2011

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

ITEM		Page
7.	REVIEW OF POLITICAL BALANCE AND APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, FORUMS AND OUTSIDE BODIES	1 - 42
	Appendices 1 -6 to the report of the Chief Executive (copies attached).	
	Contact Officer: Mark Wall	Tel: 29-1006
	Wards Affected: All	
8.	APPOINTMENTS	43 - 44
	Appendices 1 to Item 8(d) appointments proposed by the Leader of the Council (copy attached).	
	Contact Officer: Mark Wall	Tel: 29-1006
	Wards Affected: All	

**MEMBERSHIP OF COMMITTEES
2011/2012**

Agenda Item 07 Appendix 1

Committee / Sub-Committee	No. Seats	Green	Conservative	Labour
Governance	10	5	3	2
Audit	10	4	3	3
Licensing*	15	6	5	4
Planning	12	5	4	3

Overview & Scrutiny Commission	10	5	3	2
Adult Social Care & Housing Overview & Scrutiny	8	3	3	2
Children & Young People Overview & Scrutiny	8	3	3	2
Culture, Tourism & Enterprise Overview & Scrutiny	8	3	3	2
Environment & Community Safety Overview & Scrutiny	8	4	2	2
Health Overview & Scrutiny	8	3	3	2
Total	97	41	32	24

**MEMBERSHIP OF COMMITTEES
2011/2012**

Agenda Item 07 Appendix 1

<i>Licensing 2003Act* - has the same membership as Licensing and does not come into the equation for the allocation of seats</i>	15	6	5	4
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Other Bodies					Independent
Standards Committee	6	3	2	1	6
Personnel Committee	3	1	1	1	
Urgency Sub-Committee	3	1	1	1	

**MEMBERSHIP OF COMMITTEES, SUB-COMMITTEES AND FORUMS
2011/2012**

Appointments to be ratified at Annual Council on the 19 May 2011

GOVERNANCE COMMITTEE (10)

Green Group	Conservative Group	Labour Group
Cllr Littman (Chair)	Cllr A Norman (Deputy Chair)	Cllr Mitchell
Cllr Kennedy	Cllr Oxley	Cllr Morgan
Cllr J Kitcat	Cllr G Theobald	
Cllr Powell		
Cllr Randall		

AUDIT COMMITTEE (10)

Green Group	Conservative Group	Labour Group
Cllr Follett (Deputy Chair)	Cllr A Norman	Cllr Hamilton (Chair)
Cllr Jarrett	Cllr G Theobald	Cllr Mitchell
Cllr Sykes	Cllr Wealls	Cllr Pissaridou
Cllr Wakefield		

LICENSING & LICENSING (2003) COMMITTEE (15)

Green Group	Conservative Group	Labour Group
Cllr Deane (Chair)	Cllr Cobb	Cllr Gilbey
Cllr Duncan	Cllr Hyde	Cllr Lepper
Cllr A Kitcat	Cllr Pidgeon	Cllr Marsh
Cllr Rufus	Cllr Simson	Cllr Turton
Cllr Sykes	Cllr C Theobald	
Cllr West		

PLANNING COMMITTEE (12)

Green Group	Conservative Group	Labour Group
Cllr MacCafferty (Chair)	Cllr Hyde (Deputy Chair)	Cllr Carden
Cllr Davey	Cllr Cobb	Cllr Farrow
Cllr Hawtree	Cllr C Theobald	Cllr Hamilton
Cllr Kennedy	Cllr Wells	
Cllr Summers		

OVERVIEW & SCRUTINY COMMISSION (10)

Green Group	Conservative Group	Labour Group
Cllr Follett	Cllr Janio (Deputy Chair)	Cllr Mitchell (Chair)
Cllr Littman	Cllr Brown	Cllr Morgan
Cllr Powell	Cllr K Norman	
Cllr Rufus		
Cllr Summers		

ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE (8)

Green Group	Conservative Group	Labour Group
Cllr Phillips (Deputy Chair)	Cllr K Norman (Chair)	Cllr Turton
Cllr Buckley	Cllr Smith	Cllr Gilbey
Cllr Jones	Cllr Wealls	

CHILDREN & YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE (8)

Green Group	Conservative Group	Labour Group
Cllr Powell (Chair)	Cllr Bennett	Cllr Lepper (Deputy Chair)
Cllr Jones	Cllr Brown	Cllr Pissaridou
Cllr A Kitcat	Cllr Wealls	

CULTURE TOURISM & ENTERPRISE OVERVIEW & SCRUTINY COMMITTEE (8)

Green Group	Conservative Group	Labour Group
Cllr Deane	Cllr Brown (Chair)	Cllr Marsh (Deputy Chair)
Cllr Hawtree	Cllr Hyde	Cllr Farrow
Cllr A Kitcat	Cllr C Theobald	

ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE (8)

Green Group	Conservative Group	Labour Group
Cllr Sykes (Deputy Chair)	Cllr Cobb	Cllr Morgan (Chair)
Cllr Buckley	Cllr Janio	Cllr Gilbey
Cllr Jones		
Cllr Littman		

HEALTH OVERVIEW & SCRUTINY COMMITTEE (8)

Green Group	Conservative Group	Labour Group
Cllr Rufus (Chair)	Cllr C Theobald (Deputy Chair)	Cllr Turton
Cllr Follett	Cllr Barnett	Cllr Marsh
Cllr Phillips	Cllr Bennett	

Committees and Forums not included in the political balance calculations, but where the proportional balance is applied:

Those listed with a * will have their membership confirmed by the Leader of the Council, being executive appointments.

***HOUSING MANAGEMENT CONSULTATIVE COMMITTEE (9)**

Green Group	Conservative Group	Labour Group
Cllr Wakefield (Chair)	Cllr Peltzer Dunn	Cllr Farrow
Cllr Duncan	Cllr Pidgeon	Cllr Robins
Cllr Randall	Cllr Wells	
Cllr Summers		

LICENSING 2003 SUB-COMMITTEE (3) (from the parent Committee)

Green Group	Conservative Group	Labour Group
Cllr Deane (Chairman)	Cllr Simson	Cllr Lepper

STANDARDS COMMITTEE (12 with 6 Councillors and 6 Independent Members)

Green Group	Conservative Group	Labour Group	Independent Members
Cllr Kitcat	Cllr A Norman	Cllr Lepper	Dr M B Wilkinson (Chair)
Cllr Littman	Cllr Wells		Mr J Bustard
Cllr Phillips			Mr P Cecil
			Mr G Rhodes
			Mr P Rose

PERSONNEL (APPEALS) COMMITTEE (3) (from a pool of Members)

Green Group	Conservative Group	Labour Group
Cllr Powell	Cllr Pidgeon	Cllr Marsh

***COMMUNITY SAFETY FORUM (10)**

Green Group	Conservative Group	Labour Group
Cllr Duncan (Chair)	Cllr Barnett	Cllr Carden
Cllr Deane	Cllr Janio	Cllr Morgan
Cllr MacCafferty	Cllr Pidgeon	Cllr Robins
Cllr Summers		

For Information Only Appointments to be Approved by the Leader of the Council 19.05.11

			2011/12	
1	Area Housing Panels x 4	Annual	Appropriate Ward Councillors East North South West	Appointments
2	Children & Young People's Trust Board	Annual	Cabinet Member for Children & Young People plus: 1 Green 1 Conservative 1 Labour	Shanks Buckley Wealls Mitchell
3	Community Safety Forum	Annual	4 Green 3 Conservative 3 Labour	Duncan (Chair), Deane, MacCafferty, Summers Barnett, Janio, Pidgeon Carden, Morgan, Robins
4	Housing Management Consultative Committee	Annual	4 Green 3 Conservative 2 Labour	Wakefield (Chair), Duncan, Randall, Summers Peltzer Dunn, Pidgeon, Wells Farrow, Robins
5	Joint Commissioning Board	Annual	Cabinet Member for Adult Social Care & Health Cabinet Member for Housing 1 Conservative 1 Labour	Jarrett Wakefield K Norman Fitch
6	Staff Consultation Forum	Annual	3 Green 2 Conservative 1 Labour	Jones, MacCafferty, Powell Pidgeon, Mitchell

Appointments to Outside Bodies 2011/12

Appointments to be made at Annual Council 19 May 2011

	Name of Organisation	Term of Office	Representatives 2010/11	Proportionality 2011/12	Nominations 2011/12
1	Admissions Forum	Annual	<i>Kemble Hawkes</i>	1 Green 1 Conservative	Wakefield Wealls
2	Adoption & Permanence Panel	Annual	<i>McCaffery</i>	1 Rep	Wakefield
3	Age Concern	Annual	<i>Smart Wrighton</i>	2 Reps	Jarrett, A Kitcat
4	Arc Manche	Annual	<i>Hyde</i>	1 Green	Phillips
5	Arts Commission	Annual	<i>Older, Smith, C Theobald Davis Fryer Watkins</i>	3 Green 2 Conservative 1 Labour	Bowden, A Kitcat, Hawtree Brown, C Theobald Fitch
6	Brighton Dome & Festival Limited	Annual	<i>Mrs Brown Marsh</i>	1 Green 1 Labour	Bowden Marsh
7	Brighton Housing Trust	Annual	<i>Barnett</i>	1 Green	Phillips
8	Brighton & Hove in Bloom	Annual	<i>Barnett, K Norman, Older Carden Duncan</i>	6 Reps	Deane, Jones, Shanks, Barnett, K Norman, Pissaridou

9	Brighton & Hove Allotment Federation	Annual	<i>Smart</i>		1 Green	Rufus
10	Brighton & Hove Business Forum	Annual	<i>Fallon-Khan Davis</i>		1 Green 1 Conservative	Kennedy Wealls
11	Brighton & Hove Economic Partnership	Annual	<i>Fallon-Khan Turton</i>		1 Green 1 Conservative	Kennedy G Theobald
12	Brighton & Hove Estates Conservation Trust	Annual	<i>Fallon-Khan Mitchell</i>		1 Green 1 Labour	West Mitchell
13	Brighton & Hove Federation of Disabled People	Annual	<i>Pidgeon</i>		1 Green	Jarrett
14	Brighton & Hove Food Partnership Board of Directors	Annual	<i>Fallon-Khan</i>		1 Rep	Sykes
15	Brighton & Hove Foster Panel	Annual	<i>Bennett</i>		1 Rep	Shanks
16	Brighton & Hove Foyer	Annual	<i>Caulfield</i>		1 Rep	Wakefield
17	Brighton & Hove Music Trust	Annual	<i>A Norman, Older Hawkes</i>		2 Green 1 Conservative	Kennedy, MacCafferty A Norman
18	Brighton & Hove Seaside Community Homes Ltd	3-year	<i>Barnett, Harmer- Strange Simpson Randall</i>		2 Green 1 Conservative 1 Labour	Randall, Summers Wells Fitch
19	Brighton Unemployed Centre Families Project	Annual	<i>Hyde</i>		1 Green	Duncan
20	Citizen's Advice Bureau	Annual	<i>Harmer-Strange Davis</i>		2 Reps	MacCafferty Robins

21	City Inclusion Partnership	Annual	<i>Simson McCaffery Wakefield-Jarrett Watkins</i>		2 Green 1 Conservative 1 Labour	Shanks, Wakefield Cobb Marsh
22	City Sustainability Partnership	Annual	<i>Fallon-Khan Mitchell Steedman Watkins</i>		2 Green 1 Conservative 1 Labour	Littman, West Janio Mitchell
23	City Sports Forum	Annual	<i>Cobb Mitchell (Sub Davis) Duncan Watkins</i>		1 Green 1 Conservative 1 Labour	Phillips Janio Robins
24	Coast to Capital Local Enterprise Partnership	4 Year term	<i>Mears</i>		Leader of the Council	Randall
25	Coastal Issues Special Interest Group	Annual	<i>Smart</i>		1 Green	Rufus
26	Consumer Direct	Annual	<i>Alford</i>		1 Green	Deane
27	Cornerstone Community Centre Board of Management	Annual	<i>Watkins</i>		1 Rep	Sykes
28	Councillor Disability Champion	Annual	<i>Watkins</i>		1 Rep	Powell
29	Dialog 50/50	Annual	<i>Simson</i>		1 Green	Duncan
30	East Sussex Fire Authority	Annual	<i>Harmer-Strange, Kemble, Pidgeon Carden, Marsh Rufus</i>		3 Green 2 Conservative 1 Labour	Wakefield C Theobald, Pidgeon Carden
31	East Sussex Gypsy & Traveller Forum	Annual	<i>Simson No appointee</i>		1 Green 1 Conservative	Wakefield Peltzer Dunn

32	East Sussex Pension Fund Investment Panel	Annual	<i>Drake Allen</i>		1 Green 1 Conservative	Rufus Wealls
33	Eurocities Network	Annual	<i>Smith</i>		1 Green	A Kitcat
34	Fair Trade Steering Group	Annual	<i>Alford, Fallon-Khan</i>		2 Green	Littman, Rufus
35	Gorham's Gift	4-year term 2011 to 2015	<i>Drake, Kemble Hawkes</i>		3 Representatives	Hawtree, K Norman Fitch
36	Healthy City Partnership	Annual	<i>K Norman Allen</i>		1 Green 1 Conservative	Jones K Norman
37	INTERREG Iva	Annual	<i>Peltzer Dunn</i>		1 Green	Phillips
38	Joint Committee for Appointment of Local Authority members to Sussex Police Authority	Bi-Annual 31/05/11- 31/05/13	<i>Oxley Randall</i>		2 Reps	Randall G. Theobald
39	Local Government Association	Annual	<i>Mears, Oxley Mitchell Cllr Randall</i>		2 Green 1 Conservative 1 Labour	Follett, Kitcat G Theobald Mitchell
40	LGA Rural Commission	Annual	<i>C Theobald</i>		1 Green	West
41	LGA Urban Commission	Annual	<i>Brown, Oxley</i>		2 Green	Follett, Kennedy
42	Local Housing Allowance Steering Group	Annual	<i>Caulfield</i>		1 Green	Wakefield
43	Local Strategic Partnership	4 year term 2011-15	<i>Mears Mitchell Wakefield-Jarrett</i>		1 Green 1 Conservative 1 Labour	Randall G Theobald Mitchell

44	Members Advisory Group on Grants (MAG)	Annual	<i>Simson Hamilton Rufus Watkins</i>		1 Green 1 Conservative 1 Labour	Rufus Hyde Hamilton
45	MIND	Annual	<i>Smart</i>		1 Rep	Jarrett
46	Patrol Adjudication Joint Committee Appointee also sits on the Bus Lane Adjudication Service Joint Committee	Annual	<i>Harmer-Strange (sub- Young)</i>		1 Green (+ 1 nominated Substitute)	Davey
47	Pre-School Learning Alliance (south)	Annual	<i>Kemble</i>		1 Green	Buckley
48	Race Ground Trustees	Annual	<i>Older, Smith, C Theobald, Young Hawkes, McCaffery Kennedy, West</i>		4 Green 2 Conservative 2 Labour	Kennedy, Powell, Wakefield, West Brown, C Theobald Fitch, Lepper
49	Resource Centre	Annual	<i>Oxley</i>		1 Green	Davey
50	SACRE	Annual	<i>Fallon-Khan, C Theobald Hamilton, Fryer</i>		5 Reps	Powell, Summers Hamilton
51	Shoreham Port Authority LA Liaison Committee	Annual	<i>Kemble Hamilton</i>		1 Green 1 Conservative	Kennedy Peltzer Dunn
52	South Downs National Park Authority.	4 year term 05/11-/15	<i>G Theobald</i>		1 Rep	West
53	South East England Employers	Annual	<i>Fallon-Khan, Peltzer Dunn Marsh</i>		2 Green 1 Conservative	Powell, Rufus Pidgeon
54	Sussex IFCA	4 year term 05/11-/15	<i>Cllr Davis Appointed to Shadow Sussex IFCA 21.10.10</i>		1 Rep	Sykes

55	Transitional Southern Regional Flood & Coastal Committee	Annual	<i>Janio</i>		1 Green	Rufus
56	The Brighton Fund	4 Year term 05/11-/15	<i>Wells (Mayor-elect) Drake, Mears, Simson Hawkes</i>		Mayor (Ex-officio) 4 Trustees	Meadows Powell, Bowden A Norman Lepper
57	The Sussex Deaf Association	Annual	<i>Pidgeon</i>		1 Rep	Jarrett
58	The Royal Pavilion and Museums Foundation	Annual	<i>Smith</i>		1 Green	Shanks
59	United Nations Association	Annual	<i>Oxley</i>		1 Green	A Kitcat
60	University of Sussex Court	01/08/09- 31/07/10	<i>Wells (Mayor-elect) Brown Hawkes</i>		Mayor 1 Green 1 Conservative	Meadows Summers A Norman
61	West Pier Trust Board	Annual	<i>Older</i>		1 Green	Shanks

**Explanatory Note to Proposed
Amendments to the Scheme of Delegations to Cabinet**

1. Introduction

- 1.1 Under the Local Government Act 2000, the Council has to appoint a Leader at the Annual Council following local elections. The new Leader has the power to appoint Members to serve as Members of the Cabinet and change the portfolios.
- 1.2 Any new Cabinet appointments and consequential changes to the Scheme of Delegations, once decided by the Leader, take effect immediately. Under the Council's Constitution, the Leader is required to notify full Council of the appointments and any changes to the Scheme of Delegations. This report together with copies of the proposed Cabinet appointments (Appendix 1) and the revised Scheme of Delegations (Appendix 2), constitutes the notification to the Council under the Constitution. The changes do not come into effect until after a Leader is appointed and notifies the Chief Executive of the Cabinet appointments, which is expected to take place immediately after Annual Council. Until then they remain proposals.
- 1.3 The main changes and the rationale for the changes are outlined in the following paragraphs.

**2. Deputy Leader (Executive)
Planning, Employment, Economy & Regeneration**

- 2.1 This portfolio is designed to bring creativity and energy to attracting investment and delivering regeneration in the City in an inclusive way which maximises economic, social and environmental wellbeing across our communities.

- 2.2 The aim is to pursue a positive vision for the future which looks toward a low carbon economy and maximises the opportunities to create jobs across the full spectrum of the local economy.
- 2.3 Drawing this range of important responsibilities together provides the opportunity to look beyond traditional notions of planning as an exclusively regulatory activity and tap into an emergent framework that shifts the emphasis to how planning can be used in a positive way to enable and deliver successful outcomes in the right places.
- 2.4 In challenging economic times the combination of activities within this portfolio will place the city council in a good position to explore new models of development for a number of significant projects and to work in an imaginative way with our partners to pursue economic development.
- 2.5 This portfolio also includes responsibility for Council business liaison so that there is greater co-ordination of the decision making process and more coherent and felicitous representation of the Council's policies.

3. Deputy Leader (Non Executive) Transport & Public Realm

- 3.1 One of the key priorities and challenges facing the City is resolving traffic problems. This requires a focussed and systematic approach that generates long term and sustainable transport solutions. Given the importance of this issue to the City, and given the new administration's commitment, it is considered appropriate to designate a stand alone Cabinet post dedicated to this area. The Cabinet Member will work closely with other Cabinet Members such as Environment & Sustainability, Planning, Employment, Economy & Regeneration. The arrangements will however enable this very important function to receive the focussed and dedicated attention it deserves.

4. Finance & Central Services

- 4.1 This brings together the functions responsible for the Council's resources (Finance, Property, ICT) and other support services (Legal, HR, Policy and Communications). This is in line with the practice in most Councils where these functions are held by the same Cabinet Member although the title may vary with some referring to "Resources" others "Central Services". This will assist in adopting a co-ordinated approach to all support services and will free up a Cabinet Member portfolio to focus on other key areas of priority.

5. Environment & Sustainability

- 5.1 This portfolio covers the key Council functions that have the most impact on peoples' sense of environmental wellbeing such as parks and open spaces, collection and disposal of waste and street cleaning. It also covers sustainability. Working closely with other Cabinet Members, especially Transport and Planning, this will help protect and improve the environment for the City.

6. Housing

- 6.1 There is no change to this portfolio except that it is proposed to move Learning & Disability into the Adult Social Care & Health portfolio, which reflects the true nature of the function and mirrors the arrangements at officer level where the service is managed as part of Adult Social Care.

7. Children & Young People

- 7.1 Given the statutory role of the Lead Member for Children's Services and the need for a coherent and co-ordinated delivery of all services relating to children, it is not proposed there be any changes.

8. Adult Social Care & Health

- 8.1 As with Children's Services, it is not proposed to make any changes except that Learning Disability Services will be moved from Housing to Adult Social Care & Health.

9. Culture, Recreation & Tourism

- 9.1 It is not proposed to make any changes to this portfolio.

10. Community, Equality & Public Protection

- 10.1 This function brings together all aspects of the Council's functions regarding the protection of the public ranging from civil contingencies to licensing and environmental health. It also covers community engagement, tackling discrimination and fostering inclusion as well as responsibility for preparing for the transfer of public health.
- 10.2 A common thread running through all the functions comprised in this portfolio is that they are community focussed and this role will increase in importance with the implementation of proposals in the Localism Bill currently going through parliament.

11. Next Steps

- 11.1 It is proposed to undertake a more comprehensive review of the Constitution including the arrangements for Scrutiny, some aspects of the Council's procedures and protocols and rationalising some of the committee arrangements. It is anticipated that the review will be led by the Governance Committee and follow normal consultation processes. The changes proposed in this paper will also be reported to the Governance Committee for information and discussion.

19 May 2011



Brighton & Hove City Council

DRAFT SCHEME OF DELEGATIONS FOR CABINET

I, _____, having been appointed Leader of the Council hereby confirm that I have approved the attached scheme of delegations for executive functions and that these delegations will come into force with immediate effect.

Signed.....

Leader of the Council
19 May 2011

PART 4.1 LEADER & CABINET – GENERAL

1. Role

The Executive consists of a Leader and Cabinet. The Executive shall carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

2. Form and composition

The Executive shall consist of the Leader of the Council (who shall be the Chair of the Cabinet) and between two and nine Councillors appointed to the Cabinet by the Leader.

3. Leader of the Council

The Leader shall be a councillor elected by the Council. The Leader holds office until the annual Council meeting following the next local elections providing that he/she shall cease to be Leader if any of the following takes place:

- a) He/she resigns from the office; or
- b) He/she is suspended from being a councillor under Part 111 of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- c) He/she is no longer a councillor; or
- d) He/she is removed from office by resolution of the Council, or
- e) He/she is otherwise disqualified by law.

If the Leader ceases to hold office before the end of his/her term, the Council shall elect a new Leader, who shall hold office until the annual Council following the next local elections, or until one of the events described in a) to e) above occurs. Until such time as the new Leader is elected, the Deputy Leader (Executive) shall assume the role of the Leader.

No resolution to remove the Leader may be passed unless it complies with the requirements of Rule 25 of the Council Procedure Rules.

4. Other Cabinet Members

Appointment: Only Councillors may be appointed to become Cabinet Members. Subject to the legal minimum and maximum, the size and composition of the Cabinet is a matter solely for the Leader to decide. He/she may choose to appoint councillors from any political group or those not in any political group. The Cabinet need not reflect the overall political composition of the Council. The Leader must report his/her appointments to the Chief Executive immediately they are made and to the next meeting of Full Council. The appointment of Members to the Executive shall be effective immediately the notification is received by the Chief Executive.

Removal of Cabinet Members: Cabinet Members shall hold office until:

- a) they resign from office; or
- b) they are suspended from being councillors under Part 111 of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- c) they are no longer councillors; or
- d) they are removed from office, either individually or collectively, by the Leader, or
- e) they are otherwise disqualified by law.

Before a decision to remove a Member from the Cabinet shall take effect, the Leader must inform the Council's Chief Executive in writing that he/she has decided to remove the Member from office and the date upon which such removal is to take effect. The removal of the Cabinet Member shall take effect on the date specified in the notice or, if no date is specified, on the date that the notice is received by the Chief Executive.

The notice must also state the identity of any newly appointed member of the Cabinet and, if appropriate, any consequential amendment to the scheme of delegation to Cabinet Members under Part 4 of the Constitution.

The Leader must report his/her decision to remove a Cabinet Member to the next meeting of Full Council and at that meeting the Leader must inform the Council of the identity of the new Executive Member who shall succeed the outgoing Member and, if appropriate, any amendment to the scheme of delegation in part 4 of the Constitution.

5. Deputy Leader

The Leader may appoint one of the Cabinet Members to be Deputy Leader (Executive). Any Member appointed as such shall be able to

exercise the functions of the Leader when the Leader is unavailable or unable to act. Any exercise of functions by the Deputy Leader (Executive) shall be subject to any limitations, qualifications or other instructions as may be issued by the Leader either generally or in relation to the exercise of particular functions. The Deputy Leader (Executive) shall be subject to the same conditions as to appointment and dismissal as apply to any Cabinet Member.

(Note that under current arrangements, the Council may appoint a Non-Executive Deputy Leader which shall not operate as an appointment under Schedule 1 of the Local Government Act 2000 and such a person may not exercise any of the functions of the Leader which are executive functions.)

6. Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7. Responsibility for functions

The Leader shall maintain a list in this Constitution setting out which individual members of the Cabinet (see Part 4), committees of the Cabinet (see Part 4), Officers (see Part 7) or joint arrangements (see Part 5) are responsible for the exercise of particular executive functions.

8. Role of Leader of the Council

All executive functions of the Council are vested by law in the Leader of the Council. He/she therefore has overall responsibility for the discharge of all executive functions.

The Leader shall have overall responsibility at the political level in relation to setting corporate priorities and strategic policy direction. He or she shall be its principal spokesperson on corporate and strategic issues.

The Leader shall chair the Cabinet and guide its work, ensuring coherent direction and action and that, where relevant, proposals are made to Full Council for decision within appropriate timescales.

The Leader shall provide political direction to the Chief Executive and other officers on the overall corporate priorities and objectives set by

Full Council and ensure coherent action by the Council both internally and externally.

He/she shall share in the responsibilities of the Cabinet and have the responsibilities of an individual member of the Cabinet, with a specific portfolio of responsibilities as shown in part 4 of the constitution. This shall be without prejudice to the powers of the Leader to exercise all executive powers.

The Leader shall appoint, suspend or remove Cabinet Members as necessary and determine the arrangements for the discharge of executive arrangements.

Miscellaneous roles: The Leader shall:

- work closely with other Cabinet Members to ensure the development of effective policies, and high quality services to the City;
- work with the relevant Cabinet Members in developing revenue budget and capital programme strategies and ensuring probity and financial monitoring;
- developing, in consultation and partnership with others, a strategy for promoting the social, economic and environmental well-being of the area; enhancing partnership working and public consultation and participation, as well as developing a public relations/corporate information strategy;
- guide policy and strategy proposals through the Council where the final decision rests with the Council;
- in consultation with the Chief Executive and the Monitoring Officer, to draw up a four month forward programme of Cabinet business and to keep it under review;
- act as an ambassador for the Council;
- maintain professional working relationships and establish mutual respect with the Chairmen of the Council's regulatory and overview and scrutiny committees, and with all other Members and officers;

- be a promoter and upholder of equalities throughout the City and high standards of ethical conduct by the Council's Members and officers.

9. Role of Cabinet Members

The following roles are allocated to all Cabinet Members:

To work with the Leader and other members of the Cabinet to ensure coherent direction and action by the Council, acting in accordance with Council decisions and, as part of that, to ensure that the Cabinet is informed of events, activities and proposals and involved in all decisions which should be taken collectively. In pursuance of this:

- i) to play a leading role in the management of the Council and decisions about the services it provides and how they are provided, with a view to achieving excellence in the provision of council services;
- ii) to participate, with other members of the Cabinet, in consideration of steps to revitalise local democracy through increased public consultation and participation; ensure high quality services; strengthen the Council's ethical framework; and enhancing, in partnership with others, the Council's community leadership role;
- iii) to provide political leadership on the activities relating to the Cabinet Member's portfolio;
- iv) to provide political leadership to the Chief Executive and other relevant officers on matters relating to the Cabinet Member's portfolio or those activities in respect of which it has been agreed that the councillor should lead; to advise the Cabinet on them and to steer policy developments or changes and other proposals for action requiring the approval of the Council. In so doing, the councillor shall have regard to the overall corporate priorities and objectives set by Full Council and the need for coherent action by the Council both internally and externally;
- v) to exercise executive functions delegated to Cabinet Members by the Leader as set out in Part 4.2 of the Constitution;
- vi) in relation to the Council's Corporate Plan, Cabinet Members shall:
 - a) agree corporate priorities and objectives for consideration by Full Council;

- b) monitor performance against the Plan;
 - c) review annually the priorities and objectives in the Plan;
 - d) prepare an annual report on the performance achieved by the Council during the previous year.
- vi) to participate with the other Cabinet Members in:
 - a) setting guidance which should be given to the Council on the way in which budgets should be prepared, overall budget priorities and the assumptions which should be made in preparing budgets, having regard to the Council's overall corporate priorities and objectives as set out in the Plan; and to recommend to Full Council an annual budget and a three year medium term financial strategy for planning purposes;
 - b) developing a strategy for promoting the well-being of the area and a sense of direction for its communities;
 - c) monitoring the organisation and management processes of the Council to ensure that they continue to meet the needs of the City and to advise the Council on any recommendations for change;
 - d) agreeing a public relations/corporate information strategy and participate in its implementation.
- viii) to encourage and participate in working with partners and other organisations involved in the provision of services which link with those provided by the Council or which have an interest in or contribute to the well-being of Brighton & Hove or communities within it;
- ix) to act as an ambassador for the Council, promoting its work (particularly in those areas relevant to the Cabinet Member's portfolio or where the Cabinet Member has been designated by the Leader to lead or take a special interest) and participating in consultation, listening to, and taking account of, the views of organisations, the public and businesses;
- x) to keep in touch with the views of councillors and take them into account in reaching decisions and, with other Cabinet Members, to consider how Cabinet thinking on strategy and policy issues can best be shared with councillors as it develops;
- xi) within the prescribed timescale, to provide information required by an overview and scrutiny committee (see part 6.1, paragraph 15), and, where requested, to appear before such a committee;

- xii) to fulfil the roles set out in paragraph 2.03 in Article 2 of the Constitution.

PART 4.2. RESPONSIBILITY FOR FUNCTIONS

A. Leader of the Council

General Functions

To exercise any function which is designated as an executive function under the law or under the Council's Constitution.

[N.B. Section 14 of the Local Government Act 2000 (as amended) vests all executive functions in the Leader, who may delegate them to the Cabinet, a committee of the Cabinet, individual Cabinet Members, officers or joint committees. Any such delegation is without prejudice to the Leader's ability to exercise these powers notwithstanding the delegation].

Specific Functions

- To determine the appointment and dismissal of Cabinet Members, their portfolios and the scheme of delegations for executive functions.
- The formulation, co-ordination and implementation of corporate policies and strategies and making decisions relating to such matters to the extent that they are not reserved to Full Council.
- To chair Cabinet meetings and major partnerships as necessary and ensure the efficient despatch of business consistent with the Council's policies and strategies.
- To be the lead spokesperson for the Council and deal with external relations with partners and other stakeholders.
- To represent the Council in national and regional negotiations and consultations.
- To lead on consultation and other liaison with local communities.
- Overall responsibility for the performance framework, including the monitoring of targets.
- To lead and co-ordinate the Council's work on key cross-cutting policy areas such as equalities, sustainability and communications.

- To deal with any executive function not specifically delegated to another member of the Cabinet.

B. The Cabinet

- 1.1 After the Leader, the Cabinet will operate as the highest executive decision-making body. The following functions shall be discharged by the Cabinet:
- (a) the formulation and submission to Full Council of all plans and strategies that form part of the policy framework.
 - (b) the development, formulation and submission to Full Council of the budget.
 - (c) Any matter which the Cabinet, having regard to the forward plan, decides should be dealt with by the Cabinet.
 - (d) Any matter which the Leader decides should be dealt with by the Cabinet.
 - (dA) Any matter which is delegated to a Cabinet Member for whom no separate Cabinet Member meetings are scheduled
 - (e) Any matter which is delegated to a Cabinet Member, and that Councillor decides to refer the matter to the Cabinet.
 - (f) Any matter which straddles the portfolios of 2 or more Councillors and, in the opinion of the Leader or the Monitoring Officer, is more appropriately dealt with by the Cabinet.
 - (g) Any executive function which is not specifically delegated to a Cabinet Member under this scheme of delegations.
 - (h) Approval of the Council's Risk Management Strategy.
 - (i) Any matter which, under the Council's Financial Standing Orders, Contract Standing Orders or other Council rules, requires the approval of the Cabinet.
- 1.2 When referring or reserving a matter to the Cabinet under sub-paragraphs (c) (d) (e) of paragraph 1.1 above, the Leader or, as

the case may be, the Cabinet Member may do so on a one off basis or as part of a general/ standing arrangement.

C: FINANCE AND CENTRAL SERVICES

Delegated Functions

To exercise the functions of the Council as follows:

Finance

- (a) Advising the Leader and Cabinet on budget strategy and the medium term financial plan;
- (b) Reviewing financial management arrangements and performance;
- (c) Reviewing arrangements for securing value for money and efficiency in the use of the Council's resources;
- (d) Reviewing treasury management arrangements and performance;
- (e) Considering reports on financial matters as may be agreed between the Cabinet Member and the Chief Finance Officer and advise the Leader or the Cabinet as appropriate;
- (f) Making decisions or granting authorisations on expenditure in accordance with the requirement of Financial Standing Orders;
- (g) Making decisions on matters which, in the opinion of the Cabinet Member, on the advice of the Chief Finance Officer, are not significant enough to be referred to the Cabinet;
- (h) To provide Member leadership to the finance function.

Central Services

All functions regarding the delivery and performance of the Council's support services, in particular:

- Finance
- Property and Design

- ICT
- City Services (except libraries)
- Corporate Procurement
- Legal and Democratic Services
- Policy, Analysis and Performance
- Communications
- Human Resources and Development

To discharge all functions regarding the establishment of joint working with other authorities, including the establishment of any shared services arrangements.

To receive reports on resourcing, structuring and capacity building in support services and take action as appropriate.

The Council's functions regarding ICT providing that this shall not include approval of the ICT Strategy.

To approve the Council's Planned Property Maintenance Programme.

The acquisition or disposal of properties held centrally or by service areas relating to 2 or more Cabinet Members, up to the value of £1 million providing that the Leader is notified in advance and has no objection. *

The award of contracts relating to Central Services or those that are Corporate (i.e. not specific to individual services such as corporate stationary, cleaning etc contracts). *

The Council's functions relating to City Services (except libraries)

[NB.* These delegations will not preclude contracts, property or other issues of major significance being referred to Cabinet in accordance with the normal rules.]

D. TRANSPORT AND PUBLIC REALM

Highways Management

To exercise the Council's functions in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to highways, bridges, private streets and rights of way.

Traffic Management and Transport

- (a) To manage the provision of transport services for service departments including home-school transport and transport for social services;
- (b) To exercise the Council's functions in relation to traffic management and transport and as traffic authority, including but not limited to public passenger transport and the co-ordination of transport for service users;
- (c) To consider and make decisions on proposed traffic orders and rights of way issues where objections have been received and not withdrawn or otherwise resolved;
- (d) To exercise the Council's powers regarding travel concessions.

Parking

To exercise the Council's functions in relation to parking, including on and off street parking and decriminalised parking.

Public Realm

To exercise the council's functions regarding spaces to which the public have rights of access and consisting of the highway, street furniture on the highway and open spaces or part of open spaces immediately adjacent to the highway to which the public have access.

E: ENVIRONMENT AND SUSTAINABILITY

Parks and Green Spaces

To exercise the Council's functions in relation to Parks and Open Spaces to the following extent:-

- (a) provision, management and control of parks and open spaces (except those held for housing purposes);
- (b) making countryside management arrangements in liaison with the Sussex Downs Conservation Board (or any successor body) and other environmental bodies;
- (c) provision, management and control of allotments and smallholdings.

Travellers and Gypsies

To exercise the Council's functions in relation to travellers and gypsies including the management of authorised sites.

Waste

To exercise the Council's functions in relation to waste and as waste collection authority, waste disposal authority and litter authority, including dealing with litter, street cleansing, abandoned vehicles and dog fouling.

Coast Protection

To exercise the Council's functions as a coast protection authority.

Seafront

To exercise the Council's functions regarding the esplanade, beach and foreshore.

Sustainability

To co-ordinate the Council's role and response to cross-cutting sustainability issues such as reducing carbon emissions, projections of a changing climate locally, improving resource efficiency and developing sustainable energy.

F: COMMUNITIES, EQUALITIES AND PUBLIC PROTECTION

Public Safety

Civil Contingencies

To exercise the Council's functions in relation to emergency planning and business continuity, including the Council's functions under the Civil Contingencies Act 2004.

Environmental Health

To exercise the Council's functions in relation to environmental health, air pollution control, health and safety at work (except in so far as it relates to the Council as an employer) public conveniences, food safety, control of nuisances, including noise control and control of dogs.

Trading Standards

To exercise the Council's functions regarding trading standards, including but not limited to consumer protection, product safety, fair trading, metrology, food standards and animal health;

Licensing

To exercise the licensing functions of the Council to the extent that they are executive functions, including the formulation and development of the Statement of Licensing Policy and Statement of Gambling Policy prior to their adoption by Full Council.

Community Safety

To co-ordinate the Council's functions regarding the police and public safety and to take such action as is necessary, including:

- (i) making consultative arrangements under the Police Act 1996;
- (ii) drawing up community safety plans;
- iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of strategies for reducing crime and disorder and the making of child curfew schemes providing that this shall not include the adoption of the Crime and Disorder Reduction Strategy.

Communities

To co-ordinate and lead on the Council's functions in connection with community engagement and voluntary organisations.

To co-ordinate and lead on the Council's functions in relation to Equalities and Inclusion

Public Health

To coordinate and make arrangements for the exercise of the Council's functions in relation to public health, for example in relation to:-

- Sexual health;
- Physical Activity, Obesity, tobacco control Programmes;
- Prevention and early detection;
- Children's public health;
- Immunisation; Public Mental Health;
- NHS Healthcheck and Workplace Health Programmes;
- Dental Public Health; Social Exclusion; Seasonal Mortality.

F: PLANNING, EMPLOYMENT, ECONOMY AND REGENERATION

Planning

To exercise the planning functions of the Council to the extent that they are executive functions, including the formulation and development of the Local Area Framework prior to its adoption by Full Council.

Economic Growth and Regeneration

- (a) The Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business.
- (b) Promoting and developing the economic fundamentals of the City (on occasions with other Cabinet Members) in areas such as adult skills, productivity, development sites etc.

Major Built Environment Projects

- (a) To oversee the progress of major projects (including major building, infrastructure or other projects involving the erection or significant alteration of major permanent structures or landmarks) undertaken by the Council, and advise the Leader or the Cabinet as appropriate.
- (b) To review major projects and any project Boards having regard to capacity to deliver, corporate priorities and resources, and advise the Leader or the Cabinet as appropriate.

Conservation and Design

To exercise the Council's functions in relation to Conservation and Design including the Hove Borough Council Act 1976

Building Control

To exercise the Council's functions regarding building control.

Council Business Liaison

To oversee the agenda planning and timetabling of decision-making meetings.

To ensure the efficient dispatch of council business by co-ordinating decision-making and by facilitating liaison between the executive, non-executive members and officers.

To ensure that the Council's business and decision-making is conducted having regard to the principles set out in Article 11 of the Constitution, namely:

- proportionality
- due consultation and taking of professional advice from officers
- respect for human rights
- presumption in favour of openness, and
- clarity of aims and desired outcomes.

G: HOUSING

Delegated Functions

To discharge the Council's functions as a local housing authority and, without prejudice to the generality of this paragraph, to discharge the specific functions set out in the following paragraphs.

Strategic and Private Sector Housing

To discharge the Council's functions in relation to:

- (a) The Council's housing strategy, including the housing investment programme (providing that the final adoption or approval of the housing improvement programme shall be referred to Full Council);
- (b) Homelessness and the allocation of housing;
- (c) Private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
- (d) Tenancy relations and the provision of housing advice;
- (e) Housing loans and grants.

Housing Landlord Functions

To discharge the Council's functions as a housing landlord including the management of property within the Housing Revenue Account and associated properties.

Supporting People

To discharge the Council's functions for supporting people under Section 93 Local Government Act 2000 (grants for welfare services).

H: CHILDREN AND YOUNG PEOPLE

Explanatory Note

The Cabinet Member for Children & Young People is responsible for education and children's health and social services, including services to young people up to the age of 19. Most of these services are delivered jointly with the Health Service – (see Part 5.2 of the Constitution for details of the Children's Trust Board).

Delegated Functions

To be the Lead Member for Children's Services in accordance with the Children Act 2004.

To exercise all the Council's functions comprised in the Section 75 agreement with Brighton & Hove Primary Care Trust and Sussex Community NHS Trust in relation to children's services.

To exercise the functions of the Council:

- as a Local Education Authority under any enactment relating to education, youth services and the employment of children;
- in relation to educational charities;
- in partnership arrangements with other bodies connected with the delivery of education;
- in relation to social services for children and young people;
- in partnership arrangements with other bodies connected with the delivery of services for children, young people and families;
- regarding families in connection with the functions set out above or where there are no other arrangements made under this scheme of delegation.

I: ADULT SOCIAL CARE AND HEALTH

Explanatory Note

The Cabinet Member for Adult Social Care and health is responsible for adult social services and joint delivery of a number of social care and health services with the Health Service - see Part 5.2 of the Constitution for details of the Joint Commissioning Board which oversees these arrangements.

Delegated Functions

1. Adult Social Services

- (a) To exercise the social services functions of the Council in respect of adults;
- (b) To exercise all of the powers of the Council in relation to the issue of certificates to blind people; the issue of badges for motor vehicles for disabled people and the grant of assistance to voluntary organisations exercising functions within its area of delegation;
- (c) To exercise the functions of the Council in relation to the removal to suitable premises of persons in need of care and attention.

2. Partnership with the Health Service

To exercise the Council's functions under or in connection with the adult services partnership arrangements made with health bodies pursuant to Section 75 of the National Health Service Act 2006 ("the section 75 Agreement").

3. Learning Disabilities

To discharge the Council's functions regarding Learning Disability.

Note

All the above functions shall be exercised subject to any requirements in the Section 75 Agreement..

J: CULTURE, RECREATION AND TOURISM

Explanatory Note

The Cabinet Member for Culture will deal with the Council's functions in relation to culture, arts and heritage; tourism and marketing; libraries and museums; events; and leisure, sports and recreation.

Delegated Functions

To discharge the Council's functions in relation to the following:

1. Culture, Arts and Heritage

Culture, including arts and heritage and, without prejudice to the generality of the foregoing, the exercise the Council's functions in respect of arts, entertainment and cultural activities.

2. Tourism & Marketing

Tourism, marketing and conferences.

3. Libraries and Museums

Libraries, museums, art galleries, historic buildings and their gardens and the functions of the Council regarding public records.

4. Events

Events, including the annual programme of entertainment events (providing that if the relevant Strategic Director, or other officer with delegated powers, is of the view that the event is a major event or has corporate budgetary or policy implications the matter shall be referred to the Cabinet).

5. Leisure, Sports and Recreation

The provision and management of leisure, sports and recreation facilities.

PART 4.2A SUSTAINABILITY CABINET COMMITTEE – TERMS OF REFERENCE

Explanatory Note

The purpose of the Sustainability Cabinet Committee is to make decisions or recommendations to Cabinet on sustainability issues that are not the sole responsibility of other Cabinet members, e.g.

- *environmental management within the council itself*
- *the council's role in, and response to cross-cutting issues like reducing carbon emissions, projections of a changing climate locally, improving resource efficiency, developing sustainable energy etc.*

Membership

The membership of the Sustainability Cabinet Committee will be as follows:-

- The Leader of the Council (Chair);
- The Cabinet Member for Environment and Sustainability;
- The Cabinet Member for Planning, Employment, Economy and Regeneration

The Leader of the Council may co-opt other Cabinet Members on to the Cabinet Committee when issues arise and decisions need to be taken that coincide with their portfolios.

The Deputy Leader of the Council with the lead role on sustainability will routinely be invited to attend the committee, providing a link to the work of the city Sustainability Partnership.

Role

The Sustainability Cabinet Committee may receive any report relating to sustainability issues for a decision or for recommendation to Cabinet for a decision, where appropriate.

LOCAL GOVERNMENT ACT 2000

Proposed appointments in Connection with the Discharge of Executive Functions to be made by the Leader of the Council

(b) Deputy Leader (Executive) of the Council – Councillor Amy Kennedy

(d) The Cabinet

1	Cabinet Member for Adult Social Care & Health	Councillor Jarrett
2	Cabinet Member for Children & Young People	Councillor Shanks
3	Cabinet Member for Communities, Equalities & Public Protection	Councillor Duncan
4	Cabinet Member for Culture, Recreation & Tourism	Councillor Bowden
5	Cabinet Member for Environment & Sustainability	Councillor West
6	Cabinet Member for Finance & Central Services	Councillor Kitcat
7	Cabinet Member for Housing	Councillor Wakefield
8	Cabinet Member for Planning, Employment, Economy & Regeneration	Councillor Kennedy
9	Cabinet Member for Transport & Public Realm	Councillor Davey

C. Other Appointments 2011/12

1	Area Housing Panels x 4	Annual	Appropriate Ward Councillors	Appropriate Ward Councillors
2	Children & Young People's Trust Board	Annual	Cabinet Member for Children & Young People plus: 1 Green 1 Conservative 1 Labour	Cllr Shanks Cllr Buckley Cllr Wealls Cllr Mitchell
3	Community Safety Forum	Annual	4 Green 3 Conservative 3 Labour	Cllr Duncan (Chair) Cllr Deane Cllr MacCafferty Cllr Summers Cllr Barnett Cllr Janio Cllr Pidgeon Cllr Carden Cllr Morgan Cllr Robins
4	Housing Management Consultative Committee	Annual	4 Green 3 Conservative 2 Labour	Cllr Wakefield (Chair) Cllr Duncan Cllr Randall Cllr Summers Cllr Peltzer Dunn Cllr Pidgeon Cllr Wells Cllr Farrow Cllr Robins
5	Joint Commissioning Board	Annual	Cabinet Member for Adult Social Care & Health Cabinet Member for Housing 1 Conservative 1 Labour	Cllr Jarrett Cllr Wakefield Cllr K Norman Cllr Fitch
6	Staff Consultation Forum	Annual	3 Green 2 Conservative 1 Labour	Cllr Jones Cllr MacCafferty Cllr Powell Cllr Pidgeon Cllr Theobald Cllr Mitchell