

Council

Date: **16 May 2024**

Time: **4.30pm**

Venue: **Council Chamber, Brighton Town Hall**

Members: **Councillors:** O'Quinn (Chair), Atkinson, Alexander, Allen, Asaduzzaman, Bagaeen, Baghoth, Burden, Cattell, Czolak, Daniel, Davis, Earthey, Evans, Galvin, Fishleigh, Fowler, Grimshaw, Meadows, McNair, Robins, Sankey, Shanks, C Theobald, West, Wilkinson, Williams, Goddard, Goldsmith, Helliwell, Hewitt, Hill, Hogan, Loughran, Lyons, McGregor, McLeay, Miller, Muten, Nann, Oliveira, Pickett, Pumm, Robinson, Rowkins, Sheard, Simon, Stevens, Taylor, Thomson, Winder, Guilmant, Gauge and Mackey.

Contact: **Anthony Soyinka**
Head of Democratic Services
01273 291006
anthony.soyinka@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper



Chief Executive
Hove Town Hall
Norton Road
Hove BN3 3BQ

Date of Publication - Wednesday, 8 May 2024

AGENDA

Part One

Page

1 COUNCIL BUSINESS

Newly Elected Councillors

The Mayor will invite Councillor Sankey to introduce their newly elected councillors who will come forward to be welcomed by the Mayor prior to taking their respective seats in the Council Chamber.

2 DECLARATIONS OF INTEREST

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the Monitoring Officer or Democratic Services Officer preferably before the meeting.

3 MAYORAL REPORT 2023/24

9 - 14

Contact Officer: Anthony Soyinka
Ward Affected: All Wards

Tel: 01273 291006

4 MAYOR'S THANKS AND PRESENTATIONS

The Mayor will give thanks for her year in office and make presentations.

5 ELECTION OF THE MAYOR OF BRIGHTON AND HOVE FOR THE MUNICIPAL YEAR 2024/25

The Mayor will seek nominations for the Mayor for the municipal year 2024/25.

It is proposed that the Council elects Councillor Asaduzzaman as Mayor for the municipal year 2024/25.

ADJOURNMENT

The Mayor will call a short adjournment to allow for the robing of the new Mayor.

6 DECLARATION OF OFFICE, ACCEPTANCE SPEECH AND VOTE OF THANKS TO THE RETIRING MAYOR

The Mayor will make his formal declaration of acceptance of office and acceptance speech and will call on Councillor Sankey to move a vote of thanks to the retiring Mayor, Councillor O'Quinn.

7 APPOINTMENT OF THE DEPUTY MAYOR FOR BRIGHTON AND HOVE FOR THE MUNICIPAL YEAR 2024/25

The Mayor will seek nominations for the Deputy Mayor for the municipal year 2024/25.

It is proposed that the Council elects Councillor Grimshaw as Deputy Mayor for the municipal year 2024/25.

8 APPOINTMENT OF THE LEADER OF THE COUNCIL FOR 2024/25

The Mayor will seek nominations for the appointment of the Leader of the Council for the municipal year 2024/25.

It is proposed that the Council elects Councillor Sankey as Leader of the Council for the municipal year 2024/25.

9 COUNCIL APPOINTMENTS 2024/25

The Mayor will move the following appointments:

- a) To approve the appointment of the Deputy Leader(s) of the Council
- b) To approve the appointment of the Leader of the Official Opposition
- c) To note the appointments of the following positions as agreed by the respective Groups represented on the Council as set out in the addendum (to follow)
 - (i) Leader of the Labour Group
 - (ii) Deputy Leader(s) of the Labour Group
 - (iii) Convenor of the Green Group
 - (iv) Deputy Convenor(s) of the Green Group
 - (v) Leader of the Conservative Group
 - (vi) Deputy Leader(s) of the Conservative Group
 - (vii) Leader of the Brighton & Hove Independent Group
 - (viii) Deputy Leader of the Brighton & Hove Independent Group

REPORTS FOR DECISION

10 NEW CONSTITUTION

15 - 108

Contact Officer: Elizabeth Culbert
Ward Affected: All Wards

Tel: 01273 291515

11 APPOINTMENT OF CABINET MEMBERS

109 - 114

Contact Officer: Elizabeth Culbert
Ward Affected: All Wards

Tel: 01273 291515

12 REVIEW OF POLITICAL BALANCE AND APPOINTMENT OF COMMITTEES, OUTSIDE BODIES AND PARTNERSHIPS 2024/25

Contact Officer: Anthony Soyinka
Ward Affected: All Wards

Tel: 01273 291006

13 REVIEW OF THE MEMBER ALLOWANCES SCHEME 2024-2028 115 - 138

Contact Officer: Anthony Soyinka

Tel: 01273 291006

14 DIVERSE COUNCILS ACTION PLAN AND POLICY ON PARENTAL & OTHER LEAVE FOR MEMBERS 139 - 152

Contact Officer: Elizabeth Culbert
Ward Affected: All Wards

Tel: 01273 291515

15 CLOSE OF MEETING

The Mayor will move a closure motion under Procedure Rule 17 to terminate the meeting 4 hours after the beginning of the meeting (excluding any breaks/adjournments).

Note:

1. *The Mayor will put the motion to the vote and if it is carried will then:-*

(a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*

(b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.

(c) *Following completion of the outstanding items, the Mayor will then close the meeting.*

2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*

3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

Once all the remaining items have been dealt with the Mayor will close the meeting.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

Webcasting notice

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

Access notice

The Public Gallery is situated on the second floor of the Town Hall and is limited in size but does have 3 spaces designated for wheelchair users. There is an accessible lift to the second floor and an automatic door and ramped access to the public gallery. There is a wheelchair accessible WC close by. The seated spaces available in the public gallery can be used by disabled people who are not wheelchair users, but able to use bench style seating.

Fire & emergency evacuation procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so

The Town Hall has a specially designed lift that can be used in the event of an emergency evacuation. The size of the refuge areas (in the fire protected areas where people unable to use the stairs will wait to be assisted from the building via the lift), will accommodate 2 wheelchair users and several standing users.

Further information

For further details and general enquiries about this meeting contact Anthony Soyinka, (01273 291006, email anthony.soyinka@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Brighton & Hove City Council

Council

Agenda Item 3

Subject: Mayoral Report 2023/24

Date of meeting: 16 May 2024

Report of: Chief Executive

Contact Officer: Name: Ria Blanchflower
Elizabeth Culbert
Tel: 01273 291225
Email: Ria.Blanchflower@brighton-hove.gov.uk
Elizabeth.Culbert@brighton-hove.gov.uk

Ward(s) affected: All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 This report informs the Council of the activities of the Mayor, Cllr Jackie O'Quinn during the civic year 2023-24.

2. RECOMMENDATIONS:

2.1 That the report be noted.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 The Mayor is the first citizen of Brighton and Hove and carries out a range of civic and ceremonial duties, representing the council across the city and around the region. The Mayor of Brighton and Hove is not directly elected, holds no direct power and is politically neutral during their term in office. The role is purely civic and ceremonial.

3.2 The Mayor selected Peter Wells from the Brighton & Hove Interfaith Contact Group to act as her Chaplain.

3.3 The Mayor supported the following charities during her Mayoral year: Impact Initiatives, RISE, RSPCA Sussex North Brighton Branch and Together Co.

3.4 The Mayor attended 353 engagements and events during her term in office (for a breakdown please see appendix 1) with support from the Deputy Mayor Cllr Mohammed Asaduzzaman.

3.5 The Mayor undertakes many different duties including Chairing meetings of Full Council, representing the council at public, civic and ceremonial events both in and outside the city, acting as an ambassador for the city and working with a wide range of local organisations.

3.6 Highlights of the Mayoral year included:

- Chattri Memorial Service to honour the Indian soldiers that fought during the First World War
- Pride Festival
- The Raid on Dieppe
- University Graduation Ceremonies for the University of Brighton and University of Sussex
- Citizenship Ceremonies
- Remembrance Services across the City
- Civic Advent Service at St Nicholas of Myra Church, Brighton
- Children's Parade triggering the start of Brighton Festival

3.7 The Mayor hosted receptions and meetings in the Mayor's Parlour and Council Chamber, for the Scouts, Animal Welfare charities, the Mayor's charities, Veterans, Refugees, the Trans Community, school children and Faith Leaders.

3.8 Acts of Remembrance across the City took place with big crowds gathering again this year for both Brighton and for Hove. The last service of the day attended by the Mayor was hosted at the Brighton & Hove Hebrew Congregation in their newly built Synagogue and organised by the Association of Jewish ex Service Men and Women (AJEX).

3.9 The Mayor wishes to thank her Chaplain Peter Wells and the Committee Members of the Brighton & Hove Interfaith Contact Group for their support throughout an exceptional year.

3.10 The Mayor would like to thank her Consort Rachael O'Quinn for her support throughout the year.

3.11 The Mayor is grateful for the support of officers, the civic office team and those involved in helping to manage the council meetings.

3.12 The Mayor would like to thank the Deputy Mayor Cllr Mohammed Asaduzzaman for his support in attending engagements.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 This is an annual report from the Mayor for information and there are no alternative options for consideration.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 No further consultation has been required for this report.

6. CONCLUSION

6.1 That the information contained in the report be noted.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendation of this report.

Finance Officer Consulted: James Hengeveld

Date: 08/05/24

Legal Implications:

- 7.2 There are no legal implications arising.

Lawyer Consulted: Elizabeth Cubert

Date: 07/05/24

Equalities Implications:

- 7.3 There are none arising from this report.

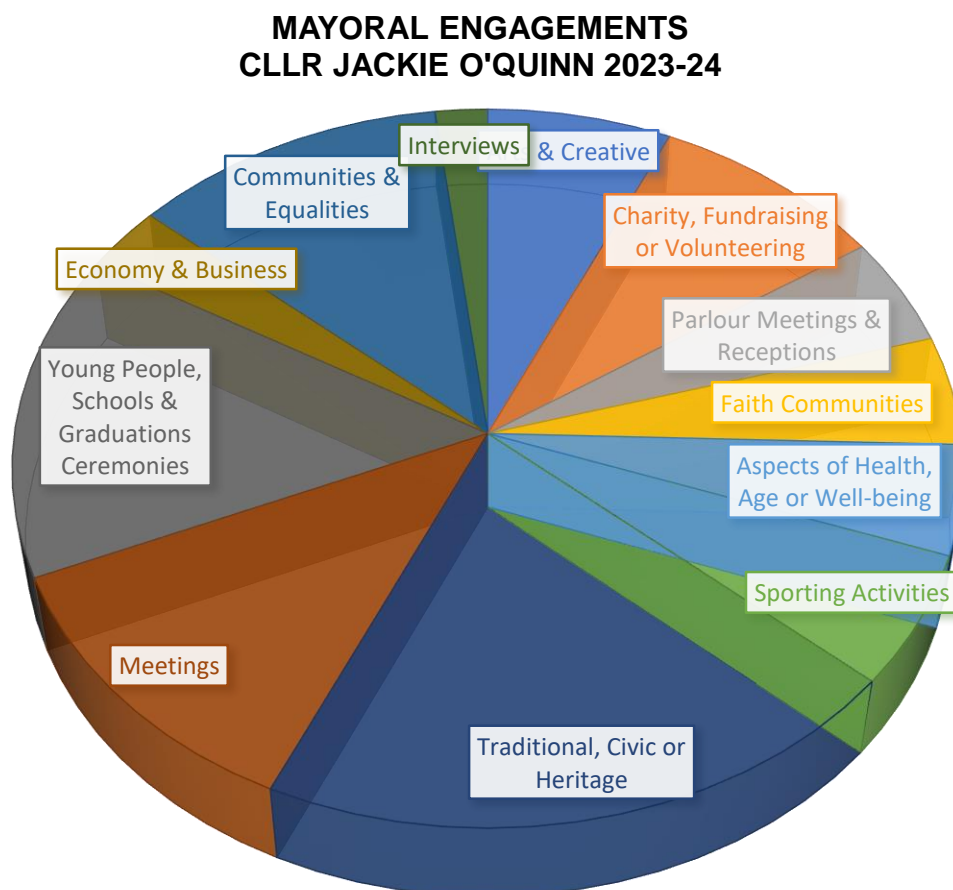
Sustainability Implications:

- 7.4 There are none arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Type of Mayoral engagements pie chart



| Types of Engagements: | Number of: | Percent of: |
|--|------------|-------------|
| Arts & Creative | 23 | 7% |
| Charity, Fundraising or Volunteering | 31 | 9% |
| ParLOUR Meetings & Receptions | 17 | 5% |
| Faith Communities | 18 | 5% |
| Aspects of Health, Age or Well-being | 16 | 5% |
| Sporting Activities | 22 | 6% |
| Traditional, Civic or Heritage | 73 | 21% |
| Meetings | 42 | 12% |
| Young People, Schools & Graduations Ceremonies | 53 | 15% |
| Economy & Business | 11 | 3% |
| Communities & Equalities | 41 | 12% |

| | | |
|-------------------|---|----|
| Interviews | 6 | 2% |
|-------------------|---|----|

Brighton & Hove City Council

Council

Agenda Item 10

Subject: Adoption of a New Council Constitution

Date of meeting: 16 May 2024

Report of: Corporate Director – Corporate Services

Contact Officer: Name: Elizabeth Culbert
Email: elizabeth.culbert@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 At its meeting on 28th March 2024 the Council formally resolved to change its governance arrangements by moving to a leader and cabinet executive system on 16 May 2024 at the Annual Council meeting.

1.2 This report outlines the feedback from public consultation, summarises key features of the new arrangements and presents the Council's new Constitution for adoption.

2. Recommendations

That full Council

2.1 Approves the new Constitution for Brighton & Hove City Council with effect from 16 May 2024 as set out at Appendix 1;

2.2 Approves the meetings timetable set out at Appendix 2;

2.3 Notes that, following the outcome of consultation regarding public engagement, further work will now commence to develop additional public engagement opportunities;

2.4 Authorises the Chief Executive, following consultation with the Monitoring Officer, to take all steps necessary or incidental to the implementation of the new Constitution;

2.5 Authorises the Monitoring Officer to make minor alterations to correct any typographical, formatting or other presentational errors, including any changes considered necessary to ensure consistency between the new Constitution documents and to take all steps necessary to comply with the requirements for publicity and inspection of the Constitution.

3. Context and background information

3.1 The Council is under a statutory duty to prepare and keep up to date its constitutional arrangements (Section 9P Local Government Act 2000). It is

also a requirement of the Council's Constitution that the Constitution is monitored and kept under review.

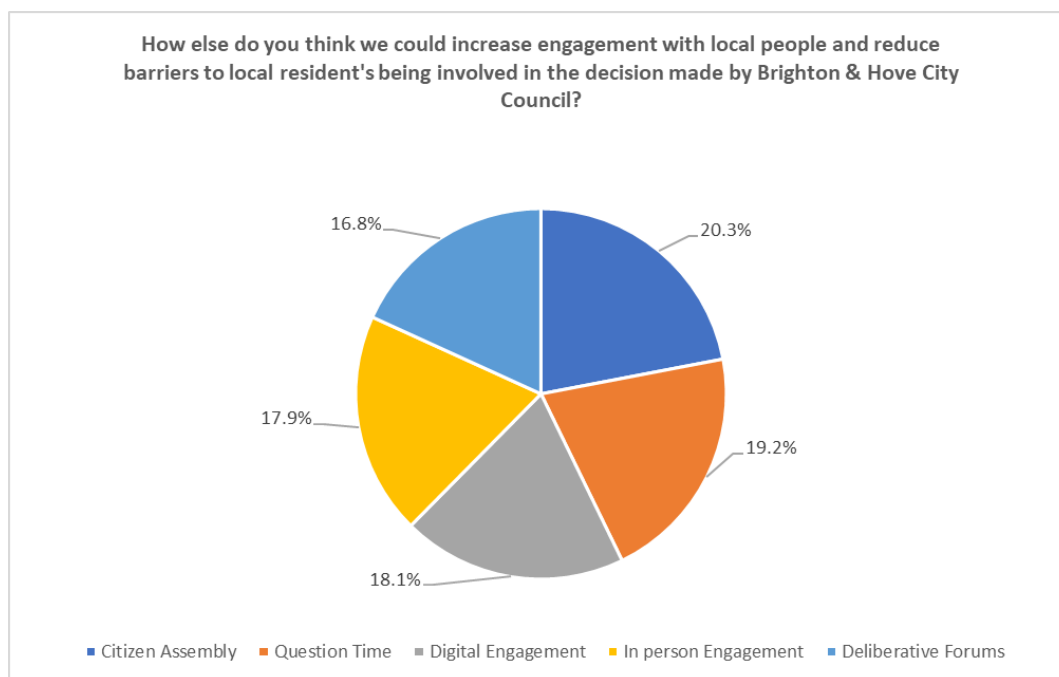
- 3.2 On 28th March 2024, full Council formally resolved to cease operating a committee system and to change its governance arrangements to a leader and cabinet executive system from 16 May 2024. Full Council approved the publication of the required statutory notice and Summary of Proposals and resolved to receive the new Constitution for adoption on 16 May at its Annual General Meeting, with a view to the new arrangements coming into force with immediate effect.
- 3.3 The rationale for the change and a summary of the proposed new arrangements were debated at [Strategy, Finance & City Regeneration Committee on 14 March](#) and at full Council on 28 March.
- 3.4 This report presents the new Constitution to full Council for adoption, highlighting the outcome of consultation on public engagement arrangements and key features of the new system.

4. Public Engagement

- 4.1 In accordance with the full Council decision of 28 March, a public consultation was undertaken from 18 March to 19th April 2024 inviting residents to give their views about ways they could play a bigger part in the work of the Council. The consultation questions included asking about the best ways to include local people in the Council's formal decision making process as well as how else the Council could increase engagement with local people and reduce barriers to participation.
- 4.2 167 people responded to the consultation. A number of respondents raised concerns about a potential reduction in opportunities for resident participation under the new governance system, with several mentioning the importance of deputations at council meetings. There was a call from a notable number of respondents to maintain current engagement opportunities at Council meetings which allow direct public involvement in the decision making process through public questions, petitions and deputations.
- 4.3 In response to the question regarding how the Council could increase engagement and reduce barriers to participation, there was a call for multiple methods of engagement, including in-person meetings, online platforms and traditional mailings to ensure everyone can participate. Suggestions included using Zoom for remote participation, engaging with schools and youth councils and making events accessible to parents by allowing children to attend.
- 4.4 There was equal support for each of the different proposed new engagement options of Citizens Assemblies, Question Time, Digital Engagement, In Person Engagement and Deliberative Forums, as illustrated in Table 1 below. Respondents wanted the Council to consider the needs of people with disabilities more thoroughly, involve community representatives

in the design process and ensure that local voluntary organisations with expertise are represented. Many respondents felt excluded due to a 'digital first' approach, suggesting a reliance on digital platforms and social media can be exclusive and that the Council's website is often not user friendly.

Table 1: Consultation responses



Response to Consultation and Next Steps

- 4.5 In response to the consultation, the following arrangements for Public & Member Engagement in formal decision making meetings are proposed in the new Constitution.

Public Engagement at full Council, Cabinet and Committees

- 4.6 The new Constitution incorporates all of the current opportunities for engagement by members of the public at full Council meetings and Committee meetings and extends these opportunities to Cabinet meetings and Overview & Scrutiny Committee meetings. This includes public questions, deputations and petitions. These are set out in the Council Procedure Rules, Committee Procedure Rules and Executive Procedure Rules as well as in the Council's Petitions Scheme (in relation to Petitions).
- 4.7 There is therefore the opportunity for continued public engagement, with the full range of current engagement options being retained and extended to Cabinet and Overview & Scrutiny Committee meetings. The Council's website will be updated to ensure clear guidance is provided and the Council's Democratic Services Team will also be on hand to speak to residents to explain their engagement options.
- 4.8 The Council will publish and maintain a Forward Plan of all decisions to be taken by Cabinet as well as publishing the Overview & Scrutiny Annual Work

Programme once this is agreed. The Forward Plan will give at least 28 days' notice of decisions to be taken at Cabinet. The publication of a Forward Plan is a significant new step in improving transparency of decision making by the Council. The Chair will manage the timing of public engagement items at the monthly Cabinet meetings, with an expectation of 30 minutes for public questions, 15 minutes for deputations and 15 minutes for petitions.

- 4.9 The Constitution sets out that all Key Decisions will be taken at meetings of full Cabinet (unless there are grounds for urgency). This will ensure maximum transparency and will further clarify and simplify access and engagement opportunities for the public.
- 4.10 The above arrangements respond to the consultation feedback and ensure that current engagement opportunities are retained.

Member Engagement at full Council, Cabinet and Committees

- 4.11 Elected Members will continue to have the same opportunities for questions and debate at full Council and Committees as under the committee system, including opportunities for oral and written questions to full Council, Notices of Motion to full Council and submitting questions and member letters to Committees, including Overview & Scrutiny Committees. In addition, the following arrangements are included for member questions and member representations at Cabinet meetings:-

Member Questions at Cabinet

- 4.12 Any Member will be able to attend and ask a question at Cabinet meetings relating to an item on the Forward Plan for that meeting and subject to notification of the question in advance. The Chair will manage the timings for the engagement elements of the meeting, with a 15 minute slot being set aside for member questions.

Member Representations at Cabinet

- 4.13 In addition, Opposition Group Leaders, or their Deputies, may make representations on any item which is listed on the agenda for a Cabinet meeting, subject to notifying Democratic Services of their wish to make a representation and the item number to which the representation relates. The available time for representations will be 15 minutes and will be divided to enable a total of 5 representations by Opposition Group Leaders (of 3 minutes each).

Additional Engagement Opportunities

- 4.14 With regards to the proposals to enhance engagement through increasing the range and methods of engagement, for example by introducing Citizens Assemblies, Questions Times and/or Deliberative Forums, the consultation has highlighted the importance of multiple methods of engagement from digital engagement to in-person co-production which:

- Recognises the diverse needs and preferences of community members, offering flexibility and accessibility across different communication channels;
- Enhances inclusivity and representation by accommodating varying levels of digital literacy and technological access;
- Can be embedded in future engagement efforts to expand reach and diversity.

4.15 The Council's Policy, Partnerships and Scrutiny Team will now review residents' ideas for engagement with member feedback to create and deliver additional engagement opportunities for residents.

5. Structure of the New Constitution and Key Features

General

5.1 The matters that must be included in local authority constitutions are prescribed by the Local Government Act 2000 Section 9P and the draft Constitution is based on the 'Modular Constitution for English Local Authorities'. This provides a template for the structure of the document followed by almost all English Councils. The Constitution is set out in full at Appendix 1.

5.2 The Constitution is divided into parts to make sure that, as far as possible, related matters are grouped together. These are:

Part 1: Summary and Articles

A summary and overview.

Part 2: Allocation of Responsibilities

Sets out the responsibilities of full Council, Committees, the Cabinet and Officers.

Part 3: Rules of Procedure

The procedures for Council, Committees and Cabinet meetings.

Part 4: Regulations, Codes and Protocol

Such as financial, procurement and Codes of Conduct.

5.3 The key elements of the new Constitution are highlighted below. A review has been undertaken to revise all parts of the Constitution to make them 'Executive fit', that is to reflect the move to a Cabinet System and to remove references to Policy Committees. The Scheme of Delegations to Officers in Part 2F and the Regulations, Codes and Protocols in Part 4 are otherwise unchanged.

Budget and Policy Framework Procedure Rules

- 5.4 The Budget and Policy Framework Procedure Rules in Part 3D of the Constitution govern the process for the development and final approval of the council budget and the policy framework. The policy framework is a set of the most important plans and strategies the Council has. They are required to be approved by full council. A full list of these plans and strategies is set out in Part 2A of the Constitution.

The Cabinet

- 5.5 The Allocation of Responsibilities to Cabinet set out in Part 2E of the Constitution outlines the position regarding the executive and is largely derived from legislation. These provisions vest all executive powers in the Leader, who may delegate them to individual Cabinet Members, a Committee of the Cabinet or to Officers. Part 2E lists the functions of the Leader and the individual Cabinet Portfolio holders.
- 5.6 Under the Local Government Act 2000 (Section 9E) the arrangements for determining responsibility for executive functions are for the Leader, not the Council, to decide. The arrangements set out in Part 2E are therefore subject to the approval of the Leader, who may approve them as they are, modify them or replace them by a new scheme of delegations at any time.
- 5.7 The Executive Procedure Rules are set out in Part 3B of the Constitution. These Rules state that all Cabinet meetings will be held in public unless discussing confidential or exempt items and state that all Key Decisions will be made by Cabinet collectively. Key Decisions are defined as:-
- (a) an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
 - (b) an executive decision which is likely to be significant in terms of its effects on communities living or working in an area of two or more wards.
- 5.8 A decision is significant for the purposes of para (a) above if it involves expenditure or the making of savings of an amount in excess of £1m. Guidance in relation to para (b) is included as an Appendix to the Allocation of Responsibilities document at Part 2E.

Overview and Scrutiny

- 5.9 Three Overview & Scrutiny Committees are established:
- Health Overview & Scrutiny Committee;
 - People Overview & Scrutiny Committee;
 - Place Overview & Scrutiny Committee.

- 5.10 The Terms of Reference and Membership for these Committees are included in Part 2B of the Constitution and the Procedures for these meetings are included in Part 3C. In addition to elected members, a number of co-optees are invited as members of each of these Committees.
- 5.11 It is envisaged that Overview & Scrutiny Committees will be involved in policy development by being consulted at an early stage on major policies, especially those forming part of the policy framework. In addition, the Committees will be able to carry out in-depth reviews by setting up task & finish panels.
- 5.12 The Committees will also scrutinise the delivery of Council services, and other relevant services in the City, and may call-in Key Decisions which have been made by the Executive but not yet implemented. Call-in will be subject to a threshold of 6 councillors across two Groups or one Group and Independent Members. This threshold takes into account guidance from the Centre for Governance and Public Scrutiny regarding the need for call-in to be used rarely. The Guidance states:

'...call-in must be subject to some form of restriction – in keeping with the fact that it should be seen as a long-stop, used rarely. In order for this principle to be upheld, call-in arrangements must, practically, place hurdles which have to be overcome for a call-in to be considered "valid". We should stress that putting such hurdles in place is not only legal, it is also a specific component of the legislation and formal guidance on this subject. Not to do so risks call-in being in-effective'. CfGPS The use of call-in; guidance for English authorities, April 2023.

Regulatory Committees, Other Committees and Boards

- 5.13 The arrangements for Planning Committee and Licensing Committees are unchanged in the new arrangements. The Health and Wellbeing Board has updated terms of reference to reflect the removal of the executive Council functions relating to Adult Social Care and Health, as well as updated membership.
- 5.14 The Audit, Standards & General Purposes Committee has the existing Audit and Standards functions with the addition of non executive functions that are not specifically delegated to another Committee or Sub Committee of the Council, such as the adoption of HR policies and determination of rights of way issues.
- 5.15 The Terms of Reference for the Sussex Health Care Assembly are also updated to reflect changes in membership and the appointment of an independent chair.

Meetings Timetable

- 5.16 A copy of the proposed updated meetings timetable is attached at Appendix 2 for approval.

Member Training and Development Opportunities

- 5.17 Training is being arranged for Members and Officers in support of the implementation of the new arrangements.

Next Steps

- 5.18 The first Cabinet Meeting will take place on 27 June and the Forward Plan indicating the items to be considered at that meeting will be published on 28th May 2024. Other Committee and Council meetings will take place in accordance with the Meetings Timetable at Appendix 2, with all agendas published on the Council's website in the usual way.
- 5.19 It is proposed to continue to keep the operation of the new Constitution under review to ensure that it is working as intended and to identify any changes that may be required. It is also proposed to review the Council's Contracts Procedures by December 2024 to consider the adoption of a published Procurement Forward Plan, which would enable greater oversight and transparency of Council commissioning.

6. Analysis and consideration of alternative options

- 6.1 The Council resolved to change its governance arrangements on 28 March and therefore this report is implementing that decision by bringing forward a new Constitution for a Leader and Cabinet executive.

7. Community engagement and consultation

- 7.1 The consultation outcome on public engagement is set out in Part 3 of this report.

8. Conclusion

- 8.1 Council recommended to approve the new Constitution for adoption with immediate effect.

9. Financial implications

- 9.1 The new constitution has financial implications across Democratic Services support, Policy, Partnerships & Scrutiny (PPS) support and Members allowances. For Democratic Services and PPS support, the teams are being restructured to support the new arrangements, including overview and scrutiny, and this is expected to be cost neutral on an ongoing basis. However there is a need for additional staffing resources during 2024/25 to facilitate a smooth transition to the new system and this is estimated to cost £0.080m which will be met from holding certain roles vacant within the Corporate Services Directorate and therefore there will be no financial impact overall.
- 9.2 Members allowances have been reviewed by the Independent Remuneration Panel (IRP) and their recommendations are included

elsewhere on this agenda.. Any changes adopted by full Council following the recommendations made by the IRP will be reflected in budget monitoring reports during 2024/25.

Name of finance officer consulted: James Hengeveld Date consulted :07/05/24

10. Legal implications

- 10.1 The new Constitution complies with the requirements of the Local Government Act 2000 (as amended) and relevant secondary legislation and guidance.

Name of lawyer consulted: Elizabeth Culbert Date consulted 010524

11. Equalities implications

- 11.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act and must advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not.

- 11.2 It is not anticipated that there will be negative impacts to people sharing protected characteristics as a result of the proposals set out in this report. Meetings held in public will continue to ensure accessibility arrangements are in place. Feedback from the consultation on public participation arrangements has been assessed for equality impacts and the proposals have been adapted to ensure that all existing routes for engagement are maintained. Further engagement opportunities will be developed as set out at paragraph 4.14-4.15 which will seek to enhance public participation through the use of multiple channels of engagement. A wide range of co-optees are proposed for our Overview & Scrutiny Committees to ensure that communities and the voices of those with lived experience are heard.

12. Sustainability implications

- 12.1 There are no adverse sustainability implications arising from the proposals. The overall number of committee meetings will be reduced under these proposals, which will impact positively on travel and printing requirements for members, officers and members of the public.

Supporting Documentation

Appendices

1. Appendix 1: Constitution of Brighton & Hove City Council

Introduction and summary

Part 1 - Articles

- Article 1- The constitution
- Article 2 - Members and the Council
- Article 3 - Citizens and the Council
- Article 4 - the Mayor
- Article 5 - Full Council
- Article 6 - Decision-making
- Article 7 - The Executive
- Article 8 - Officers

Part 2 - Allocation of Responsibilities

- 2 A - Terms of reference of Council
- 2 B - Terms of reference of Committees and sub-committees, including HWB
- 2 C - Overview and Scrutiny Committees Terms of reference
- 2 D - Joint Arrangements
- 2 E - Allocation of Responsibilities to Leader and Cabinet
- 2 F - Scheme of Delegation to Officers
- 2 G - Functions not to be the responsibility of the Executive

Part 3 - Rules of Procedure

- 3 A - Council procedure rules
- 3 B - Executive Procedure Rules
- 3 B1 - Appendix to Executive Procedure Rules
- 3 C - Committee procedure rules
- 3 C 1 - Overview and Scrutiny Procedure Rules
- 3 D - Budget and Policy Procedure rules
- 3 E - Access to Information Procedure Rules
- 3 F - Petitions Scheme

Part 4 - Regulations, Code, Protocols

- 4 A Financial Regulations
- 4 A1 Financial Standing Orders
- 4 B Contract Procedure rules
- 4 C Officer Employment Procedure Rules
- 4 D Code of Conduct for Members
- 4 D1 Arrangements regarding the Register of Members' Interests
- 4 D2 Practice Note - Use of Council Facilities
- 4 D3 Guidance to Members and Officers on appointments to outside bodies
- 4 E- Members' Planning Code and 4 E1 Public Question at Planning
- 4 F Code of conduct for Member-Officer relations
- 4 G Code or Corporate Governance
- 4 H Scheme for Members (to follow once Scheme approved)
- 4 I Code of recommended practice on local authority publicity
- 4 J Code of conduct for Officers

2. Appendix 2 - Meetings Timetable

PART 2 E ALLOCATION OF RESPONSIBILITY FOR FUNCTIONS: CABINET

| NAME | ROLE | WARD |
|----------------------|--|------------------------------|
| Cllr Bella Sankey | Leader | Wish |
| Cllr Jacob Taylor | Cabinet Member – Finance and City Regeneration Deputy Leader (job share) | Moulsecomb and Bevendean |
| Cllr Gill Williams | Cabinet Member – Housing and New Homes Deputy Leader (job share) | Whitehawk and Marina |
| Cllr Emma Daniel | Cabinet Member – Children, Families, Youth Services and for Ending Violent against Women and Girls | Central Hove |
| Cllr Tristram Burden | Cabinet Member – Adult Social Care, Public Health and Service Transformation | Queens Park |
| Cllr Tim Rowkins | Cabinet Lead – Net Zero & Environmental Services | Hanover and Elm Grove |
| Cllr Trevor Muten | Cabinet Member – Transport, Parking and Public Realm | Goldsmid |
| Cllr Birgit Miller | Cabinet Member – Culture, Heritage and Tourism | Goldsmid |
| Cllr Leslie Pumm | Cabinet Member – Communities, Equalities and Human Rights | Westbourne and Poets' Corner |
| Cllr Alan Robins | Cabinet Member – Sports & Recreation | South Portslade |

Cabinet Advisors appointed for 2024 - 2025

- Cllr Ty Goddard – Regional Partnerships and Economic Growth
- Cllr Mitchie Alexander – Community Engagement, Food Insecurity and Allotments
- Cllr Paul Nann – Homeless Hub
- Cllr Joy Robinson – Contract Management and Procurement

PART 2 E ALLOCATION OF 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 9E 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, an area committee or officers. Any such delegation is without prejudice to the Leader's ability to exercise these powers].

Specific Functions

- (a) To determine the appointment and dismissal of Cabinet Members, their portfolios and the scheme of delegations for executive functions.
- (b) 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.
- (c) To chair Cabinet meetings and major partnerships as necessary and ensure the efficient dispatch of business consistent with the Council's policies and strategies.
- (d) To be the lead spokesperson for the Council and deal with external relations with partners and other stakeholders.
- (e) To represent the Council in national and regional negotiations and consultations.
- (f) To lead on consultation and other liaison with local communities.
- (g) To lead on HR & organisational development.
- (h) To lead and co-ordinate the Council's work on key cross-cutting policy areas such as equalities, sustainability and communications.
- (i) To deal with any executive function not specifically delegated to another member of the Cabinet.

B. DEPUTY LEADER

- 1.1 The Deputy Leader of the Council shall have the responsibilities and term of office set out in the Local Government Act 2000 Section 9GB and Schedule A1 and shall have overall responsibility for:
- Undertaking the responsibilities and delegated powers of the Leader of the Council, to the extent permitted by the Constitution, in the absence of the Leader.
 - The chairing of meetings of the Executive in the absence of the Leader of the Council.
- 1.2 The role may be undertaken on a job share basis by two members of the Cabinet.

C: THE CABINET

- 1.1 The Cabinet will take Key Decisions collectively.
- 1.2 Key Decisions are defined as:
- (a) an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
 - (b) an executive decision which is likely to be significant in terms of its effects on communities living or working in an area of two or more wards;
- 1.3 A decision is significant for the purposes of para 1.2(a) above if it involves expenditure or the making of savings of an amount in excess of £1m.
- 1.4 Guidance in relation to para 1.2(b) is included as an Appendix to this Allocation of Responsibilities document.
- 1.5 The following functions shall be discharged by the Cabinet:
- (a) the formulation of the Council's overall policy objectives and priorities, recommending them to the Council for approval where appropriate and their coordination and implementation with particular reference to the functions of the relevant directorates and departments.
 - (b) the development, formulation and submission to Full Council of the Council's revenue and capital budgets, including the Housing Revenue Account, ensuring effective financial control and the achievement of value for money, within the provisions

of Financial Standing Orders and recommending the budget to Council where appropriate.

- (c) the determination of the authority's strategies and programmes in relation to the policy and budget framework set by the Council.
- (d) Any matter which the Cabinet, having regard to the forward plan, decides should be dealt with by the Cabinet.
- (e) Any matter which the Leader decides should be dealt with by the Cabinet.
- (f) Any matter which is delegated to a Cabinet Member, and that Councillor decides to refer to the Cabinet.
- (g) 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.
- (h) Any executive function which is not specifically delegated to a Cabinet Member under this scheme of delegations.
- (i) Approval of the Council's Risk Management Strategy.
- (j) Any matter which, under the Council's Financial Standing Orders, Contract Standing Orders or other Council rules, requires the approval of the Cabinet.
- (k) To affiliate to and appoint representatives to outside bodies and to make the Authority's appointments to school and college governing bodies and other bodies.
- (l) To receive reports from the Corporate Parenting Board in relation to the Council's looked after children.

1.2 When referring or reserving a matter to the Cabinet under subparagraphs (d) (e) (f) or (g) 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.

D: CABINET MEMBER - FINANCE, & CITY REGENERATION

Delegated Functions

To exercise the functions of the Council as follows:

1. 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 advising 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, including Housing Benefit and Council Tax Reduction, the administration, collection and enforcement of Council Tax and Non-Domestic Rates.
- (i) To exercise the Council's functions in relation to school finance and sufficiency in provision of early years and school places.

2. Economic Development & City Regeneration

- (a) 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;
- (b) The Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business;
- (c) Leading on the Council's promotion of economic regeneration, community wealth building, an inclusive economy, and poverty reduction.
- (d) Leading on procurement and the promotion of social value through procurement and the council's supply chain including working with all Cabinet Members to drive value for Council priorities;

- (e) 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;
- (f) To review major projects, having regard to capacity to deliver, corporate priorities and resources, and advise the Leader or the Cabinet as appropriate;
- (g) Ensuring the effective management of the Council's property and community assets (including assets of community value);

3. Property Management

- (a) To manage land held for the purposes of the functions of Cabinet, corporately held property and land declared surplus to requirements by Cabinet or the relevant Director.
- (b) To authorise the acquisition or disposal of any land held by the Council providing that any proposal for the transfer of housing land which requires the consent of the Secretary of State shall be referred to Full Council with recommendations.

4. Neighbourhood Renewal

To discharge the Council's functions in respect of neighbourhood renewal, which include:

- (a) developing and implementing the neighbourhood renewal strategy for Brighton & Hove in order to narrow the gap between the most deprived neighbourhoods and the rest of Brighton & Hove, under the themes set by national Government of housing, health, liveability, crime, education and employment; and
- (b) acting as the accountable body for the Neighbourhood Renewal Fund on behalf of the Local Strategic Partnership.

E. CABINET MEMBER – TRANSPORT, PARKING AND PUBLIC REALM

Delegated Functions

To exercise the functions of the Council as follows:

1. Highways Management

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

2. Traffic Management and Transport

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

3. Parking

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

4. 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.

5. Water Environment and Coast Protection

To exercise the Council's functions as a coast protection authority and to tackle water pollution.

F: CABINET MEMBER – NET ZERO AND ENVIRONMENTAL SERVICES

Delegated Functions

To exercise the functions of the Council as follows:

1. Net Zero

To lead on the Council's ambition to be a carbon Net Zero Council, including working with all Cabinet Members to deliver this

2. Sustainability

To co-ordinate the Council's role and response to cross-cutting sustainability issues such as reducing carbon emissions, , increasing biodiversity, and the conservation and management of habitats and spaces where plants and animals can thrive through the implementation of the City Downland Estate Plan.

3. Waste Management, Refuse and Recycling

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.

4. Environmental Health and Trading Standards

- (a) To exercise the Council's functions in relation to environmental health, air pollution control, public conveniences, food safety, control of nuisances, including noise control and control of dogs;
- (b) 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.

5. Seafont

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

G: CABINET MEMBER – COMMUNITIES, EQUALITIES AND HUMAN RIGHTS

Delegated Functions

To exercise the functions of the Council as follows:

1. Equalities

To discharge the Council's functions regarding equalities, inclusion and Human Rights.

2. Community safety

To discharge the Council's functions regarding community safety, crime and disorder and associated matters in particular where these require member-level engagement and consultation with the community.

3. Community and voluntary sector

To develop, oversee and make decisions regarding the implementation of the Council's Communities and Third Sector policies, investment in and support to the community and voluntary sector.

4. Prevent duty

- a) Carrying out its functions with due regard to the statutory Prevent duty imposed by the Counter-Terrorism and Security Act 2015, which requires the Council to have due regard to the need to prevent people being drawn into terrorism.
- b) Monitoring risk and otherwise co-ordinating Prevent activity across the Council's functions through the Prevent Board.

5. Active Citizenship and Community Resilience

- a) To develop, oversee and make decisions regarding proposals to increase active citizenship.
- b) To develop, oversee and make decisions regarding proposals to improve community resilience.

6. Refugee and Migrant Integration

To oversee plans and programmes of support for resettling refugees and asylum seekers, bringing communities together and ensuring people are welcome, including City of Sanctuary commitments.

7. Modern Slavery

To approve the Council's Modern Slavery Statement

8. Libraries Service

To oversee the Council's Libraries and information service and recommending the Libraries Plan to full Council for approval.

9. Community Engagement

- (a) To co-ordinate and lead on the Council's functions in connection with community engagement and voluntary organisations;
- (b) To ensure an effective working relationship with voluntary, community, and faith sector organisations;
- (c) To work with community groups, and statutory agencies to both maintain and improve community resilience.
- (d) Ensuring residents and stakeholders are being appropriately involved and consulted on the Council's decisions, plans and activities.

10. Community-led events

To oversee plans and programmes for community led events, such as Pride.

11. Night Time Economy

To lead on matters relating to the support of the City's night time economy

12. Communications and Consultation

To oversee the delivery of effective communications and consultation arrangements.

H: CABINET MEMBER - HOUSING AND NEW HOMES

Delegated Functions

To discharge the Council's functions as a local housing authority and to discharge the specific functions set out in the following paragraphs.

1. Strategic and Private Sector Housing

To discharge the Council's functions in relation to:

- (a) The Council's housing strategy;
- (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.

2. Street homelessness

To coordinate the Council's policies and actions with a view to reducing and eliminating street homelessness and to ensure that appropriate action is taken.

3. Housing Related Support Services

To exercise the Council's functions for the commissioning of housing related support services.

4. 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.

5. Authorised and unauthorised sites and encampments

To exercise the Council's functions in relation to the management of authorised and unauthorised sites and encampments, including all activities necessary or incidental to the Council's performance of its responsibilities in relation to the following:

- (a) Gypsies, Roma and Travellers;
- (b) Van dwellers.

6. Building Control

To exercise the Council's functions regarding building control.

I: CABINET MEMBER – CHILDREN, FAMILIES & YOUTH SERVICES AND FOR ENDING VIOLENCE AGAINST WOMEN AND GIRLS

Delegated Functions

To be the Lead Member for Children's Services in accordance with Section 19(2) of the Children Act 2004.

1. To exercise the functions of the Council:
 - (a) as a Local Education Authority under any enactment relating to education, youth services and the employment of children;
 - (b) in relation to educational charities;
 - (c) in partnership arrangements with other bodies connected with the delivery of education;
 - (d) in relation to social services for children and young people;
 - (e) in partnership arrangements with other bodies connected with the delivery of services for children, young people and families;
 - (f) regarding families in connection with the functions set out above or where there are no other arrangements made under this scheme of delegation;
 - (g) under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004 ("the section 75 Agreements");
 - (h) in relation to children's public health;
 - (i) in relation to oversight and strategic direction on the work to end Violence Against Women and Girls (VAWG), Domestic Abuse and supporting survivors;
 - (j) in relation to Home to School transport.

2. Corporate Parenting

- (a) To discharge the Council's functions as Corporate Parent for its children in care and those who are care experienced, in conjunction with relevant Council Partnership Boards and other agencies.

3. Learning Disabilities

- (a) To discharge the Council's functions regarding children's learning disabilities.

**J: CABINET MEMBER - ADULT SOCIAL CARE, PUBLIC HEALTH
AND SERVICE TRANSFORMATION**

Delegated Functions

To be the Lead Member for Adult Services as set out in the Best Practice Guidance.

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

- (a) 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.
- (b) To support partnership development in relation to social care and integrated care and joint commissioning of services.

3. Adult Learning and Employment

- (a) To discharge the Council's functions for the provision of adult education; and
- (b) To discharge the Council's functions regarding the employment of physically disabled persons.

4. Adult Learning Disabilities

To discharge the Council's functions regarding Adult Learning Disability.

5. Public Health

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

- (a) Supporting the development of policies to tackle health inequalities;
- (b) Leading on the Council's response to major public health incidents;
- (c) Leading on the promotion of good mental health and wellbeing across the City.

6. Bereavement and Coroner's Services

To exercise the Council's functions in relation to bereavement services and the Coroner's service.

7. Corporate Services

To support the delivery of the following Corporate Services with a focus on service transformation:-

- Customer Services
- Corporate Performance
- IT & Digital
- Legal & Democratic Services
- Electoral and ceremonial matters where these are executive functions
- Local Land Charges
- City Records & Archives

K: CABINET MEMBER – CULTURE, HERITAGE & TOURISM

Delegated Functions

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

1. Culture, Arts and Heritage

- (a) 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.
- (b) The provision of leisure activities undertaken on the seafront including the esplanade, beach and foreshore

2. Tourism & Marketing

Tourism, marketing and conferences.

3. Museums

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

4. Events

Commercial events, including the annual programme of entertainment events.

5. Conservation & Design

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

6. 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.

L: CABINET MEMBER – SPORTS & RECREATION

1. Leisure, Sports and Recreation

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

2. 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;
- (c) provision, management and control of allotments and smallholdings.

M: CABINET ADVISORS

The Leader may appoint up to four Cabinet Advisors each municipal year for a term of 12 months and will decide, following consultation with Cabinet, the policy area in which the Cabinet Advisor will focus their recommendation-making. Cabinet Advisors will not sit as part of the Executive. The Leader has the right to remove any Cabinet Advisor from this position at any time.

PART 2 E

APPENDIX TO ALLOCATION OF RESPONSIBILITIES: CABINET

GUIDANCE ON KEY DECISIONS

- **Definitions of key decisions**

There are two types of key decision:

1. **Those which are above a general financial threshold**

Key decisions are those which result in the authority incurring expenditure or savings of £1,000,000 or more.

Examples include:

- disposal of any council property with a value of £1,000,000 or more
- taking by the council of any interest in land with a value of £1,000,000 or more
- the granting of any interest in land worth £1,000,000 or more
- applications for funding from any external body which if successful would require match funding of £1,000,000 or more, or require revenue commitment of £1,000,000 or more
- the award of a contract worth £1,000,000 or more.

2. **Those which have a significant impact on communities living or working in an area comprising two or more wards in the City**

Key decisions are those which are likely to be significant in terms of their impact on communities in two or more wards.

In considering whether a decision is likely to be significant, a decision maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

To assist in this judgment, the following factors should be taken into account:

- the extent of the impact (i.e. how many people and wards will be affected)
- the likely views of those affected (i.e. is the decision likely to result in substantial public interest)
- whether the decision is likely to be a matter of political sensitivity
- where the decision may incur a significant social, economic or environmental risk
- where there is evidence of significant local opposition to any proposals

Examples include:

- closure or significant changes to the provision of any council service, school or education facility

Contents

| | |
|--|-----------|
| Part 1 Introduction | 2 |
| Rule 1: General Provisions | 2 |
| Part 2: Meetings of the Council | 2 |
| Rule 2: Annual Meeting | 3 |
| Rule 3: Ordinary Meetings of the Council | 5 |
| Rule 4: Extraordinary Meetings of the Council | 5 |
| Rule 5: Person Presiding at Meetings of the Council | 6 |
| Rule 6: Quorum of Meetings of the Council | 6 |
| Rule 7: Order of Business at Meetings of the Council | 7 |
| Rule 7A inclusion of proceedings of Committees and Sub Committees | 9 |
| Part 3: Notices of Motion, Questions, Petitions and Deputations | 10 |
| Rule 8: Notices of Motion & Member Questions | 10 |
| Rule 9: Petitions | 13 |
| Rule 10: Deputations | 16 |
| Part 4: Conduct of Meetings | 18 |
| Rule 11: Minutes | 18 |
| Rule 12: Motions and Amendments | 18 |
| Rule 13: Written Reports | 20 |
| Rule 14: Rules of Debate | 21 |
| Rule 15: Termination of Meeting | 24 |
| Part 5: Miscellaneous | 25 |
| Rule 16: Prevention of Disorderly Conduct | 25 |
| Rule 17: Exclusion of Public and Press | 26 |
| Rule 18: Voting | 26 |
| General | 26 |
| Rule 19: Filming, Photographing, Audio Recording at Council meetings | 27 |
| Rule 20: Definitions | 28 |

PART 3A PROCEDURE RULES FOR MEETINGS OF FULL COUNCIL

Part 1 Introduction

Rule 1: General Provisions

Application

- 1.1 These Procedure Rules apply to meetings of the Council only. Where there is any inconsistency between these rules and the Budget and Policy Framework Procedure Rules or the Overview & Scrutiny Procedure Rules, the latter shall prevail. In the application of these rules, informality may be exercised at the discretion of the Mayor/ person presiding.

Amendment of Rules

- 1.2 These Procedure Rules may only be varied, revoked or added to by resolution of the Council. Any motion to do so shall be referred to a future meeting of the Council for consideration and report.

Interpretation

- 1.3 The ruling of the Mayor or person presiding at the meeting as to the construction or application of any of these Procedure Rules shall not be challenged at any meeting.
- 1.4 The Definition section below shall apply for the purpose of interpreting expressions used in these Procedure Rules. The headings and sub-headings are not part of the Procedure Rules.

Service of Notices and Other Documents

- 1.5 Any notice, requisition, or other document which under these Procedure Rules is required to be given or delivered to the Chief Executive or to their office may be sent by letter or e-mail, but shall not have been properly given or delivered until it has been received by the Chief Executive at Hove Town Hall, Norton Road, Hove.

Suspension of Rules

- 1.6 The Procedure Rules listed above as Part 1 may only be suspended by the Council provided that notice of the intention to move suspension has been included in the agenda for the meeting or at least one half of the number of Members of the Council are present. Suspension can only be for the duration of the meeting and these Rules are not otherwise capable of being suspended.

Part 2: Meetings of the Council

Note: Annual Meetings of the Council take place once a year as required by law. The Council also has Ordinary Meetings (meetings on days scheduled in advance), while Extraordinary Meetings (unscheduled meetings to deal with matters that cannot wait until the scheduled Council meeting) may also be called.

Rule 2: Annual Meeting

Appointment of Leader after Whole Council Elections

- 2.1 In a year when there is an ordinary election of Councillors, the Council shall appoint a Leader at its Annual Meeting. The Annual Meeting will take place within twenty one days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place during March, April or May. In accordance with custom and practice, the Annual Meeting shall take place on a Thursday in May wherever reasonably practicable.
- 2.2 At the Annual Meeting, the Leader shall present to the Council a List of Executive members ('the List') for insertion in the Allocation of Responsibility for Functions: Cabinet published as Part 2E of the Council's Constitution. The List shall include information regarding the following:
- The Leader's appointment of at least two and no more than nine Members as members of the Executive and the portfolio holder responsibilities and other delegations assigned to those appointees.
 - The Leader's appointment of at least one and no more than two Deputy Leaders from the members of the Executive
- 2.3 The Leader shall hold office as Leader until one of the following circumstances applies:
- (a) The Council holds its first meeting after the next whole Council elections following their election as Leader; or
 - (b) They resign from office; or
 - (c) They are disqualified from office by resolution of the Council; or
 - (d) They otherwise cease to be a Councillor.
- 2.4 If the circumstance in 2.3(a) applies, then the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, that appointment shall be made at the first meeting of the Council held after the circumstances arise.
- 2.5 Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:
- (a) In the case of the Deputy Leader, the end of the term of office of the Leader;
 - (b) The Leader makes changes to the members of the Executive or to their responsibilities*.
 - (c) They are removed from office by the Leader;
 - (d) They resign from office
 - (e) They are disqualified from being councillors;
 - (f) They otherwise cease to be councillors.

*Note: in any such case the Leader may make relevant changes with immediate effect, thereafter presenting the changes to the Council meeting for

noting. Once the changes have been noted then the Constitution shall be updated accordingly.

- 2.6 Between a whole Council Election and the day of the next Annual Meeting then if the Leader has not been re-elected as a Councillor or, if re-elected, the political party of which they are member does not have the majority on the Council, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all Group Leaders.

Other Business at the Annual Meeting of the Council

- 2.7 In addition to the appointment of Leader which shall take place at the Annual Meeting in a year in which there is an ordinary election of Councillors, the Annual Meeting will:

- (a) Elect a person to preside at the Annual Meeting if the Mayor is not present;
- (b) Elect the Mayor's appointment of the Deputy Mayor ;
- (c) Receive the results of the Local Government Elections (in an election year);
- (d) Receive notification from the Leader of the Council of the name(s) of the Member(s) appointed as their Deputy Leader (in an election year)
- (e) Receive notification from the Leader of the Council of the number of Members they are appointing to the Executive, their names and their portfolios, which information shall be presented prior to its publication in a Table inserted in the Allocation of Responsibilities ;
- (f) Approve the minutes of the last meeting;
- (g) Receive any announcement from the Mayor;
- (h) Receive the Leader and portfolio holders' announcements;
- (i) Receive any declarations of interests from Members;
- (j) Receive any apologies for absence
- (k) Establish Overview and Scrutiny Committees as well as such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions
- (l) Appoint the Chair, Vice chair, members of committee making other appointments to committees and boards and approving or report their respective Terms of Reference.
- (m) Appoint and nominate representatives of outside bodies unless the appointment has been delegated by Council
- (n) Receive reports from other committees and officers as required
- (o) Approve a programme of ordinary meetings of the Council for the year; and
- (p) Consider any other business set out in the notice convening the meeting.

- 2.8 The Council may at any time amend resolutions previously made under Procedure Rule 2.7

Selection of Councillors on Committees

- 2.9 At the Annual Meeting, the Council will:
- (a) Decide which Committees to establish for the Municipal Year;

- (b) Decide the size and terms of reference of those Committees and Sub-committees;
- (c) Decide the allocation of seats (and substitutes) to political groups in accordance with the wishes of the Group leaders
- (d) Receive nominations and appoint Councillors to serve on each Committee and sub-committee
- (e) Appoint a Chair and Vice Chair for each Committee as may be appropriate for the Municipal Year;
- (f) Appoint independent members and co-optees to Committees as appropriate
- (g) Make appointments to any joint Committees formed with other authorities and to outside bodies.

Rule 3: Ordinary Meetings of the Council

Meeting Days

- 3.1 Ordinary meetings of the Council will take place in accordance with a programme decided by annual Council.

Time and Place

- 3.2 The time and place of the meeting will be determined by the Chief Executive. The Chief Executive will give notice to the public and to Members of the Council of the time and place of any meeting in accordance with the Access to Information Procedure Rules. Except in cases of urgency, at least ten clear working days before a meeting, the Chief Executive will sign and send a summons to every Member of the Council by post or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- 3.3 Meetings of the Council shall take place at the time and place stated on the summons. Following consultation with the Leaders of each of the political groups and subject to compliance with the Access to Information Rules which form of this Constitution, the Mayor shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Council.

Cancellation of Meetings

- 3.4 In exceptional circumstances after consulting the Mayor, the Head of Governance and or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

Rule 4: Extraordinary Meetings of the Council

Extraordinary Meeting called by the Mayor

- 4.1 The Mayor may at any time call an Extraordinary Meeting of the Council and shall do so when such a meeting is required under the Budget and Policy Framework Procedure Rules.

- 4.2 If the Mayor is unable to act for any reason, the Deputy Mayor may at any time call an Extraordinary Meeting of the Council.
- 4.3 If the offices of both Mayor and Deputy Mayor are vacant, or if neither the Mayor nor Deputy Mayor are able to act for any reason, the Leader of the Council or their Deputy may at any time call an Extraordinary Meeting of the Council.

Extraordinary Meeting Requisitioned by Members

- 4.4 An Extraordinary Meeting of the Council may be called by submission of a requisition signed by at least five Members, specifying the business to be transacted. The requisition shall be delivered to the Chief Executive (see Procedure Rule 1.5). The Extraordinary Meeting shall be called within seven days of receipt of the requisition by the Chief Executive to take place as soon as reasonably practicable.

Extraordinary Meeting called by Council or Officers

- 4.5 Extraordinary Meetings of the Council may also be called by the Chief Executive, the Monitoring Officer or by resolution of the Council meeting itself.
- 4.6 No Extraordinary Meeting shall be called unless it is proposed to transact at the meeting business which, in accordance with statute and these Procedure Rules, may be transacted at a meeting of the Council.

Rule 5: Person Presiding at Meetings of the Council

- 5.1 Any power of the Mayor in relation to the conduct of a meeting of the Council may be exercised by the person presiding at the meeting.
- 5.2 If it is necessary to choose a person to preside in the absence of the Mayor and Deputy Mayor the Chief Executive shall invite nominations and shall conduct the discussion in accordance with the powers of the Mayor.

Rule 6: Quorum of Meetings of the Council

Quorum

- 6.1 The quorum for Council meetings shall be fourteen.
- 6.2 If, at the beginning of or during any meeting of the Council, the Mayor declares that there is not a quorum present, the meeting shall stand adjourned for fifteen minutes.
- 6.3 If after fifteen minutes, the Mayor should declare that there is still no quorum present, the meeting shall not take place or shall end, as the case may be. Remaining business shall be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date, the remaining business shall be considered at the next Ordinary Meeting.

Rule 7: Order of Business at Meetings of the Council

Order of Business at Ordinary meetings of the Council

- 7.1 The order of business at every meeting of the Council shall normally be:
- (a) In the absence of the Mayor and Deputy Mayor to choose a Member of the Council to preside;
 - (b) To receive declarations of interest;
 - (c) At the Annual Meeting, or at any other meeting after the office of Mayor has become vacant, to elect a Mayor;
 - (d) At the Annual Meeting, or at any other meeting after the office of Deputy Mayor has become vacant, to elect a Deputy Mayor;
 - (e) To approve as a correct record the minutes of the last meeting of the Council, and of any earlier meeting of which the minutes have not been already approved, and for the person presiding to sign them;
 - (f) To receive communications from the Mayor;
 - (g) To receive announcements from the Leader and/or relevant Portfolio Holder
 - (h) Where the meeting has been requisitioned under Rule 4 above, to consider the business specified;
 - (h) To consider business expressly required by statute to be decided by the Council;
 - (i) To receive Petitions and e-Petitions;
 - (j) To allow the asking and answering of questions from members of the public;
 - (k) To hear deputations from members of the public;
 - (l) To consider Petitions to be debated by the Council;
 - (m) To allow the asking and answering of questions by Members;
 - (n) To consider items of business (if any) remaining from the last meeting;
 - (o) To receive and consider any reports, minutes and recommendations of the Council's regulatory Committees;
 - (p) To consider any reports of the Overview and Scrutiny Committees referred to it for debate;

- (q) To consider notices of motion;
- (r) To consider any other business specified in the summons for the meeting including business for which a motion to exclude the press and public is to be put to the Council.

Order of Business at Extraordinary meetings of the Council

7.2 Business at Extraordinary meetings of the Council shall be restricted to:

- (a) The election of a person to preside if the Mayor is absent;
- (b) Any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;
- (c) Any Petitions relating to items of business on the agenda which the Mayor agrees to hear.

Leader and Portfolio Holders' Announcements

7.3 Announcements by the Leader and Portfolio Holders will be dealt with at ordinary meetings of the Council in the following way:

- (a) A Leader and Portfolio Holders' Announcements item will appear on the Council's order of business paper as a separate item and the Leader and/or Portfolio Holders may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council.
- (b) The Leader and Portfolio Holders' Announcements will last no more than 10 minutes in total.

Variation of Order of Business

7.4 The order of business outlined in Rule 7.1 **Error! Reference source not found.** above may be varied at the discretion of the Mayor or by resolution of the Council.

Urgent Items

7.5 If the Mayor decides that an item of business not included in the agenda for the meeting may be taken for reasons of urgency, such reasons must be specified and noted in the minutes and that item will be taken at the end of other items of business unless otherwise decided in accordance with Procedure Rule 7.4 above.

Withdrawal of items from the Agenda

7.6 After consulting the Group Leaders (or a group member acting on behalf of a political group) the Mayor may remove or withdraw any item of business from the agenda for the meeting. Consultation may take place before or during the meeting and the Mayor may (if they consider it appropriate) adjourn the meeting for the purposes of undertaking the consultation.

Call Over (Reservation of Items for Discussion)

- 7.7 Before the Council receives and considers any reports of Committees, the items which appear on the agenda of the Council meeting shall be called over item by item. A Member of the Council wishing to speak on or vote against any item on the agenda for Council may reserve it for debate immediately the number of the item has been called. After the reports of Committees have been called over, the Mayor shall put to the meeting in one motion the reports of the Committees, with the exception of those items which have been called and reserved and the Council shall vote on the motion without discussion.
- 7.8 After Call Over has taken place and the wishes of the Members indicated, no discussion shall be permitted on any part of the reports which is not a 'reserved item'.

Rule 7A: the inclusion of proceedings of Committees and Sub-Committees on the Council's agenda

- 7.9 Where a Committee so directs, reports of the proceedings of the Committee shall be submitted to Council for reception. The relevant Cabinet portfolio holder or such other member nominated by the portfolio holder shall move the reception of such Committee reports and any recommendations contained therein.
- 7.10 Committees may determine whether items are to be put to Council for information or for decision by Council and the relevant Committee report shall distinguish items for information and those for decision by Council:

Items for information

- (a) Items for information may be included on a Council Agenda where they relate to decisions made by a Committee under delegated powers (i.e. which are not for decision by full Council but for information only). The process for this is indicated in the Council's Committee Procedure Rules, which provide that a Committee may determine that any agenda item is to be included in the report to Council. In addition, each minority Political Group represented on any Committee may specify one further item which shall be so included, by notifying the Chief Executive of the item not later than 12 noon on the eighth working day before the Council meeting to which the report is to be made or, if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting. Items referred for information under this provision are referred to Council for information only – not for further discussion. As such, they are not subject to call over and are not moved for discussion but are included in the agenda for information only.

Items for decision

- (b) Items for decision by Council shall be all those where a recommendation is made on matters falling outside the delegated powers of the Committee or where the Committee decides that the decision is to be made by the Council.

- 7.11 Items referred to full Council by a Committee may be reserved for debate during call-over.

Note on the Continuity of Committees & other bodies and Holders of Offices

- 7.12 Any Committee or other body set up by the Council shall continue to discharge the functions delegated to them until the Council resolves otherwise.

Continuity of Holders of Office

- 7.13 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue to act as such until such time as the appointment is terminated by the Authority.

- 7.14 The order of business set out in Procedure Rule 2 may be varied by the Mayor.

Part 3: Notices of Motion, Questions, Petitions and Deputations

Rule 8: Notices of Motion

Procedural Requirements

- 8.1 Notice of every motion, other than a motion which may be moved without notice, shall be given in writing. All motions shall be signed by not fewer than two Members of the Council and delivered to the Chief Executive (see Procedure Rule 1.5) by not later than 10.00 am on the tenth working day before the relevant Council meeting.

Number of Notices of Motion

- 8.2 The maximum number of notices of motion to be presented at a Council meeting shall be as follows:

- a) The three largest Political Groups:
- One per Group plus also
 - One additional notice of motion per Group jointly with another Group

- b) Any other Group: One

- 8.3 Any Member not belonging to a Political Group may present no more than one notice of motion signed by a second Member, at the discretion of the Mayor.

- 8.4 Where Members of a Political Group submit more than the permitted maximum number of notices of motion, the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from members of a Political Group shall be taken in the order in which they are received, up to the maximum permitted number.

Substantive (not Declaratory) Motions

- 8.5 A notice of motion shall be placed on the agenda for a Council meeting. If the motion includes a proposal for the Council to take any substantive action or incur any expenditure (a ‘substantive motion’), then it shall only be considered if it has been referred to the relevant body and is accompanied by a written report which considers any legal or financial implications.
- 8.6 The Monitoring Officer may issue guidance on the application of Procedure Rule 8.5 above.

Motions Not to be Duplicated

- 8.7 The Mayor may reject a notice of motion on the grounds that it is the same or substantially the same as any other notice of motion which is being or has been put at any meeting of any decision-making body of the Council in the previous six months.

Moving a Motion

- 8.8 A motion of which notice has been given must be formally moved at Council either by a Member who gave the notice or by some other authorised Member (authorised by the Mayor). If no such Member moves the motion it shall be postponed by consent of the Council or treated as withdrawn.

Relevance

- 8.9 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Authority, the area of Brighton & Hove and/or its inhabitants.

Consultation

- 8.10 Where the Council is in the process of consulting with the public on a proposal, no notice of motion expressing support or objecting to the proposals shall be accepted.

Written Questions from Members

- 8.11 If a Member of the Council wishes to ask a written question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) a Cabinet portfolio holder, d) the Chair of any Committee or Sub Committee, or in their absence, the Deputy Chair, or (d) a Member of the Council appointed by the Authority to any external body or joint authority, they shall give notice in writing by submitting their written question to the Chief Executive by no later than 10am on the eighth working day before the meeting at which the question is to be asked.

Length of Questions

- 8.12 All Member Questions (whether written or oral) are subject to a 150 word limit.

List of Questions

- 8.13 A list of the written questions of which notice has been given shall be circulated to Members of the Council at, or before the meeting at which they are to be asked.

Waiver of Notice Requirements

- 8.14 If the Mayor considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Council although due notice of the question has not been given, and if the Mayor is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, they may permit the question to be asked.

Answers

- 8.15 The questions included on the list of questions at Procedure Rule 8.13 above shall be taken as read at the Council meeting. The question will be answered by a written answer made available at the Council meeting, although the person to whom the question has been put may decline to answer it provided that they provide a written reason for such a decision at that time. No supplementary questions shall be permitted on written questions.

Form of Answers

- 8.16 An answer to a question may be given by the person to whom it is addressed or by a person on their behalf, and may take the form of a written answer, which shall be circulated to Members of the Council as soon as reasonably practicable.

Oral Questions from Members

- 8.17 A period of not more than thirty minutes shall be allowed for oral questions from Members, at the expiry of which the meeting shall proceed to the next business.
- 8.18 If a Member of the Council wishes to ask an oral question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, they shall give notice in writing to the Chief Executive of the subject matter of question (see Procedure Rule 1.5) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.
- 8.19 Oral questions shall only be allowed where they focus on matters of general policy only. Questions not focused on general policy, for instance questions of a technical or purely operational nature, will normally be disallowed by the Mayor. The Member to whom such a question is directed may decline to answer or state that a written answer will be provided.

- 8.20 In deciding whether a question is technical or operational in nature, as opposed to a matter of general policy, the Mayor and Members shall have regard to any guidance issued by the Monitoring Officer.
- 8.21 No more than one minute shall be allowed for the asking of each oral question and no more than three minutes shall be allowed for the response. Oral questions shall be taken in the following order:
- Leader of the Official Opposition
 - Leader(s) of any other Opposition Political Group(s), in order of diminishing number of Group members
 - Members of any other Groups in order of diminishing size of the Political Group they belong to
- 8.22 Each Political Group shall submit to the Mayor in advance of the meeting the order in which they wish their questions to be taken. The Mayor shall have regard to, but not be bound by, these submissions.
- 8.23 The Mayor shall allow an Independent Member to ask an oral question.
- 8.24 A Member may ask no more than one oral question at the same Council meeting.
- 8.25 A Member asking an oral question (but no others) may ask one relevant supplementary question which shall be put and answered without discussion.

Relevance of Oral and Written Questions

- 8.26 Any Oral or Written Question asked by a Member under the preceding provisions shall be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or some or all of the inhabitants of that area, and does not relate to any personal or individual matter.

Oral Questions from Members on Reports

- 8.27 Any Member of the Council may ask the Mayor or other Member moving a report an oral question upon an item of the report, at the time provided for Members' questions or when that item is under consideration by the Council. The Member who will be moving, or has moved, that report may, at their discretion, nominate another Member to reply to the question.

Rule 9: Petitions

Presentation and Notice of Petitions

- 9.1 Any Member of the Council or a member of the public may present a Petition which has been submitted in accordance with the Authority's Petition Scheme, which forms Part 3F of the Council's Constitution.
- 9.2 All Petitions that Members or members of the public wish to present for debate at full Council or to another of the Council's decision-making bodies shall be

referred to Democratic Services no less than ten working days in advance of the relevant meeting.

- 9.3 The Mayor shall have the discretion to take a late Petition if it relates to an officer Report which is before the meeting for consideration.
- 9.4 The presentation of any Petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the Petition and indicating the number and description of the signatories.

Petitions under the threshold for Qualifying Petitions

- 9.5 A Petition submitted to the Council in accordance with the Petitions Scheme which has fewer than 1250 signatures shall be received without discussion at a meeting of Cabinet or one of the Council's Committees or Sub Committees, whichever the Mayor considers appropriate. The Member of the Council or member of the public presenting the Petition shall be invited to attend the relevant meeting and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme.

Debate on Qualifying Petitions

- 9.6 A qualifying Petition with 1250 or more signatures will trigger a debate at Council, if the petitioner wishes it.
- 9.7 A Petition which is compliant with Procedure Rule 9.6 above may be debated at the meeting at which it is presented or at a later meeting.
- 9.8 There shall be a guillotine of fifteen minutes on the debate at full Council in relation to each individual Petition, after which time the vote will be put unless the Mayor at their discretion extends the debate.

Action following all Petitions

- 9.9 The Council will decide how to respond to the Petition and may consider:-
- To take the action the Petition requests;
 - Not to take the action the Petition requests for reasons stated in the debate;
 - To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular Committee or body for their views;
 - To refer the Petition to a relevant Committee or Sub-Committee, with recommendations;
 - To note the Petition

Public Questions

Public Question Time

- 9.10 A period of up to 30 minutes shall be made available for Public Questions.

- 9.11 Questions will be published prior to the meeting. Any additional questions received will be not be accepted.
- 9.12 Members of the public submitting questions may send a substitute to ask their question if they are unable to attend the committee meeting. The Head of Democratic Services should be made aware of this prior to the start of the meeting.
- 9.13 Any questions that are not answered at the meeting will be given a written response at the discretion of the Leader.

List of Questions

- 9.14 A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked, with priority being given to questions submitted by members of the public who have not asked a question at a meeting of any decision-making body of the Council in the previous six months.

Procedural Requirements

- 9.15 A public question shall be put at a Council meeting provided that:-
- (a) a copy of the question has been delivered to the office of the Chief Executive (see Procedure Rule 1.5) by not later than 10am eight working days before the meeting at which it is to be put;
 - (b) the name and address of the questioner is indicated on the question;
 - (c) the questioner (or if not available, their nominated substitute) is present at the time when the question is put;
 - (d) the questioner is not presenting a Petition or Deputation on the same, or substantially the same, issue at the same meeting.

Length of Questions

- 9.16 A question shall not exceed 150 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.

Formal Referral of Questions from Full Council

- 9.17 If the Mayor considers that it would be more appropriate to do so, a question received for submission to Council may instead be referred to Cabinet or one of the Council's regulatory Committees for answer.

Waiver of Notice Requirement

- 9.18 If the Mayor considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Council although due notice of the question has not been given, and if the Mayor is satisfied that as much

notice as is possible has been given to the person of whom it is to be asked, they may permit the question to be asked.

Putting Questions

- 9.19 Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. The Leader will determine the relevant Member for a response. All questions shall be notified to the relevant Member and shall be put by being read out loud without additional comment.

Answers

- 9.20 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

Form of Answers

- 9.21 An answer may take the form of:-
- (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question and circulated to the Council.
- 9.22 No questioner may submit more than one question for answer at the same meeting.
- 9.23 Any question properly submitted but not dealt with at the Council meeting for reasons of insufficient time shall be answered in writing to the questioner as soon as reasonably practicable after the meeting.

Rule 10: Deputations

- 10.1 A period of no more than fifteen minutes shall be allowed at each Ordinary Meeting of the Council for the hearing of Deputations from members of the public.

Procedural Requirements

- 10.2 A Deputation shall be heard provided that by no later than 10am on the eighth working day before the relevant Council meeting:
- (a) notice has been given to the Chief Executive in accordance with Procedure Rule 1.5, which complies with paragraphs (b) to (d) below;

- (b) the subject matter and substance of the Deputation is notified in writing in the form of a written summary. A Deputation shall not exceed one side of A4 in length. Accompanying material may be supplied and should comprise no more than 2 sides of A4 paper;
- (c) the names, addresses and organisation (if any) of the persons forming the deputation, to be a minimum of five and no more than twelve, indicating which one person (or if not available, their nominated substitute) is to speak, are notified in writing (note - the addresses of those persons forming the Deputation will not be published by the Council, but details of the ward(s) in which they are located will be circulated to the Council meeting);
- (d) A person forming the Deputation is not presenting a Petition or question on the same, or substantially the same, issue at the same meeting.

Time Allocated for Presentation

- 10.3 Each Deputation may be heard for a maximum of five minutes following which one Member of the Council, nominated by the Leader, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the Deputation be thanked for attending and its subject matter noted.

Action Following Deputation

- 10.4 Where a decision is made to refer a Deputation heard at the Council meeting to any other decision-making body of the Council then the persons forming the Deputation shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in relation to the matters set out in the deputation.

Rejection of Public Questions, Petitions and Deputations and Member Questions

- 10.5 The Chief Executive or Mayor may reject a Petition, Deputation, Public or Member Question if, following consultation with the Monitoring Officer, it is in their opinion:
- not about a matter for which the Authority has a responsibility or which affects Brighton & Hove;
 - a situation where the meeting to which the Petition, Deputation, Public or Member Question has been addressed is not the appropriate forum;
 - defamatory, frivolous or vexatious;
 - the same, or substantially the same, as a Petition, Deputation, Public or Member Question which has been put at any meeting of the Council, Cabinet, or any of the Council's Committees in the past six months;
 - requires the disclosure of confidential or exempt information;
 - from a member of staff on matters affecting them as employees; or
 - otherwise inappropriate.

- 10.6 If the Chief Executive or Mayor rejects a Petition, Deputation or Public or Member Question, then their decision is final.

Part 4: Conduct of Meetings

Rule 11: Minutes

- 11.1 Minutes of every meeting of the Council shall be submitted to and approved at the following Ordinary Meeting.
- 11.2 The Mayor shall put the question that the minutes submitted to the meeting be approved as a correct record.
- 11.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question as to accuracy shall be raised by motion. The Mayor or Chair shall then sign the minutes.
- 11.4 The minutes shall record the names of Members present and any decisions taken at the meeting.
- 11.5 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraphs 41(1) and (2) of schedule 12 of the above Act relating to signing of minutes.

Rule 12: Motions and Amendments

Motions where Notice is Not Required

- 12.1 The following motions may be moved without notice at any meeting:
- (a) to elect in the event of a vacancy a Mayor, or Deputy Mayor to appoint a person to preside at the meeting at which the motion is made;
 - (b) motions relating to the accuracy of the minutes;
 - (c) motions relating to a change in the order of business;
 - (d) motions extending the time limit for speeches;
 - (e) “that the Council proceed to the next business”;
 - (f) “that the question be now put”;
 - (g) “that the debate be now adjourned”;
 - (h) “that the Council do now adjourn”;

- (i) motions as to the termination of meetings;
- (j) motions relating to the suspension of these Procedure Rules without notice;
- (k) motions to exclude the public from a meeting where there is likely to be otherwise disclosure of exempt or confidential information, in accordance with the Access to Information Procedure Rules set out in Part 3E of the Constitution;
- (l) motions giving consent of the Council where it is required under these Procedure Rules;
- (m) motions to appoint a Committee or Member arising from an item on the summons for the meeting;
- (n) motions to refer a Petition which has been presented to the Council or any other matter to a Committee or Sub-Committee or other appropriate body or individual for consideration;
- (o) motions relating to Deputations.

Moving Recommendations

- 12.2 On consideration of a report or a recommendation from an officer or other Council body, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice. Where more than one recommendation is being proposed, then it will be at the discretion of the Mayor to decide whether they are voted on individually or one at a time.

Amendment to Motions

- 12.3 Subject to the requirements of Procedure Rule 1.5 as to notice, an amendment to a motion may be moved, but shall be relevant to the motion. No amendment shall be moved to an amendment.

An amendment shall be either to refer the matter to Cabinet, a Committee, Sub-Committee or an officer for consideration, to leave out some or all words, or to insert or to add other words.

Negating amendments

- 12.4 Any amendments including an omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting. A negating amendment is one which – while on the same subject as the original motion - would if passed generate the same outcome as a simple vote against the proposal. It would nullify the proposal in its entirety, resulting in no change to the status quo.

Alteration/Withdrawal of Motions/ Amendments

- 12.5 With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion of which they have given notice;
 - (b) with the further consent of the seconder, alter a motion which has been moved and seconded; if the alteration is one which could be made as an amendment.
- 12.6 With the consent of the seconder and the meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.

The 6 Month Rule

- 12.7 At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council or any of its decision-making bodies which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

Consent

- 12.8 Where the consent of the Council is required for anything, that consent may be given either by the Mayor asking the meeting whether there are any objections to the consent being given, and if no objection is raised, giving that consent, or if objection is raised or if the Mayor so chooses, by a motion moved, seconded and put to the meeting.

Rule 13: Written Reports

- 13.1 No report upon which decisions are proposed to be made shall be taken at any meeting of the Council unless it is in writing.
- 13.2 Verbal amendments and additions to written reports may only be made by Members in accordance with these Rules (notice of amendments, and amendments not to have effect of negating the motion)
- 13.3 With the agreement of the Mayor, then unless any Member objects, officers may revise or modify recommendations to reports where it is considered necessary to do so to ensure technical accuracy or to facilitate an agreed outcome.
- 13.4 Where Petitions, Motions or Deputations are referred unaccompanied by a written report, the Council may discuss the relevant item in general terms and note the same, or ask for an officer report on the matter. No decision which requires the Council to take substantive action or incur expenditure may be taken in response to a request in a Petition, Notice or Deputation or otherwise, in the absence of an officer report.

Rule 14: Rules of Debate

General

- 14.1 While the rules of debate in this Procedure Rule shall apply to all meetings of the Council, it is recognised that a greater informality may be exercised at the discretion of the Mayor in order to efficiently transact the business before the meeting.

Seconding Motions and Amendments

- 14.2 A motion or amendment shall not be discussed unless it has been proposed and seconded.

Reserving Speech

- 14.3 When seconding a motion or amendment, a Member may reserve their speech until a later period of the debate by declaring their intention to do so.

Notice of Amendments

- 14.4 Copies of amendments will be prepared and circulated prior to the start of a meeting only if such amendments are presented to the Chief Executive by 10am on the working day which precedes the meeting. Amendments for which notice has not been given may be permitted at any time at the discretion of the Mayor if they consider it appropriate with regard to the complexity of the matter, the question of whether notice has been given as soon as is reasonably practicable and any other circumstances that appear to be relevant. Such amendments shall be put in writing unless the Mayor exercises their discretion to allow an amendment to be put orally.

Taking of More Than One Amendment at a Time

- 14.5 More than one amendment may be moved and discussed at any one time and will be dealt with at the discretion of the Mayor.
- 14.6 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

Discussion

- 14.7 If two or more Members offer to speak, the Mayor shall call on one to speak.
- 14.8 When speaking, all Members shall address the Mayor.
- 14.9 A Member shall direct their speech to the question under discussion, or to a personal explanation or to a point of order under the provisions of Procedure Rule 14.10 below.

Points of Order

- 14.10 A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith.

- A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the Member raising it considers that it has been broken.
- A personal explanation shall be confined to some material part of the speech by the Member which may appear from the current debate to have been misunderstood.

14.11 A Member who has already had two points of order ruled as inadmissible by the Mayor shall not normally be permitted to raise a third point of order at the same meeting.

14.12 The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

Procedural Motions

14.13 When a motion is under debate, no other motion shall be moved except the following:

- (a) to withdraw or amend the motion;
- (b) a closure motion under the next paragraph;
- (c) a motion dealing with the prevention of disorder;
- (d) a motion to exclude the press and public.

Closure Motions

14.14 The following closure motions shall be permitted during discussion of another motion. They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:

- (a) **“that the meeting proceed to the next business”**. The person presiding shall permit the mover of the original motion to reply, and then put to the vote the motion to proceed to the next business; if that motion is carried the original motion shall lapse;
- (b) **“that the question be now put”**. If the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed they may refuse to accept the motion; if they accept the motion, they shall put to the vote forthwith the motion that the question be now put; if this is carried, they shall permit the mover of the original motion (at meetings of the Council) any right of reply to which they are entitled and then put that motion to the vote;
- (c) **“that the debate be now adjourned”** or **“that the meeting do now adjourn”**. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may refuse to accept either of these motions, and instead put the motion that the question be now put; if they are of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that

occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council.

General

- 14.15 A Member shall stand when speaking unless unable to do so.
- 14.16 When a Member is speaking, the other Members shall remain seated, unless rising to a point of order or in personal explanation.
- 14.17 Whenever the Mayor rises during a debate, a Member then standing shall resume their seat and the Council shall be silent.

Speech Times

- 14.18 Except with the consent of the Council, signified without comment, the mover of a motion shall not speak for more than five minutes and no other speaker shall speak for more than three minutes. For the purposes of this Procedure Rule, a person who moves an amendment is not moving a motion, and the length of time allotted to the mover of a motion does not include any time permitted under a right of reply. Any extension of time for speeches consented to by the Council shall be limited to five minutes.
- 14.19 A Member who has spoken on any motion shall not speak again while it remains the subject of debate, except:
- (a) to speak once on an amendment moved by another Member;
 - (b) if the motion has been amended since they last spoke, to move a further amendment;
 - (c) if their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment to which they spoke was carried;
 - (d) in exercise of a right of reply or within a closure motion debate;
 - (e) on a point of order or by way of personal explanation

Right to Reply

- 14.20 The mover of a motion has a right of reply at the close of debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on that amendment.

Motions and Related Reports

- 14.21 Where a notice of motion submitted to the Council meeting in accordance with Procedure Rule 8 relates to a matter which is also the subject of a report from a Committee to the same Council meeting, the Mayor may at their discretion, and for procedural purposes only, treat the notice of motion as if it were an amendment to the report of the Committee, providing that both the mover of

the notice of motion and the Member moving the report will have a right of reply.

Right to Reply when Amendment is Accepted

- 14.22 Where the mover of a motion is permitted to alter the same and such an alteration incorporates an amendment moved by another Member, the mover of the original motion shall retain ownership of the motion and be entitled to a right of reply at the conclusion of the debate.

Rule 15: Termination of Meeting

- 15.1 Without prejudice to Procedure Rule 15.2 below, when a period of four hours excluding adjournments has elapsed since the commencement of a meeting of the Council, the Mayor shall move, without comment, that the meeting ends and that business be concluded in accordance with Procedure Rule 15.5.
- 15.2 At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of the meeting of the Council a Member of the Council may move, without comment, that the meeting shall end at a time to be specified in the motion.
- 15.3 The Mayor may refuse to accept the motion moved under Procedure Rule 15.2 above if a similar motion has been rejected earlier in the same meeting.
- 15.4 If a motion under Procedure Rule 15.2 is accepted, it shall be seconded and put to a vote without comment.
- 15.5 If the motion under Procedure Rule 15.1 or 15.2 is passed then immediately after the vote (in the case of a motion under rule Procedure Rule 15.1) or when the time specified in the motion arrives (in the case of a motion under Procedure Rule 15.2):
- (a) no further points of order shall be raised except by the Mayor;
 - (b) the Mayor shall then interrupt the discussion of the question then before the meeting;
 - (c) unless the mover of the motion then under discussion seeks leave to withdraw that motion, the Mayor shall allow them to reply to the debate for not more than three minutes;
 - (d) unless the motion then under discussion is withdrawn, the Mayor shall put, without further discussion, all the questions necessary to dispose of that motion;
 - (e) the Mayor shall put, without discussion, all the questions necessary to complete consideration of any reports which remain on the agenda for the meeting, unless the Committee Chair (or a person on their behalf) indicates a wish to the contrary;

- (f) the Mayor shall call each Member who has given notice of a motion to be moved at that meeting to move the motion (unless previously withdrawn) without comment, shall permit any motions so moved to be seconded without comment, and shall forthwith put any motions to the vote;
- (g) finally, the Mayor shall close the meeting.

Part 5: Miscellaneous

Rule 16: Prevention of Disorderly Conduct

Misbehaviour by a Member

- 16.1 If the person presiding at any meeting of the Council, Committee, Sub-Committee, Panel or working party is of the opinion that a Member has misconducted, or is misconducting, themselves by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, they may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- (a) they may direct the Member to refrain from speaking during all, or part, of the remainder of the meeting;
 - (b) they may direct the Member to withdraw from all, or part, of the remainder of the meeting;
 - (c) they may order the Member to be removed from the meeting;
 - (d) they may adjourn the meeting for fifteen minutes or such period as shall seem expedient to them.

Misbehaviour by a Member of the Public

- 16.2 If a member of the public interrupts proceedings at any meeting, the person presiding shall order them to leave the room where the meeting is being held. If they do not leave, the person presiding shall order them to be removed. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for fifteen minutes or such period as shall seem expedient to them.
- 16.3 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary. If there is a general disturbance in any part of the meeting room open to the public the Mayor may call for that part to be cleared.

Declaration of Interests

- 16.4 Where any Member (or Co-opted Member with voting rights) who is present at a meeting of the Council, its Committees or Sub-Committees has a disclosable pecuniary interest within the meaning of Section 30(3) of the Localism Act 2011 in connection with any item under consideration, they shall withdraw from the meeting room for the duration of the consideration of the item of business, including the debate and any related vote.
- 16.5 Procedure Rule 16.4 above does not apply where a Member has been granted a dispensation in accordance with the Code of Conduct for Members.

Rule 17: Exclusion of Public and Press

- 17.1 Members of the public and press may only be excluded from meetings of the Council, Committees or Sub-Committees either (i) in accordance with the Access to Information Rules in Part 7 of the Constitution; (ii) in accordance with the provisions of Procedure Rule 25 above ('Prevention of Disorderly Conduct'), or (iii) Under common law or statutory powers available to the Council, which shall be exercisable by the Mayor, the Chief Executive or the Monitoring Officer.

Rule 18: Voting

General

- 18.1 Except where a recorded vote is required by law, or a requisition is made under the next paragraph, the method of voting at meetings of the Council shall be by show of hands. Voting may be by an electronic method in the case of Council meetings. Unless these Procedure Rules or the Constitution provides otherwise, any matter will be decided by a simple majority of the Members voting and present in the room at the time the question was put. If there are an equal number of votes for and against the motion, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor may choose to exercise a casting vote. If the Mayor does not exercise their casting vote in such a situation then the motion or proposal shall fall.

Recorded Votes

- 18.2 If a requisition is made by the specified number of Members before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each Member present gave their vote for or against that question or abstained from voting. Voting may be by roll call or by an electronic method.
- 18.3 The specified number of Members is one-fifth of the Members entitled to vote at the meeting – so eleven for Council meetings.
- 18.4 Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that their vote or abstention shall be recorded in the minutes by informing the Mayor forthwith, immediately after the vote is taken.

- 18.5 In addition to the arrangements set out above, a recorded vote must be taken, and recorded in the minutes, immediately after any vote is taken at a budget decision meeting of the Council, as defined in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

Voting on Appointments

- 18.6 Where a vote is required on a motion to appoint or elect a Member of the Council to a position to be filled by the Authority, and there are two or more Members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for any one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 18.7 If there is a requisition under Procedure Rule 18.2 for a recorded vote on the appointment of candidates, Procedure Rule 18.5 shall apply without the requirement to put the names of those nominated in alphabetical order of surname. Each Member shall instead be asked to indicate their preferred candidate when their name is called. The rest of the requirements under Procedure Rule 18.5 shall apply.

Rule 19: Filming, Photographing, Audio Recording at Council meetings

- 19.1 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or the power to deal with other misbehaviour or interference with proceedings at a meeting, any person shall be permitted to film, photograph, record and/or stream proceedings at Council meetings.
- 19.2 Subject to Procedure Rule 19.1, any person attending a meeting of the Council may use any communication device or method to record or transmit Council proceedings, and reasonable facilities will be made available to facilitate this, provided that:-
- (i) Any mobile communications devices are kept in silent mode throughout the meeting;
 - (ii) There is no use of any voice facility to make calls, receive calls or check voice messages and only text or non-voice uses are made of mobile phones.
- 19.3 The recording of proceedings by authorised personnel for the purposes of web-casting shall be permitted, providing that the Mayor or person presiding at the meeting may withdraw such authorisation if they consider it not to be conducive to the efficient despatch of business.
- 19.4 There shall be no recording or transmission:
- (i) of any part of a meeting from which the public is excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended;

- (ii) if exempt or confidential business is discussed;
- (iii) if the person presiding at the meeting orders that all mobile phones be switched off and any audio recording cease.

Rule 20: Definitions

20.1 In these Procedure Rules, unless the context otherwise demands, the following terms have these meanings:-

“Authority” - Brighton & Hove City Council

“Committee or Sub-Committee” - any Committee or Sub-Committee of Brighton & Hove City Council, including its regulatory Committees and its Overview & Scrutiny Committees

“Council” - Brighton & Hove City Council, sitting as the Full Council

“Executive Member” shall have the same meaning as “Cabinet Member² and “Portfolio Holder”: a Member appointed to the Executive by the Council’s Leader, who has delegated responsibilities as outlined in the Allocation of Responsibility for Functions: Cabinet at Part 2E of the Constitution

“Group Leader” - the Leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990

“Leader of the Council” - the Leader of the Council appointed in accordance with Procedure Rule 2.1

“Mayor” –the member appointed in accordance with Procedure Rule 2.2 or a member acting in the capacity of the Mayor in accordance to Procedure Rule 5.

“Meeting” - a meeting of the Council, a Committee or Sub-Committee as the case may be

“Member” - a Member of the Council

“Minority Group” - a political Group which is not the majority group, or in any other case designated as such by a resolution of the Council

“Monitoring Officer” - the person designated under Section 5 of the Local Government & Housing Act 1989

“Motion to exclude the press and public” - a motion under Section 100A of the Local Government Act 1972

“Political Group” - a political group as defined by the Local Government (Committees and Political Groups) Regulations 1990

“Sub-Committee” - a Sub-Committee of Brighton & Hove City Council,

- 20.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular.

PART 4A

FINANCIAL REGULATIONS

| Contents | Page |
|---|-------------|
| 1 INTRODUCTION | 3 |
| 1.1 Purpose of Financial Regulations | 3 |
| 1.2 Reviewing and Updating Financial Regulations | 3 |
| 1.3 Format of the Financial Regulations | 3 |
| 1.4 Status of Financial Regulations | 4 |
| 1.5 Application of Financial Regulations | 4 |
| 1.6 Standard Financial Procedures | 5 |
| 1.7 Definitions | 6 |
| 2 FINANCIAL MANAGEMENT | 7 |
| 2.1 The Full Council | 7 |
| 2.2 The Constitution | 7 |
| 2.3 Audit and Standards Committee | 7 |
| 2.4 The Statutory Officers | 7 |
| 2.5 Other Financial Accountabilities | 10 |
| 3 FINANCIAL PLANNING & BUDGET SETTING | 11 |
| 3.1 Financial Planning Framework | 11 |
| 3.2 Budget Format | 11 |
| 3.3 Revenue Budget Preparation | 11 |
| 3.4 Budget Monitoring and Control | 12 |
| 3.5 Preparation of the Capital Programme | 12 |
| 3.6 Resource Allocation | 13 |
| 3.7 Budget Setting Guidelines | 13 |
| 3.8 Maintenance of Reserves | 13 |
| 4 RISK MANAGEMENT AND CONTROL OF RESOURCES | 14 |
| 4.1 Introduction | 14 |
| 4.2 Risk Management and Insurance | 14 |
| 4.3 Internal Control | 14 |
| 4.4 Audit Requirements | 14 |
| 4.5 Preventing Fraud and Corruption | 15 |
| 4.6 Assets | 15 |
| 4.7 Treasury Management | 15 |
| 4.8 Trust Funds, Funds Held for Third Parties and Other Voluntary Funds | 15 |
| 4.9 Staffing | 16 |
| 5 SYSTEMS AND PROCEDURES | 16 |
| 5.1 Introduction | 16 |
| 5.2 General | 17 |
| 5.3 Income and Expenditure | 17 |
| 5.4 Payments to Employees and Members | 17 |
| 5.5 Imprest and Petty Cash Accounts | 18 |
| 5.6 Payment Cards (including credit, debit, procurement and purchasing cards) 18 | 18 |
| 5.7 Cash Collection Facilities | 18 |

| | | |
|------|---|----|
| 5.8 | VAT & Taxation | 19 |
| 5.9 | Trading Accounts..... | 19 |
| 5.10 | Financial Information Systems | 19 |
| 5.11 | Control of Contracts | 19 |
| 5.12 | Banking Arrangements..... | 19 |
| 5.13 | Financial Authorisation Limits..... | 19 |
| 6 | EXTERNAL ARRANGEMENTS..... | 20 |
| 6.1 | Introduction..... | 20 |
| 6.2 | Partnerships | 20 |
| 6.3 | External Funding | 21 |
| 6.4 | Work for Third Parties..... | 21 |
| | SCHEDULE OF OFFICER RESPONSIBILITIES..... | 22 |
| | BIBLIOGRAPHY..... | 23 |

1 INTRODUCTION

1.1 Purpose of Financial Regulations

- 1.1.1 The purpose of Financial Regulations is to provide a framework of control, responsibility and accountability for the proper administration of the council's financial affairs, to enable Members and officers to carry out their statutory duties. To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of Financial Regulations that set out the financial policies of the authority. A modern council should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.
- 1.1.2 Sound financial management and control is the responsibility of all Members and officers and must be embedded in the culture of the authority. This requires effective training and support to enable Members and officers to achieve necessary financial management standards.

1.2 Reviewing and Updating Financial Regulations

- 1.2.1 Financial Regulations need to be kept under review to ensure compliance with current legislation and keep pace with best practice developments. In particular, governance and performance frameworks are regularly updated and must be reflected in Financial Regulations. Changes to the Constitution of the council may also need to be reflected in Financial Regulations.
- 1.2.2 The Chief Finance Officer is responsible for maintaining a continuous review of Financial Regulations to ensure consistency with best practice and legislation and may make changes as appropriate.
- 1.2.3 The external auditor reviews the council's governance for evidence that this is effective, including Annual Governance Statements, Financial Regulations, schemes of delegation, policies, procedures and manuals. The external auditor will be focusing on the impact of financial arrangements and the importance of having sound and strategic financial management to ensure that resources are available to support the council's priorities and improve services. The council's auditor also gives an opinion on arrangements for securing value for money in their Annual Report.

1.3 Format of the Financial Regulations

- 1.3.1 These regulations are in the format recommended by the Chartered Institute of Public Finance & Accountancy (CIPFA), and the Standard Financial Procedures set out in the appendices state why each procedure is important and include the responsibilities of the Chief Finance Officer and other officers.
- 1.3.2 The Financial Regulations provide clarity about the financial accountabilities of individuals including:
- the Council
 - the Cabinet
 - Cabinet Member Meetings

- Committees and Sub-Committees
- individual Members and the Leader;
- the Chief Executive;
- the Monitoring Officer;
- the Chief Finance Officer; and
- Chief Officers

1.4 Status of Financial Regulations

- 1.4.1 These Regulations form part of the council's Constitution. Beyond the scope of Financial Regulations, there are links with other internal regulatory documents within the Constitution, such as contract standing orders, schemes of delegation and codes of conduct for officers and Members.
- 1.4.2 Financial Regulations are deemed to be part of the council's Procedure Rules in so far as they relate to the conduct of business in meetings of the Council, Cabinet, Cabinet Member meetings, Committees, Sub-Committees and Scrutiny Committee/ Panels.
- 1.4.3 These Financial Regulations are subject to the Accounts and Audit Regulations 2015. The Accounts and Audit Regulations establish statutory provisions for accounting arrangements, audit arrangements and financial control within the council.
- 1.4.4 Financial Regulations endorse the Chartered Institute of Public Finance and Accountancy's "The Role of the Chief Financial Officer in Local Government" (updated 2023).
- 1.4.5 Both private and public sector enterprises need control frameworks to ensure their business objectives are met. Councils, however, by virtue of their major role as custodians and spenders of public money, must be seen to be carrying out these duties to the highest levels of integrity, probity, fairness and economy. Financial Regulations are an essential tool to ensuring compliance with both this duty of care and the financial objectives of the council, and set the appropriate standards of financial management and control expected by Council Tax payers and local business rate payers. These Regulations must be followed by all officers to enable the council's external auditor to give assurance to these parties that the council can demonstrate compliance with the high levels of stewardship expected.

1.5 Application of Financial Regulations

- 1.5.1 Financial Regulations apply to every Member and officer of the council and anyone acting on behalf of the council. Failure by an officer of the council to comply with these Financial Regulations may result in formal disciplinary action being taken against the officer concerned.
- 1.5.2 It is the responsibility of Chief Officers to ensure that all financial processes and controls operated by their service comply with these regulations and to liaise with the Chief Finance Officer on the adequacies of those controls. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring

that the use of these resources is legal, is properly authorised and provides good value for money.

- 1.5.3 Financial Regulations have an important role in establishing a sound system of corporate governance for the council and also in supporting the Council's Counter Fraud Strategy. Chief Officers have individual and collective responsibility to ensure that the fundamental principles as established by the Cadbury and Nolan Reports on "the financial aspects of corporate governance", namely openness, integrity, and accountability, are established through compliance with Financial Regulations.
- 1.5.4 Where local management schemes (LMS) have been approved, for example in schools, these shall have effect subject to the overall authority of these Financial Regulations and the council's Standing Orders. The Director of Finance may approve changes to any more-detailed financial regulations within approved local management schemes, again subject to their compliance with these Financial Regulations.
- 1.5.5 The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to Members. Chief Officers are responsible for ensuring that all staff in their services are aware of the existence and content of these Regulations and other internal regulatory documents and that they comply with them. They must also ensure that staff know where to access the Regulations or provide access to a paper copy if relevant staff do not have intranet access.

1.6 Standard Financial Procedures

- 1.6.1 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, officers and others acting on behalf of the council are required to follow. Details of how the Regulations will be implemented operationally, are contained in the appendices to the Financial Regulations and are referred to as "Standard Financial Procedures". These establish sound practices and assist Chief Officers in their responsibility for the operation of their financial processes. These Standard Financial Procedures have the same authority as Financial Regulations.
- 1.6.2 The Chief Finance Officer may vary Standard Financial Procedures after consultation with the Chief Executive and Chief Officers in accordance with the needs of individual services. Provided the Chief Finance Officer is satisfied that all necessary controls are met, they may agree to variations proposed by Chief Officers. Agreed variations must be properly recorded, in a form agreed by the Chief Finance Officer.

1.7 Definitions

- 1.7.1 Financial Regulations incorporate Financial Standing Orders and Standard Financial Procedures.
- 1.7.2 In Financial Regulations the following terms/roles have the following meanings:

- (i) 'Chief Finance Officer' and 'Section 151 Officer' have the same meaning for the purposes of Financial Regulations and refer to the authority's statutorily appointed S151 Chief Financial Officer;
- (ii) The Chief Finance Officer will normally nominate a Deputy Chief Finance Officer with the same authority.;
- (iii) 'Chief Officer' means any member of the Corporate Leadership Team;
- (iv) 'Budget Holders' and 'Budget Managers' have the same meaning and include any officer of the council given delegated responsibility by a Chief Officer for managing an approved budget.

2 FINANCIAL MANAGEMENT

Financial management covers all financial accountabilities in relation to the running of the council, including the policy framework and the council's budgets.

2.1 The Full Council

2.1.1 The Full Council is responsible for adopting the council's Constitution and Members' code of conduct, and for approving the policy framework and budget within which Cabinet, committees and services operate. It is also responsible for approving and monitoring compliance with the council's overall framework of accountability and control. The framework is set out in its Constitution.

2.1.2 The Full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those decisions delegated by, and decisions taken by, the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

2.2 The Constitution

2.2.1 The Cabinet is responsible for proposing the policy framework and budget to the Full Council. Cabinet and other committees are responsible for discharging council functions in accordance with the Constitution, the policy framework and budget. Decisions can be delegated to Cabinet, a committee, joint committees, sub-committees or an officer.

2.3 Audit and Standards Committee

2.3.1 This committee is established by the Full Council and is responsible for promoting and maintaining high standards of conduct amongst councillors. It also advises the council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code.

2.3.2 It also oversees the Council's arrangements for the discharge of its functions in connection with finance, risk management and audit. It also approves the annual financial statements. It makes recommendations to the Council, Officers or other relevant bodies within the Council.

2.4 The Statutory Officers

2.4.1 Chief Executive

The Chief Executive is the Head of Paid Service and has overall corporate management and operational responsibility (including overall management responsibility for all officers). They must report to and provide information and advice to all parties in the decision making process. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record keeping for all the council's decisions.

2.4.2 Monitoring Officer

The role is held in this council by the Executive Lead for Strategy, Governance and Law. This officer is responsible for discharging the Monitoring Officer functions under s5 of the Local Government and Housing Act 1989 and the Local Government Act 2000. They are also responsible for compliance with access to meetings and documents under the Local Government Acts 1972 and 2000 and all subsequent related legislation. The Monitoring Officer is responsible for maintaining an up-to-date Constitution and to ensure that the Council's decision making processes are robust.

Other responsibilities of the Monitoring Officer are set out in the Officer Scheme of Delegations.

2.4.3 Chief Finance Officer

This role refers to the statutorily appointed Section 151 Chief Financial Officer of the Authority. The role may have different job titles from time to time. They have statutory duties in relation to the financial administration and stewardship of the council. This statutory responsibility cannot be overridden. The statutory duties are principally contained in:

- s151 of the Local Government Act 1972;
- The Local Government Finance Act 1988;
- The Local Government and Housing Act 1989;
- The Accounts and Audit Regulations 2011; and
- The Local Government Act 2003.

2.4.3.1 CIPFA's "Role of the Chief Financial Officer in Local Government (2010)" sets out five key principles that are critical for the achievement of a finance director's statutory responsibilities:

- contributing to and integral to corporate management and leadership;
- maintaining strong financial management and planning to support strategic objectives;
- supporting and advising democratically elected representatives, developing an effective Audit Committee and putting in place effective financial controls and governance;
- leading and managing an effective and responsive financial service;
- ensuring a professionally qualified CFO is appointed.

2.4.3.2 S114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council and external auditor if the authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure;
- has taken, or is about to take, an unlawful action which has resulted, or would result in, a loss or deficiency to the council;
- is about to make an unlawful entry in the authority's accounts.

2.4.3.3 S114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally. In this council, the Head of Financial Services performs the statutory and Head of Profession functions in the absence of the Director of Finance.
- the Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under s114.

2.4.3.4 The Chief Finance Officer is also responsible for advising Cabinet and Committees, or the Full Council, where a decision is not in accordance with the budget framework.

2.4.4 Chief Officers

Chief Officers are responsible for:

- Ensuring that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.
- Sending all draft reports to the Chief Finance Officer in time for the financial implications to be fully considered and inserted before the reports are considered by the Executive Leadership Team or Members. All reports to Members should include the comments of the Chief Finance Officer (referred to as 'Financial Implications'). Failure to ensure that the Chief Finance Officer has sufficient time to consider the financial implications may result in the withdrawal of the report at their discretion.
- Entering into and signing contracts on behalf of the council in accordance with the Council's Corporate Procurement Strategy, procurement Codes of Practice (COPs) and Contract Standing Orders.
- The operation of sound financial procedures within their service and ensuring that adequate controls are in place.
- Ensuring that all staff authorised to act on their behalf are aware of the need to comply with Financial Regulations and Standard Financial Procedures.
- Ensuring that financial systems that are developed locally within services are managed in accordance with principles of reconciliation, sound controls, security and other guidelines issued by the Chief Finance Officer. Such systems shall be made available to the head of the Internal Audit service.

2.4.5 Changes of Roles & Responsibilities

In the event of any change in the job title of any officer or any Committee or Sub-Committee, or the transfer of any responsibilities of any officer, the Chief Finance Officer may make consequential amendments to Financial Regulations and Standard Financial Procedures to take account of the change and/or transfer.

2.5 Other Financial Accountabilities

2.5.1 Virement (Budget Transfer)

2.5.1.1 Chief Officers are responsible for agreeing in-year virements for their services but must not take decisions or transfer resources contrary to current council policy as represented by the approved budget.

2.5.1.2 The procedure for virements is set out in Standard Financial Procedures (paragraph A.2.1).

2.5.2 Treatment of Year-end Balances

2.5.2.1 The procedure is set out in Standard Financial Procedures (paragraph A.2.2).

2.5.3 Accounting Policies

2.5.3.1 The Chief Finance Officer is responsible for implementing accounting policies which accord with the Code of Practice on Local Authority Accounting and ensuring that they are applied consistently.

2.5.4 Accounting Records and Returns

2.5.4.1 The Chief Finance Officer is responsible for determining the accounting procedures and records for the authority, in accordance with statutory requirements and best practice. They will also maintain a register of partnerships and other entities in which the council has an interest so that Group Accounts can be published in compliance with local government accounting requirements.

2.5.5 The Annual Statement of Accounts

- (i) The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom developed by CIPFA. The Audit & Standards Committee is responsible for approving the annual statement of accounts.
- (ii) In accordance with the Accounts and Audit Regulations 2011, the Director of Finance must:
 - (a) before Audit & Standards Committee approve the annual statement of accounts, and no later than 31st May immediately following the end of the financial year, sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the body at the end of the year to which it relates and of the council's income and expenditure for that year; and
 - (b) after the Audit & Standards Committee have considered the statement of accounts, but before they approve it, re-certify its presentation.

3 FINANCIAL PLANNING & BUDGET SETTING

3.1 Financial Planning Framework

3.1.1 The Full Council is responsible for approving the policy framework (including all relevant statutory plans and strategies) and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- the Corporate Plan,
- the Revenue Budget,
- the Capital Programme, and
- the Medium Term Financial Strategy (MTFS).

3.1.2 The Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions of that nature should be referred to the Full Council.

3.1.3 The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

3.2 Budget Format

3.2.1 The general format of the budget will be approved by the Full Council and proposed by the Cabinet on the advice of the Chief Finance Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds. It must also take into account the robustness of estimates and recommend appropriate levels of balances and reserves.

3.3 Revenue Budget Preparation

3.3.1 The Chief Finance Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and reported to the Cabinet and then Full Council in accordance with statutory requirements. The Full Council may amend the budget before approving it.

3.3.2 A medium term financial strategy (MTFS) taking account of revenue resources over three years will also be prepared. The MTFS, which complements the Corporate Plan, will be updated periodically to give constant medium-term estimates and will be reported at least annually to the Cabinet and then Full Council for noting.

3.3.3 It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet and the Chief Finance Officer. This applies at all levels regardless of how budgets are presented and/or aggregated. At each level, Chief Officers are responsible for ensuring that budget estimates are prepared in line with guidance issued by the Cabinet and the Chief Finance Officer.

3.4 Budget Monitoring and Control

- 3.4.1 The Chief Finance Officer is responsible for ensuring that systems are in place to provide appropriate financial information to enable all revenue and capital budgets to be monitored effectively. They must report to the Cabinet on the overall position on a regular basis in accordance with the Targeted Budget Management (TBM) framework.
- 3.4.2 It is the responsibility of Chief Officers to control income and expenditure within their area in accordance with the Targeted Budget Monitoring framework and financial authorisation levels determined by the Chief Finance Officer, and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They should report on variances against the budgets allocated to their services under Targeted Budget Management. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems. Financial and performance data should be linked wherever possible in accordance with good practice.

3.5 Preparation of the Capital Programme

- 3.5.1 The Chief Finance Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet before submission to the Full Council.

3.6 Resource Allocation

- 3.6.1 The Chief Finance Officer is responsible for developing and maintaining a financial resources allocation process that ensures due consideration of the Full Council's policies and priorities.

3.7 Budget Setting Guidelines

- 3.7.1 Guidelines on budget preparation are issued to Chief Officers by the Chief Finance Officer taking into account the current policy framework determined by the Council and any subsequent policy framework proposed by the Cabinet. The guidelines will take account of:
- legal requirements;
 - the medium term planning prospects;
 - the Corporate Plan;
 - council priorities;
 - available capital and revenue resources;
 - value for money;
 - spending and commissioning pressures;
 - government guidelines;
 - other internal policy documents;
 - cross-cutting issues, and;
 - the adequacy of the general and earmarked reserves.

3.8 Maintenance of Reserves

- 3.8.1 It is the responsibility of the Chief Finance Officer to advise the Cabinet and the Full Council on prudent levels of reserves for the authority to ensure the council has a sound financial standing. This is pursuant to Sections 31A and 42A of the Local Government Finance Act 1992 which require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. Section 25 of the Local Government Act 2003 also requires the Chief Finance (section 151) Officer of a local authority to report on the robustness of the estimates included in the budget and the adequacy of the reserves for which the budget provides.

4 RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 Introduction

4.1.1 Risk management is the planned and systematic approach to the identification, evaluation and control of risks. Its objectives are to enable effective use of resources, secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. The Chief Finance Officer is required to develop and promote risk (and opportunity) management across the council and provide advice to managers on the most appropriate tools to use.

4.2 Risk Management and Insurance

4.2.1 The Cabinet is responsible for approving the authority's risk management framework and strategy and for reviewing the effectiveness of risk management. The Audit & Standards Committee also has a role in reviewing risk management arrangements (see para. 1.1).

4.2.2 The Chief Finance Officer is responsible for ensuring that proper insurance arrangements exist where appropriate.

4.3 Internal Control

4.3.1 Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.

4.3.2 The Chief Finance Officer is responsible for advising on effective systems of internal control and will need to provide an Annual Governance Statement that accompanies the statement of accounts. Arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

4.3.3 It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

4.4 Audit Requirements

4.4.1 The Accounts and Audit Regulations 2011 require every local authority to undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.

4.4.2 The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by the Audit Commission Act 1998.

4.4.3 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue & Customs who have statutory rights of access.

4.5 Preventing Fraud and Corruption

- 4.5.1 The Chief Finance Officer is responsible for the development and maintenance of a counter fraud strategy and effective arrangements to acknowledge, prevent and enforce. The strategy is approved by the Audit & Standards Committee who monitor this together with the effectiveness of counter fraud arrangements.

4.6 Assets

- 4.6.1 Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency (disaster recovery) plans for the security of assets, including records and information assets, and continuity of service in the event of disaster or system failure are in place.

4.7 Treasury Management

- 4.7.1 The authority has adopted CIPFA's code of practice for treasury management in local authorities.
- 4.7.2 The Cabinet is responsible for approving the treasury management policy statement setting out the matters detailed in "Treasury Management in the Public Services: Code of Practice for Treasury Management in Local Authorities". Full Council is responsible for approving the Annual Investment Strategy in accordance with regulations and guidance issued under the Local Government Act 2003.
- 4.7.3 All money in the hands of the council is controlled by the officer designated for the purposes of s151 of the Local Government Act 1972, referred to in the code as the Chief Finance Officer, who shall make appropriate banking arrangements.
- 4.7.4 All decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, and such officers as they may nominate, who shall be required to act in accordance with the Code of Practice referred to in the council's Treasury Management Policy Statement and Annual Investment Strategy.

4.8 Trust Funds, Funds Held for Third Parties and Other Voluntary Funds

- 4.8.1 All trust funds, funds held for third parties and other voluntary (unofficial) funds must be approved by the Chief Finance Officer. A voluntary (unofficial) fund is defined as any fund, other than an official fund for the council, which is controlled wholly or in part by an officer by reason of their employment by the council.
- 4.8.2 Chief Officers are responsible for ensuring that they are operated in line with appropriate legislation and/or Charity Commission guidance if appropriate.
- 4.8.3 Chief Officers shall ensure that all such funds are audited by suitably qualified auditors and are submitted within six months of the end of the accounting period to the council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.

4.8.4 The Chief Finance Officer reserves the right to inspect all documentation relating to unofficial funds and seek such explanations as are necessary to ensure they are being appropriately managed. From time to time the Chief Finance Officer may issue specific guidance on such funds that must be complied with.

4.9 Staffing

4.9.1 The Chief Executive is responsible for providing overall management to staff. They are also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

4.9.2 Chief Officers are responsible for controlling total staff numbers by:

- advising Policy, Resources and Growth Committee on the budget necessary in any given year to cover estimated staffing levels required to deliver approved levels of service and having regard to statutory provision;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within the budget framework and virement rules in order to meet changing operational needs;
- complying with any vacancy management procedure, recruitment procedure, interim and agency worker appointment procedure, establishment control or other staffing related corporate procedures agreed by the Chief Executive and the Chief Finance Officer as appropriate;
- the proper use of appointment policy and procedures which must be compliant with current employment and equality legislation.

5 SYSTEMS AND PROCEDURES

5.1 Introduction

5.1.1 Sound systems and procedures are essential to an effective framework of accountability and control. This applies to all systems and processes, however, certain IT systems carry more importance. In particular, the corporate Financial Information System, Payroll and HR systems are prime records often subject to both internal and external audit review. Compliance with procedures and controls in relation to these systems is therefore essential to underpin the overall framework of accountability and control.

5.2 General

5.2.1 The Chief Finance Officer is responsible for the operation of the authority's financial systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. However, Chief Officers are responsible for the proper operation of financial processes in their own services.

- 5.2.2 Any changes to agreed procedures required or identified by Chief Officers to meet their own specific service needs must be agreed with the Chief Finance Officer.
- 5.2.3 Chief Officers must ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer. Where access to financial systems is through the use of unique user names and passwords, officers must not allow others to use their access codes or otherwise make use of their rights.
- 5.2.4 Chief Officers must ensure that, where appropriate, ICT and other systems are registered in accordance with data protection legislation. Chief Officers must ensure that staff are aware of their responsibilities under Data Protection and Freedom of Information legislation.

5.3 Income and Expenditure

- 5.3.1 It is the responsibility of Chief Officers to ensure that staff are appropriately authorised to act on their behalf, or the relevant Committee and in accordance with the Scheme of Delegation to Officers, in respect of payments, income collection and the placing of orders. Authorised signatories and the limits of financial responsibility must be in accordance with relevant systems, procedures and the Scheme of Authorisation issued by the Chief Finance Officer. In no circumstance can an officer be given an unlimited limit, as this is not allowed under the council's insurance arrangements.
- 5.3.2 The Cabinet is responsible for approving procedures for writing off debts as part of the overall framework of accountability and control.

5.4 Payments to Employees and Members

- 5.4.1 The Head of Human Resources & Organisational Development is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members. The scheme for Members allowances is the responsibility of the Executive Lead for Strategy, Governance and Law.

5.5 Imprest and Petty Cash Accounts

- 5.5.1 The Chief Finance Officer in consultation with Chief Officers may make imprest/petty cash advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved.
- 5.5.2 The Chief Finance Officer reserves the right to withdraw petty cash/imprest facilities from officers if it is deemed that they are being used inappropriately or the expenditure limit is exceeded or a deficit balance is accrued.
- 5.5.3 The accounts should be kept on the imprest system and officers should maintain a record of their receipts and payments in a form and manner prescribed by the Chief Finance Officer.

5.6 Payment Cards (including credit, debit, procurement and purchasing cards)

- 5.6.1 The Chief Finance Officer may make available to nominated officers Credit Card and/or Purchasing Card facilities. The Chief Finance Officer will

determine the application and approval process and set out the terms and conditions on which the cards are to be issued. The Chief Finance Officer may also make payment cards and associated banking facilities available to clients where money is lawfully held in trust or where the money is held on their behalf by the authority.

- 5.6.2 Chief Officers are responsible for ensuring that they or any staff in their services issued with Credit or Purchasing Cards comply with the terms and conditions of use and remain within any financial or credit limits imposed. The Chief Finance Officer reserves the right to withdraw the use of any Credit or Purchase Card if it is deemed that they are being used inappropriately or the financial or credit limit is exceeded.
- 5.6.3 Chief Officers are responsible for maintaining, retaining, presenting and/or completing any documentation, forms or electronic records in accordance with the requirements specified by the Chief Finance Officer.

5.7 Cash Collection Facilities

- 5.7.1 The Chief Finance Officer shall approve the form of all cash collection facilities and associated procedures. This includes safes, automated cash collection machines and other cash collection facilities. Chief Officers shall ensure that all relevant procedures issued by the Chief Finance Officer are complied with including the requirements of the corporate banking contract and security carrier contracts.

5.8 VAT & Taxation

- 5.8.1 The Chief Finance Officer is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- 5.8.2 The Chief Finance Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. The Head of Human Resources & Organisational Development will be required to maintain income tax, national insurance, expenses and pension records in accordance with guidelines set by the Chief Finance Officer.

5.9 Trading Accounts

- 5.9.1 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts.

5.10 Financial Information Systems

- 5.10.1 It is essential that all of the council's ICT systems are developed in a planned and co-ordinated way so that they interface correctly with corporate financial ICT systems in order to deliver high quality management information to support the council's requirements and strategies.
- 5.10.2 Chief Officers will need to liaise with the Chief Finance Officer on any proposals either to purchase ICT systems or undertake significant equipment or software procurement, or to undertake a significant upgrade or extension of existing systems.

5.11 Control of Contracts

5.11.1 It is essential that all Chief Officers follow Contract Standing Orders as well as Financial Regulations. The achievement of value for money when procuring goods and services is a key task to ensure that public money is well spent.

5.12 Banking Arrangements

5.12.1 The Chief Finance Officer is responsible for ensuring that the council operates cost effective and sound banking systems to ensure its financial transactions are documented with the utmost accuracy, evidenced by reconciliations, with the avoidance of fraud and corruption. The Cabinet shall approve all banking contract terms and conditions.

5.13 Financial Authorisation Limits

5.13.1 Financial authorisation limits need to be set in the interests of good governance and financial management. The Chief Finance Officer will determine the Scheme of Authorisation and will authorise any exceptions. Chief Officers are responsible for ensuring staff authorised to act on their behalf do not exceed approved financial authorisation limits, particularly where manual processes are in operation.

6 EXTERNAL ARRANGEMENTS

6.1 Introduction

6.1.1 The council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

6.2 Partnerships

6.2.1 The Cabinet is responsible for approving delegations, including frameworks for partnerships, and is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

6.2.2 The main reasons for entering into a partnership are:

- where required, to act as the statutory accountable body;
- the desire to find new ways to share risk;
- the ability to access new resources;
- to provide new and better ways of delivering services;
- to forge new relationships.

6.2.3 A partner is defined as either:

- an organisation (independent, private or public) undertaking, part funding or participating as a beneficiary in a project or services in relation to a statutory function or functions of the council or in support of council priorities,

or

- a body whose nature or status gives it a right or obligation to support the project or services.

6.2.4 Partners participate in projects or services by:

- acting as commissioner, deliverer or sponsor of projects or services, solely or in concert with others;
- acting as funder or part funder of projects or services;
- being the beneficiary group of the activity undertaken in a project or services.

6.2.5 Partners have common responsibilities:

- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- be open about any conflict of interests that might arise;
- to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- to act wherever possible as ambassadors for the project.

6.2.6 The Council can delegate functions – including those relating to partnerships – to officers. These are set out in the Scheme of Delegation to Officers that forms part of the authority's Constitution. Where functions are delegated, the Council retains accountability.

6.2.7 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies, particularly where the authority is the designated lead partner or accountable body. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies. They will also maintain a register of partnerships and other entities in which the council has a 'controlling' interest so that Group Accounts can be published in compliance with local government accounting requirements.

6.2.8 Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

6.3 External Funding

6.3.1 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the council's accounts.

6.4 Work for Third Parties

6.4.1 The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies although this may be delegated to officers in accordance with the council's scheme of delegation or where below the threshold for a key decision.

SCHEDULE OF OFFICER RESPONSIBILITIES

Monitoring Officer

Financial Regulations including Standard Financial Procedures refer to the Monitoring Officer. This is a statutorily appointed role which may carry different job titles from time to time.

Deputy Chief Finance Officer (Deputy S151 Officer)

This role deputises for the Chief Finance Officer in relation to the statutory requirements of Section 151 of the Local Government Act 1972.

Timetable of meetings 2024/25

| MAY 2024 | | | | |
|--|---------|---|-----------------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| | | 1 | 2 | 3 |
| 6 BH | 7 | 8 Planning Cttee 2.00PM | 9 | 10 |
| 13 | 14 | 15 | 16 Annual Council 4.30PM | 17 |
| 20 | 21 | 22 Publication of Cabinet (June) Forward Plan | 23 | 23 |
| Spring Bank Holiday: Monday 27 May Half-term holiday: Tuesday 28 May to 31 May 2024 | | | | |

95

Timetable of meetings 2024/25

| JUNE 2024 | | | | |
|--|---|---|------------------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| 3 | 4 Corporate Parenting Board 4PM | 5 Planning Cttee 2.00PM | 6 | 7 |
| 10 | 11 Housing Management Panel: North | 12 Housing Management Panel: East | 13 | 14 |
| 17 Limited Liability Partnership Board 11.00am | 18 Housing Management Panel: Central | 19 Housing Management Panel: West | 20 Licensing Cttee 3.00PM | 21 |
| 24 | 25 Audit, & Standards & Governance Cttee 4.00PM | 26 | 27 CABINET 2.00PM | 28 |
| | | | | |

96

Timetable of meetings 2024/25

| JULY 2024 | | | | |
|-----------|--|--|----------------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| 1 | 2 <i>LGA Conference</i> | 3 <i>LGA Conference</i> Planning Cttee 2.00PM | 4 <i>LGA Conference</i> | 5 |
| 8 | 9 Overview & Scrutiny (PEOPLE) 4.00PM | 10 Health Overview & Scrutiny Committee 4.00PM | 11 COUNCIL 4.30PM | 12 |
| 15 | 16 Greater Brighton Economic Board 10.00am Health & Wellbeing Board 4.00PM | 17 | 18 CABINET 2.00PM | 19 |
| 22 | 23 Overview & Scrutiny (PLACE) 4.00PM | 24 | 25 | 26 |
| 29 | 30 | 31 | | |

97

Timetable of meetings 2024/25

| AUGUST 2024 | | | | |
|-------------|---------|----------------------------|----------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| | | | 1 | 2 |
| 5 | 6 | 7 Planning Cttee 2.00PM | 8 | 9 |
| 12 | 13 | 14 | 15 | 16 |
| 19 | 20 | 21 | 22 | 23 |
| 26 BH | 27 | 28 | 29 | 30 |

Timetable of meetings 2024/25

| SEPTEMBER 2024 | | | | |
|--|---|---|--|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| 2 | 3 | 4 Planning Cttee 2.00PM | 5 | 6 |
| 9 | 10 Housing Management Panel: North | 11 Housing Management Panel: East | 12 | 13 |
| 16 Limited Liability Partnership Board 11.00am | 17 Housing Management Panel: Central | 18 Housing Management Panel: West | 19 Health & Wellbeing Board 4.00PM | 20 |
| 23 | 24 Audit, & Standards & Governance Cttee 4.00PM | 25 Corporate Parenting Board 4PM | 26 CABINET 2.00PM | 27 |
| 30 | | | | |

66

Timetable of meetings 2024/25

| OCTOBER 2024 | | | | |
|--------------|---|--|---|-----------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| | 1 Overview & Scrutiny (PLACE) 4.00PM | 2 Planning Cttee 2.00PM | 3 | 4 |
| 7 | 8 | 9 Overview & Scrutiny (PEOPLE) 4.00PM | 10 Licensing Cttee 3.00PM | 11 |
| 14 | 15 | 16 | 17 CABINET 2.00PM | 18 |
| 21 | 22 Greater Brighton Economic Board 10.00am | 23 | 24 COUNCIL 4.30PM | 25 |
| 28 SH | 29 | 30 | 31 | |

100

Timetable of meetings 2024/25

| NOVEMBER 2024 | | | | |
|---------------|--|---|----------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| | | | | 1 |
| 4 | 5 | 6 Planning Cttee 2.00PM | 7 | 8 |
| 11 | 12 | 13 Health & Wellbeing Board 4.00PM | 14 CABINET 2.00PM | 15 |
| 18 | 19 Corporate Parenting Board 4PM Housing Management Panel: North | 20 Housing Management Panel: East Health Overview & Scrutiny Committee 4.00PM | 21 | 22 |
| 25 | 26 Housing Management Panel: Central | 27 Housing Management Panel: West | 28 | 29 |

101

Timetable of meetings 2024/25

| DECEMBER 2024 | | | | |
|---|---------|----------------------------|----------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| 2 | 3 | 4 Planning Cttee 2.00PM | 5 | 6 |
| 9 | 10 | 11 | 12 CABINET 2.00PM | 13 |
| 16 Limited Liability Partnership Board 11.00am | 17 | 18 | 19 COUNCIL 4.30PM | 20 |
| 23 SH | 24 | 25 BH | 26 BH | 27 |
| 30 | 31 | | | |

102

Timetable of meetings 2024/25

| JANUARY 2025 | | | | |
|--------------|---|--|----------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| | | 1 BH | 2 SH | 3 |
| 6 | 7 | 8 Planning Cttee 2.00PM | 9 | 10 |
| 13 | 14 Overview & Scrutiny (PEOPLE) 4.00PM | 15 | 16 CABINET 2.00PM | 17 |
| 20 | 21 Overview & Scrutiny (PLACE) 4.00PM | 22 | 23 | 24 |
| 27 | 28 Greater Brighton Economic Board 10.00am Audit, & Standards & Governance Cttee 4.00PM | 29 Health Overview & Scrutiny Committee 4.00PM | 30 COUNCIL 4.30PM | 31 |

103

Timetable of meetings 2024/25

| FEBRUARY 2025 | | | | |
|---------------|--|--------------------------------|------------------------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| 3 | 4 | 5 Planning Cttee 2PM | 6 Licensing Cttee 3.00PM | 7 |
| 10 | 11 Corporate Parenting Board 4PM | 12 | 13 CABINET 2.00PM | 14 |
| 17 SH | 18 | 19 | 20 | 21 |
| 24 | 25 | 26 | 27 Budget COUNCIL 4.30PM | 28 |

104

Timetable of meetings 2024/25

| MARCH 2025 | | | | |
|---|---|--------------------------------------|-----------------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| 3 | 4 Health & Wellbeing Board 4.00PM | 5 Planning Cttee 2.00PM | 6 Reserve Budget COUNCIL | 7 |
| 10 | 11 Housing Management Panel: North | 12 Housing Management Panel: East | 13 | 14 |
| 17 Limited Liability Partnership Board 11.00am | 18 Housing Management Panel: Central Overview & Scrutiny (PEOPLE) 4.00PM | 19 Housing Management Panel: West | 20 CABINET 2.00PM | 21 |
| 24 | 25 Greater Brighton Economic Board 10.00am Overview & Scrutiny (PLACE) 4.00PM | 26 | 27 | 28 |
| 31 | | | | |

105

Timetable of meetings 2024/25

| APRIL 2025 | | | | |
|------------|--|---|----------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| | 1 | 2 Planning Cttee 2.00PM | 3 | 4 |
| 7 SH | 8 | 9 | 10 | 11 |
| 14 | 15 | 16 | 17 | 18 BH |
| 21 BH | 22 Audit, & Standards & Governance Cttee 4.00PM | 23 Health Overview & Scrutiny Committee 4.00PM | 24 CABINET 2.00PM | 25 |
| 28 | 29 | 30 | | |

Timetable of meetings 2024/25

| MAY 2025 | | | | |
|----------|---------|----------------------------|-----------------------------|--------|
| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
| | | | 1 | 2 |
| 5 BH | 6 | 7 Planning Cttee 2.00PM | 8 | 9 |
| 12 | 13 | 14 | 15 CABINET 2.00PM | 16 |
| 19 | 20 | 21 | 22 ANNUAL COUNCIL 4.30PM | 23 |
| 26 BH | 27 | 28 | 29 | 30 |

Brighton & Hove City Council

Council

Agenda Item 11

Subject: Appointment of Cabinet Members

Date of meeting: 16 May 2024

Report of: Corporate Director of Corporate Services

Contact Officer: Name: Anthony Soyinka
Tel: 01273 29 1006
Email: Anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 To note the Councillors appointed to Cabinet and as Cabinet Advisors by the Leader of the Council.

2. Recommendations

- 2.1 That Council notes the appointment of Cabinet Members and Cabinet Advisors by the Leader as set out in Appendix A.

3. Context and background information

- 3.1 The Cabinet comprises the Leader of the Council, the Deputy Leader and up to eight other Councillors. The Deputy Leader and Cabinet are appointed by the Leader of the Council who also has authority to revoke these appointments.
- 3.2 The Leader is responsible for all of the Council's executive functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution. The Leader allocates, and may re-assign or vary, the portfolios of Cabinet members and determines which functions should be delegated to Cabinet and to individual Cabinet Members. The details of the appointments and the proposed allocation of responsibilities to Cabinet and to each Cabinet Member are set out Part 2 E of the Council's new Constitution.
- 3.3 Up to four Cabinet Advisors will support the Leader and Cabinet on specific policy areas. Cabinet Advisors are appointed by the Leader to lead on a specific policy area for a duration of 12 months. Cabinet Advisors will not be members of Cabinet and will not have decision making powers.
- 3.4 Proceedings of the Cabinet will take place in accordance with the Cabinet Procedures and the Access to Information Procedure Rules set out in Parts 3B and 3E of the Constitution.

4. Analysis and consideration of alternative options

4.1 This report is to note the appointments made by the Leader for information.

5. Community engagement and consultation

5.1 None specifically arising from the report.

6. Conclusion

6.1 The appointment of Cabinet Members is the prerogative of the Leader of the Council and the appointments are reported for information and transparency to full Council. Once confirmed by the Leader, they will be set out at Part 2E of the Council's Constitution and may be updated in accordance with any changes made by the Leader.

7. Financial implications

7.1 There are no direct financial implications arising from the recommendation of this report. Details of the basic and special responsibility allowances payable to Cabinet Members is included in the Independent Remuneration Panel report on the Members Allowances Scheme elsewhere on this agenda.

Name of finance officer consulted: James Hengeveld Date consulted: 07/05/24

8. Legal implications

8.1 The Local Government Act 2000, Part II, makes provisions for the establishment of a leader and cabinet executive. Section 9E of the Local Government Act 2000 sets out the arrangements for discharge of executive functions in the case of a leader and cabinet executive, as described in this report.

Section 9E of the LGA 2000 provides as follows:

9E Discharge of functions: general

(1) ... any functions which, under executive arrangements, are the responsibility of—

... (b) a leader and cabinet executive are to be discharged in accordance with this section.

(2) The senior executive member [who is defined as the leader in subs (8)]

(a) may discharge any of those functions, or

(b) may arrange for the discharge of any of those functions— (i) by the executive, (ii) by another member of the executive, (iii) by a committee of the executive, (iv) by an area committee, or (v) by an officer of the authority.

Name of lawyer consulted: Elizabeth Culbert Date consulted 060524

9. Equalities implications

9.1 None specifically arising from the report.

10. Sustainability implications

10.1 None specifically arising from the report.

Supporting Documentation

Appendices

1. Appendix A – Appointment of Cabinet Members & Cabinet Advisors

Membership of the Cabinet 2024/25

Cabinet and their portfolios

Councillor Bella Sankey - Leader of the Council and Cabinet Chair

Councillor Jacob Taylor - Deputy Leader and Cabinet Member, Finance and City Regeneration

Councillor Gill Williams - Deputy Leader and Cabinet Member, Housing and New Homes

Councillor Emma Daniel - Children, Families, Youth Services and for Ending Violence against Women and Girls

Councillor Tristram Burden - Adult Social Care, Public Health and Service Transformation

Councillor Tim Rowkins – Net Zero and Environmental Services

Councillor Trevor Muten – Transport, Parking and Public Realm

Councillor Leslie Pumm – Communities, Equalities and Human Rights

Councillor Birgit Miller – Culture, Heritage and Tourism

Councillor Alan Robins – Sports and Recreation

Cabinet Advisors for 2024 to 25

Councillor Ty Goddard – Regional Partnerships and Economic Growth

Councillor Mitchie Alexander – Community Engagement, Food Insecurity and Allotments

Councillor Paul Nann – Homeless Hub

Councillor Joy Robinson – Contract Management and Procurement

Brighton & Hove City Council

Council

Agenda Item 13

Subject: Review of the Member Allowances Scheme 2024-2028

Date of meeting: 16 May 2024

Report of: Corporate Director of Corporate Services

Contact Officer: Name: Anthony Soyinka
Tel: 01273 291 006
Email: Anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 In order to pay allowances to councillors all local authorities must have an agreed Members' Allowances Scheme outlining the levels of allowances available to all councillors and the roles that attract an allowance. The Scheme, once approved, forms part of the Council's Constitution (Part 4H).

1.2 The current Members Allowances Scheme was approved by full Council in December 2018. In accordance with the council's recommendations, the Independent Remuneration Panel (IRP) has undertaken a review of the Scheme and the Panel's report is attached as Appendix 1.

2. Recommendations

2.1 That Council is recommended to adopt a new Members Allowances Scheme for the payment of allowances with effect from the Annual Council Meeting on 16 May 2024 in accordance with the IRP recommendations as set out at Appendix 1;

2.2 That the Chief Executive is authorised to issue the Brighton & Hove Members' Allowances Scheme for 2024-28 in accordance with the IRP recommendations at Appendix 1 following Council approval;

2.3 That the Monitoring Officer is authorised to amend the Constitution to reflect the new Members Allowances Scheme accordingly;

2.4 That where there are any changes to any role listed as attracting a Special Responsibility Allowance under the Scheme, and the revised role is substantially the same as the previous role in terms of the nature or level of responsibility, the Special Responsibility Allowance shall continue to apply to the new role. This is subject to the Independent Remuneration Panel being consulted and agreeing that it is substantially the same role.

2.5 That full Council note that an early review of the new Scheme will be undertaken and a report brought back to full Council in the first quarter of 2025.

3. Context and background information

- 3.1 In February 2024, the Independent Remuneration Panel (IRP) undertook their review of the current Members' Allowances Scheme. In addition to reviewing the existing Scheme, the Panel considered benchmarking data and conducted interviews with Group Leaders and met with current Policy Chairs.
- 3.2 The IRP's recommendations are set out in their report attached as Appendix 1. The proposals are recommended to take effect from 16 May 2024 to align with the adoption of a Leader and Cabinet system.

Basic Allowance

- 3.3 The IRP report sets out the Panel's recommendation for a clear formula to be adopted in calculating the Basic Allowance. The formula proposed is based on:
- an estimation of the average number of hours necessary per week to undertake the role of a councillor (with no special responsibilities);
 - a public service discount set in the mid range of those applied by councils in the South East region; and
 - a remuneration rate based on the average (median), full-time gross wage per hour for the Brighton and Hove Council area (£18.55 per hour).
- 3.4 The formula is set out in detail at pages 4-5 of the IRP report at Appendix 1. The report states that the formula proposed for the Basic Allowance is intended to ensure that the level of Basic Allowance does not constitute a barrier to candidates from all sections of the community standing, or re-standing, for election as councillors.

Special Responsibility Allowances

- 3.5 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations"), Special Responsibility Allowances (SRAs) are identified for those roles where significant additional responsibilities are performed over and above the roles and expenses covered by the Basic Allowance.
- 3.6 Appendix 1 sets out at paragraph 4.2.3 those roles where SRAs have been identified as offices which bear significant additional responsibilities. SRAs are calculated based on a multiplier of the Basic Allowance and these are summarised at paragraph 4.2.8 of the report. The rationale for each proposed SRA is set out by the IRP in the report.

Other allowances

- 3.7 No changes are proposed to the Travelling and Subsistence Allowance arrangements.

- 3.8 The Child and Dependent Carers' Allowance has been reviewed and an increase proposed to the hourly rate for Child Care from £9.00 to £12.00 per hour (linked to the Real Living Wage). The IRP have further recommended that specialist care is reimbursed at actual cost and that the current £1,800 maximum annual cap is removed. The IRP have proposed that the travel and hand over time is increased to 60 minutes for each journey and that councillors be provided with up to three months to submit any claims relating to approved councillor duties (in place of the current two months timescale).
- 3.9 The IRP intended that the above proposals would ensure that potential candidates are not deterred from standing for election and that current councillors would be enabled to continue despite any change in their personal circumstances.

Parental Leave

- 3.10 The IRP have also made recommendations that the Council considers adopting a Parental Leave Policy and this has been progressed through a separate report on the agenda for this meeting.

4. Analysis and consideration of alternative options

- 4.1 The Panel has reviewed the Members' Allowances Scheme in line with the Local Authorities (Members' Allowances) (England) Regulations 2003).
- 4.2 In order to revise its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel.
- 4.3 The Panel took account of the latest regional and national earnings information in relation to any increase in allowances and made comparisons with the council's own salary inflation rate, public sector pay awards and comparable authorities.
- 4.4 The Panel also took on board the views of Group Leaders and best practice across other authorities.
- 4.5 The Council is required to consider the IRP's recommendations, but is not bound to adopt them and can, provided it acts reasonably, take decisions on allowances which are not in accord with such recommendations.

5. Community engagement and consultation

- 5.1 The Panel met with all Group Leaders and Policy Chairs before putting forward its recommendations. The Panel has proposed an early review of the Scheme on the basis that the new governance arrangements are not yet in place and that the Panel is not able to survey all Members on the impact of the new arrangements until they have been in operation for a period of time. Therefore a full review once the new arrangements have been in place for 6 months is proposed. All members will have the opportunity to take part in this review.

6. Conclusion

- 6.1 The Panel have recommended a new Members Allowances Scheme to be effective from the 2024 municipal year, which includes an increase to the Basic Allowance; a revised level of SRA's and changes to the child /dependent care allowances.

7. Financial implications

- 7.1 The estimated cost of the revised Members Allowance Scheme is £1.051m; the current scheme cost is estimated at £0.949m and therefore this represents an increase of £0.102m, or 10.7%. Member allowances were frozen in 2022/23 and 2023/24. Over the same period average staff pay increased by 12.7%.
- 7.2 The increased cost of Members allowances will be reflected in Targeted Budget Management Reports during 2024/25 and included in budget setting for 2025/26.

Name of finance officer consulted: James Hengeveld Date consulted :07/05/24

8. Legal implications

- 8.1 The proposals in this report and Appendix 1 comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2005 and associated guidance.

Name of lawyer consulted: Elizabeth Culbert Date consulted 060524

9. Equalities implications

- 9.1 The proposed increase to the Basic Allowance provides an equal benefit to all councillors.
- 9.2 The recommendations explicitly seek to encourage a wider cross-section of the community to become councillors and reduce the financial disincentives from serving as councillors.

10. Sustainability implications

- 10.1 There are no sustainability implications arising directly from the report.

Supporting Documentation

1. Appendices

1. Report of the Independent Remuneration Panel 2024



~~~~~

**The report of the Independent Remuneration Panel  
appointed to review the allowances paid to Councillors  
of Brighton and Hove City Council**

~~~~~

March 2024

CONTENTS

| | | |
|-----------|---|-------------------------------------|
| 1. | INTRODUCTION AND BACKGROUND | 1 |
| 2. | CURRENT SCHEME | 1 |
| 3. | PRINCIPLES UNDERPINNING OUR REVIEW | 2 |
| 3.1 | THE PUBLIC SERVICE PRINCIPLE..... | 2 |
| 3.2 | THE FAIR REMUNERATION PRINCIPLE..... | 2 |
| 4. | CONSIDERATIONS AND RECOMMENDATIONS | 3 |
| 4.1 | BASIC ALLOWANCE..... | 3 |
| 4.2 | SPECIAL RESPONSIBILITY ALLOWANCES (SRAs)..... | 6 |
| 4.3 | CO-OPTEEES’/ INDEPENDENT PERSONS ALLOWANCE | 110 |
| | TRAVELLING AND SUBSISTENCE ALLOWANCE | 120 |
| 4.5 | DEPENDANTS’ CARERS’ ALLOWANCE | 121 |
| 4.6 | PARENTAL LEAVE | 132 |
| 4.7 | INDEXING OF ALLOWANCES..... | 143 |
| 4.8 | REVOCATION OF CURRENT SCHEME OF ALLOWANCES / IMPLEMENTATION OF NEW SCHEME | 154 |
| 5. | OUR INVESTIGATION | 154 |
| 5.1 | BACKGROUND | 154 |
| 5.2 | FUTURE REVIEW | ERROR! BOOKMARK NOT DEFINED. |
| 6. | APPROVED COUNCILLOR DUTIES | 154 |

| | | |
|-------------------|---|----|
| Appendix 1 | Basic Allowance/Special Responsibility Allowances/Independent Persons’ Allowance/ Dependants’ Carers’ Allowance / Mayoral Allowances – Summary of Recommendations | 15 |
| Appendix 2 | Comparative data of allowances paid to councillors of the other unitary councils (South East Employers, Members Allowances Survey 2023) | |

1. INTRODUCTION AND BACKGROUND

- 1.1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations"), as amended, require all local authorities to appoint an independent remuneration panel (IRP) to advise on the terms and conditions of their scheme of councillors' allowances.
- 1.1.2 Brighton and Hove City Council formally appointed the following persons to undertake this process and make recommendations on its future scheme.

John Bateman- Retired teacher of Corporate Governance in the Department of Business and Management at the University of Sussex, Chair of Panel.
Jaine Jolly - Local Resident and Planning Inspector.
Rachel Potter- Local Resident, Journalist and Editor specialising in local government and the public sector.

Elizabeth Culbert- Assistant Director, Legal and Democratic Services, Brighton and Hove City Council provided Panel support.
Mark Palmer – Director: Development and Governance, South East Employers provided advice and Panel support.

- 1.1.3 Our terms of reference were in accordance with the requirements of the 2003 Regulations, together with "Guidance on Consolidated Regulations for Local Authority Allowances" issued jointly by the former Office of the Deputy Prime Minister and the Inland Revenue (July 2003). Those requirements are to make recommendations to the Council as to:

- (a) the amount of basic allowance to be payable to all councillors.
- (b) the level of allowances and whether allowances should be payable for:
 - (i) special responsibility allowances.
 - (ii) travelling and subsistence allowance.
 - (iii) dependants' carers' allowance.
 - (iv) parental leave and.
 - (v) Independent Persons' allowance.and the amount of such allowances.
- (c) whether payment of allowances may be backdated if the scheme is amended at any time to affect an allowance payable for the year in which the amendment is made.
- (d) whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years before its application is reviewed.

2. CURRENT SCHEME

- 2.1.1 The last review of councillors' allowances was undertaken by the IRP for the Council in 2019.

- 2.1.2 The Scheme currently provides that all councillors are each entitled to a total basic allowance of £13,593 per annum, with effect from April 2023. In addition, some councillors receive special responsibility allowances for undertaking additional duties.
- 2.1.3 Councillors may also claim the cost of travel and subsistence expenses and for expenditure on the care of children or dependants whilst on approved councillor duties.

3. PRINCIPLES UNDERPINNING OUR REVIEW

3.1 The Public Service Principle

- 3.1.1 This is the principle that an important part of being a councillor is the desire to serve the public and, therefore, not all of what a councillor does should be remunerated. Part of a councillor's time should be given voluntarily. The consolidated guidance notes the importance of this principle when arriving at the recommended basic allowance.¹ Moreover, we found that a public service concept or ethos was articulated and supported by virtually all of the councillors we interviewed as part of our review.
- 3.1.2 To provide transparency and increase an understanding of the Panel's work, we will recommend the application of an explicit Public Service Discount (or PSD). Such a PSD is applied to the time input necessary to fulfil the role of a councillor. Further explanation of the PSD to be applied is given below in section 4.

3.2 The Fair Remuneration Principle

- 3.2.1 Alongside the belief that the role of the elected Councillor should, in part, be viewed as unpaid voluntary service, we advocate a principle of fair remuneration. The Panel in 2024 subscribes to the view promoted by the independent Councillors' Commission:

Remuneration should not be an incentive for service as a councillor. Nor should lack of remuneration be a barrier. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors. Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage as a result of doing so.²

- 3.2.2 We are keen to ensure that our recommended scheme of allowances provides reasonable financial compensation for councillors. Equally, the scheme should be fair, transparent, logical, simple, and seen as such.
- 3.2.3 Hence, we continue to acknowledge that:
- (i) allowances should apply to roles within the Council, not individual councillors.
 - (ii) allowances should represent reasonable *compensation* to councillors for expenses they incur and time they commit in relation to their role, not *payment* for their work; and

¹ The former Office of Deputy Prime Minister – now the Department of Levelling Up Housing and Communities. The Inland Revenue (now HM Revenue and Customs), *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 68.

² Rodney Brooke and Declan Hall, *Members' Remuneration: Models, Issues, Incentives and Barriers*. London: Communities and Local Government, 2007, p.3.

- (iii) special responsibility allowances are used to recognise the *significant* additional responsibilities which attach to some roles, not merely the extra time required.
- 3.2.4 In making our recommendations, we have therefore sought to maintain a balance between:
- (i) the voluntary quality of a councillor's role.
 - (ii) the need for appropriate financial recognition for the expenses incurred and time spent by councillors in fulfilling their roles; and
 - (iii) the overall need to ensure that the scheme of allowances is neither an incentive nor a barrier to service as a councillor.
- 3.2.5 The Panel also sought to ensure that the scheme of allowances is understandable in the way it is calculated. This includes ensuring the bandings, tiers and differentials of the allowances are as transparent as possible.
- 3.2.6 In making our recommendations, we wish to emphasise that any possible negative impact they may have is not intended and should not be interpreted as a reflection on any individual councillor's performance in the role.

4. CONSIDERATIONS AND RECOMMENDATIONS

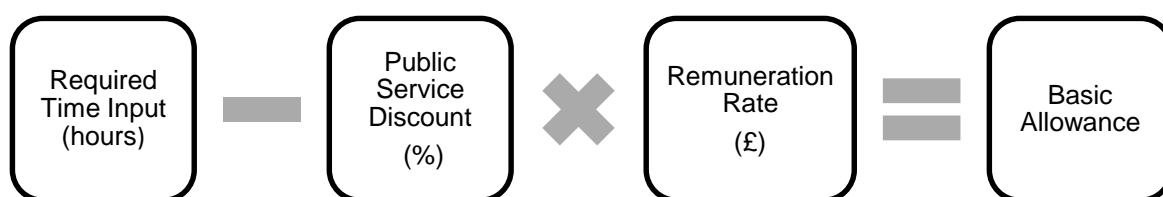
4.1 Basic Allowance

- 4.1.1 A Council's scheme of allowances must include provision for a basic allowance, payable at an equal flat rate to all councillors. The guidance on arriving at the basic allowance states, "*Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated.*"³
- 4.1.2 In addition to the regular cycles of Council and committee meetings, a number of working groups involving councillors may operate. Many councillors are also appointed by the Council to a number of external organisations.
- 4.1.3 We recognise that councillors are responsible to their electorate as:
- Representatives of a particular ward.
 - Community leaders.
 - Decision makers for the whole Council area.
 - Policy makers for future activities of the Council.
 - Scrutineers and auditors of the work of the Council; and
 - Regulators of planning, licensing and other matters required by Government.
- 4.1.4 The guidance identifies the issues and factors an IRP should have regard to when making a scheme of allowances.⁴ For the basic allowance we considered three

³ The former Office of Deputy Prime Minister – now the Department of Levelling Up, Housing and Communities. The Inland Revenue (now HM Revenue and Customs), *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 67.

⁴ The former Office of Deputy Prime Minister – now the Department of Levelling Up, Housing and Communities and *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraphs 66-81.

variables in our calculation: the time required to execute the role effectively; the public service discount; and the rate for remuneration.



4.1.5 Each of the variables is explained below.

Required Time Input

4.1.6 We ascertained the average number of hours necessary per week to undertake the role of a councillor (with no special responsibilities) from interviews with councillors and through reference to the relevant information. In addition, we considered further information about the number, range, and frequency of committee meetings.

4.1.7 Discounting attendance at political meetings (which we judged to be centred upon internal political management), we find that the average time commitment required to execute the role of a councillor with no special responsibilities is **22 hours per week**.

Public Service Discount (PSD)

4.1.8 From the information analysed, we found councillors espoused a high sense of public duty. Given the weight of evidence presented to us concerning, among other factors, the levels of responsibility, the varied nature of the role, the need for learning and development, and the increasing accessibility and expectations of the public, we recommend a Public Service Discount of **33 per cent** to the calculation of the basic allowance. This percentage sits within the mid-range of PSDs applied to basic allowances by councils in the South East region.

Remuneration Rate

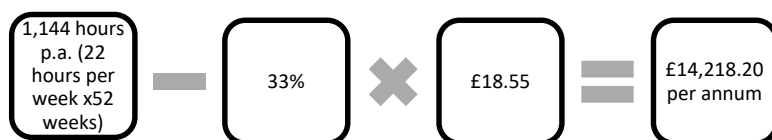
4.1.9 After establishing the expected time input to be remunerated, we considered a remuneration rate. We came to a judgement about the rate at which the councillors ought to be remunerated for the work they do.

4.1.10 To help identify an hourly rate for calculating allowances, we utilised relevant statistics about the local labour market published by the Office for National Statistics. We selected the average (median), full-time gross⁵ wage per hour for the Brighton and Hove Council area **£18.55⁶ per hour**.

Calculating the basic allowance

4.1.11 After determining the amount of time required each week to fulfil the role (22 hours), the level of PSD to be applied (33%) and the hourly rate to be used (£18.55), we calculated the basic allowance as follows:

⁵ The Nomis official labour market statistics: Hourly Pay – Gross median (£) For full-time employee jobs by place of residence: UK December 2023.



4.1.12 The gross Basic Allowance before the PSD is applied is £21,221.20. Following the application of the PSD this leads to a basic allowance of **£14,218.20** per annum.

4.1.13 This amount is intended to recognise the overall contribution made by councillors, including their work on council bodies, and ward work and attendance on external bodies.

4.1.14 We did also note the levels of basic allowance currently allocated by other unitary councils in the South East.

| Council | Unitary Councils: Basic Allowances (£) 2023 ⁷ |
|---|--|
| Bracknell Forest Council | 9,038 |
| Brighton & Hove City Council | 13,593 |
| Buckinghamshire Council | 13,458 |
| Isle of Wight Council | 8,832 |
| Medway Council | 11,474 |
| Milton Keynes Council | 11,689 |
| Portsmouth City Council | 11,684 |
| Reading Borough Council | 8,942 |
| Royal Borough of Windsor and Maidenhead | 8,472 |
| Slough Borough Council | 8,438 |
| Southampton City Council | 13,900 |
| West Berkshire Council | 8,154 |
| Wokingham Borough Council | 7,784 |

4.1.15 The Panel wished to ensure the level of basic allowance does not constitute a barrier to candidates from all sections of the community standing, or re-standing, for election as councillors. The Panel was of the view that the 2019 review had begun to make recommendations to ensure that the current basic was in accordance with the principle of fair remuneration and the 2024 review has further enhanced this approach through the continued application of a transparent and clear formula for calculating the Basic Allowance. Such a formula will also assist a future Panel in recommending a Basic Allowance

WE THEREFORE RECOMMEND that the Basic Allowance payable to all Members of Brighton and Hove City Council be £14,218 per annum

⁷ Figures drawn from the South East Employers, Members' Allowances Survey 2023 (October 2023).

4.2 Special Responsibility Allowances (SRAs)

- 4.2.1 Special Responsibility Allowances are awarded to councillors who perform significant additional responsibilities over and above the roles and expenses covered by the basic allowance. These special responsibilities must be related to the discharge of the council's functions. The SRA payable is in addition to the Basic Allowance payable to all Brighton and Hove City Councillors.
- 4.2.2 The 2003 Regulations do not limit the number of SRAs which may be paid, nor do they prohibit the payment of more than one SRA to any one councillor. They do require that an SRA be paid to at least one councillor who is not a member of the controlling group of the Council. As the guidance suggests, if the majority of councillors receive an SRA, the local electorate may rightly question the justification for this.⁸
- 4.2.3 We conclude from the evidence we have considered that the following offices bear *significant* additional responsibilities:
- Leader of the Council
 - Deputy Leader of the Council
 - Cabinet Members
 - Leader of the Opposition
 - Leader of the Minority Groups
 - Chair of Overview and Scrutiny
 - Chairs of Planning
 - Chair of Licensing
 - Chair of Audit and Standards
 - Chair of Health and Wellbeing Board
 - Mayor
 - Deputy Mayor
 - Independent Persons
 - Cabinet Advisors

One SRA Only Rule

- 4.2.4 To improve the transparency of the scheme of allowances, we feel that no councillor should be entitled to receive at any time more than **one SRA**. If a councillor can receive more than one SRA, then the public are unable to ascertain the actual level of remuneration for an individual councillor from a reading of the Scheme of Allowances.
- 4.2.5 Moreover, the One SRA Only Rule avoids the possible anomaly of the Leader receiving a lower allowance than another councillor. If two or more allowances are applicable to a councillor, then the higher-valued allowance would be received. The One SRA Only Rule is common practice for many councils. Our calculations for the SRAs are based on this principle, which should be highlighted:

WE THEREFORE RECOMMEND that that no councillor shall be entitled to receive at any time more than one Special Responsibility Allowance and that this One SRA Only Rule be adopted into the Scheme of Allowances.

⁸ The former Office of Deputy Prime Minister – now the Department of Levelling Up, Housing and Communities. *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 72.

The Maximum Number of SRA's Payable

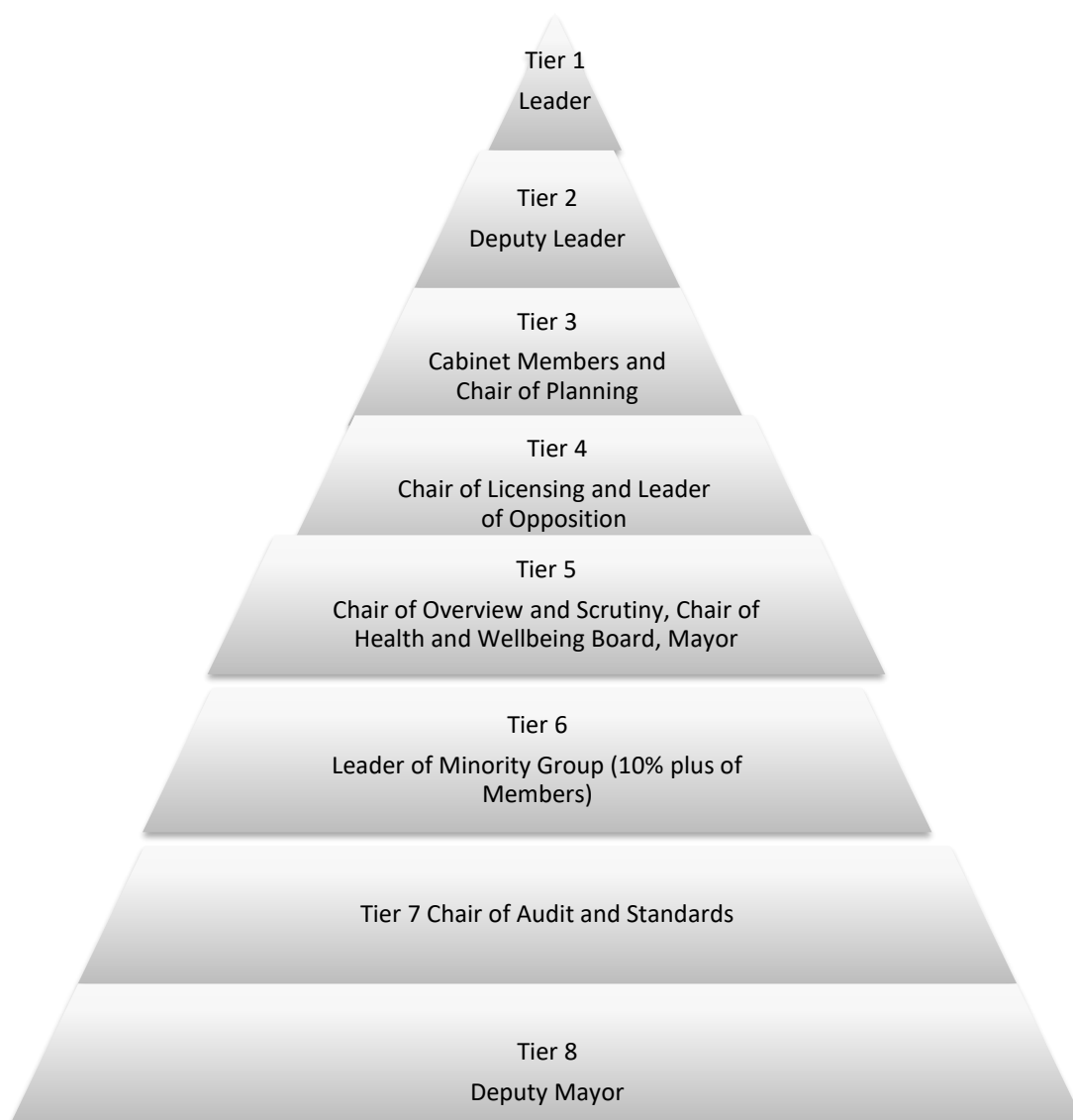
- 4.2.6 In accordance with the 2006 Statutory Guidance (paragraph 72) the Panel is of the view that the Council should adhere to the principal that no more than **50%** of Council Members (27) should receive an SRA at any one time.

WE THEREFORE RECOMMEND that the Council should adhere to a maximum number of SRA's payable at any one time that does not exceed 50% of Council Members (27 Members).

Calculating SRAs

- 4.2.7 The Panel supported the criteria and formula for calculating the Leader of the Council allowance based on a multiplier of the Basic Allowance; this role carries the most significant additional responsibilities and is the most time consuming.
- 4.2.8 We applied a multiplier of the basic allowance to establish the Leader's SRA. Other SRAs are then valued downwards as a percentage of the Leader's allowance. This approach has the advantage that, when future adjustments to the SRAs are required, changing the Leader's SRA will have a proportionate and easily calculable effect on the other SRAs within the scheme.

We grouped together in Tiers those roles that we judged to have a similar level of responsibility. The outline result of this approach is illustrated in a pyramid of responsibility:



The rationale for these tiers of responsibility are discussed below.

Leader (Tier One)

4.2.9 The Council has adopted a Leader and Cabinet model of governance and therefore elects for a four-year term of office a Leader who is ultimately responsible for the discharge of all executive functions of the Council. The Leader is the principal policy maker and has personal authority to determine delegated powers to the rest of the Cabinet. The Leader is also responsible for the appointment (and dismissal) of members of the Cabinet and their respective areas of responsibility.

4.2.10 The multiplier we applied to calculate the Leader’s SRA is 260% (2.6 times) of the basic allowance. If the recommended option of a Basic Allowance with a PSD of 33% is adopted, this results in a Leader’s Allowance of £36,967.

WE RECOMMEND that the Leader of the Council should receive a Special Responsibility Allowance of 260% of the Basic Allowance, £36,967.

Deputy Leader (Tier Two)

4.2.11 The Deputy Leader usually acts on the Leader’s behalf in their absence and provides additional support to the Leader of the Council. From the information we gathered, we continue to consider this additional responsibility should be reflected in the level of

allowance. Therefore, we recommend the Deputy Leader's SRA be set at 60% of the Leader's SRA. If our recommendations concerning the Basic Allowance and the Leader's SRA are adopted, this results in an allowance of £22,180. If the Deputy Leader position were to be filled on a job share basis between two Cabinet Members, this would result in an allowance of £17,559.23. A job share of the Deputy Leader role between two Cabinet Members on this basis results in no change to the overall cost to the Scheme.

WE RECOMMEND that the Deputy Leader receive a Special Responsibility Allowance of 60% of the Leader's Allowance, £22,180 or, if undertaken on a job share basis between two Cabinet Members, an allowance of £17,559.23

Cabinet Members and Chair of Planning (Tier Three)

- 4.2.12 Cabinet Members appointed by the Leader of the Council have significant delegated decision-making responsibilities across their portfolio. The Cabinet Member role has more responsibility than a Chair of a Committee.
- 4.2.13 The panel is therefore of the view that the Special Responsibility Allowance for a Cabinet Member should be 35% of the Leader's Allowance, £12,938.
- 4.2.14 The Chair of Planning continues to have a high impact across the Council area and has a high workload that includes regular site visits and a high number of meetings. The Panel therefore recommends that the Chair Planning should receive a Tier Three allowance, 35% of the Leader's Allowance, £12,938

WE RECOMMEND that a Cabinet Member and the Chair of Planning Committee should receive an allowance of 35% of the Leaders' Allowance, £12,938.

Leader of the Opposition and Chair of Licensing (Tier Four)

- 4.2.15 From the evidence gathered as part of the structured interviews we consider the Leader of the Opposition to be a significant role and the 2003 Regulations require that the Leader of the Opposition receive a Special Responsibility Allowance. The Leader of the Opposition has to both ensure democratic accountability and the holding to account of the administration but also manage and develop a Group.
- 4.2.16 The Leader of the Opposition should receive a Special Responsibility Allowance calculated on the same basis as the other SRA's, a percentage of the Leader's Allowance. Based on the size and complexity of the role the Panel is of the view that the Main Opposition Group Leader should receive an allowance of 33% of the Leader's Allowance, £12,199.
- 4.2.17 The Panel was made aware that Licensing is a busy area of work because of the nature of the City, requiring a high number of Licensing Panels to take place in addition to Committee meetings. The Panel therefore recommends that the Special Responsibility Allowance for the Chair of the Licensing should also be a Tier Four allowance, 33% of the Leader's Allowance, £12,199.

WE RECOMMEND that the Leader of the Opposition and the Chair of the Licensing Committee should all receive a Tier Four Allowance, 33% of the Leader's Allowance, £12,199.

Chair of Overview and Scrutiny, Mayor and Chair of Health and Wellbeing Board (Tier Five)

- 4.2.18 The Panel was of the view that Overview and Scrutiny will be a pivotal part of the Council's new governance arrangements in ensuring internal and external accountability and holding the Cabinet to account. Statutory Guidance published by the former Department for Housing Communities and Local Government further strengthened the role and profile of overview and scrutiny and discussed the role as having a '*parity of esteem*' with a Cabinet role. Although as part of this review the Panel has not gone this far we do reflect the importance of overview and scrutiny in Brighton and Hove City Council. The Panel therefore recommends that the Chairs of Overview and Scrutiny should receive a Tier Five allowance, 30% of the Leader's Allowance, £11,090.
- 4.2.19 The role of Mayor is highly visible across the Council area and undertakes a high number of civic engagements that raise the profile of the Council and this is reflected in the current allowance. The Panel was of the view that the Mayoral Allowance should continue to be at the same percentage of the Leader's Allowance, 30%. We therefore recommend that the role of Mayor be recognised at Tier Five and receive an allowance of £11,090, 30% of the Leader's Allowance.
- 4.2.20 Within the new governance structure the Chair of the Health and Wellbeing Board will continue to be a pivotal role. The Panel recommends that the Chair of the Health and Well Being Board should receive a Tier Five allowance, 30% of Leader's Allowance, £11,090

WE RECOMMEND that the Chairs of Overview and Scrutiny, Mayor and Chair of the Health and Wellbeing Board should each receive an allowance of 30% of the Leaders' Allowance, £11,090.

Leader of the Minority Groups (Tier Six)

- 4.2.21 The Leader of a Minority Group should continue to be recognised as a role of significant importance, however the Panel was of the view that to qualify for the allowance the group should comprise of at least 10% of total councillors on Brighton and Hove City Council, six councillors.
- 4.2.22 The Panel recommends that the Leader of a Minority Group should receive an allowance of 20% of the Leader's Allowance, £7,393. The Panel further recommends that to qualify for this allowance the group should consist of at least 10% of total councillors, six councillors.

WE RECOMMEND that the Leader of a Minority Group should receive an allowance of 20% of the Leader's Allowance, £7,393. The Panel further recommends that to qualify for this allowance the group should consist of at least 10% of total councillors, six councillors.

Chair of Audit and Standards Committee (Tier Seven).

- 4.2.23 The Audit and Standards Committee was recognised as a high-profile committee that had a key role in terms of financial management and effective governance. The committee also had the lead responsibility for ensuring effective standards and overseeing the Code of Conduct. The Panel was of the view that the Chair should continue to receive a Special Responsibility Allowance of 15% of the Leader's Allowance, £5,758.

WE RECOMMEND that the Chair of Audit and Standards should receive a Tier Seven allowance, 15% of the Leader's Allowance, £5,758.

Deputy Mayor (Tier Eight)

4.2.24 The role of Deputy Mayor like that of the Mayor continues to be a high-profile role that has a significant impact across the Council area and a high workload based on the number and frequency of civic engagements. The Panel is of the view that the role of Deputy Mayor should continue to receive an allowance based on 6% of the Leader's Allowance, £2,218.

WE RECOMMEND that the Deputy Mayor receive a Tier Eight Allowance, 6% of the recommended Leader's Allowance, £2,218.

Deputy Leader of the Opposition, Deputy Chair of Planning and Deputy Chair of Licensing

4.2.25 The Panel is of the view that the roles of Deputy Leader of the Opposition, Deputy Chair of Planning and Deputy Chair of Licensing are not roles that meet the criteria of a Special Responsibility Allowance and the allowances for these three roles should be withdrawn.

WE RECOMMEND that the Special Responsibility Allowances for the roles of Deputy Leader of the Opposition, Deputy Chair of Planning and Deputy Chair of Licensing should be withdrawn.

Cabinet Advisor roles (up to four Cabinet Advisors appointed for a 12 month period)

4.2.26 The Panel has been made aware of proposals to support the new Cabinet with up to four Cabinet Advisor roles. Cabinet Advisors would be appointed by the Leader, following consultation with Cabinet, to lead on a specific policy area for a duration of 12 months. Cabinet Advisors will not be members of Cabinet and will not have decision making powers. The Panel are aware that this is a model operated by other Councils with a Leader and Cabinet system, to support the Cabinet with recommendations in specified areas.

4.2.27 The Panel has been made aware of a Cabinet Advisor role which would be to provide a regional role on Devolution and Functional Economic Areas. This is anticipated to be a more extensive role than the other 3 Cabinet Advisor roles, as it will operate across the Greater Brighton Economic Region and be a member of the Greater Brighton Economic Board. Taking into account the regional nature of the role, the Panel proposes an allowance of 12% of the Leaders' Allowance for this 12 month role, **£4,436.04**. For the other three City-focused Cabinet Advisor roles the Panel have considered comparative data and consider that these other three Cabinet Advisor roles should receive an allowance of 4% of the Leaders' Allowance, ie **£1,478.68**.

WE RECOMMEND that the Special Responsibility Allowances for the role of Cabinet Advisor (Devolution and Functional Economic Areas) and the three roles of Cabinet Advisor (City-focused) should receive an allowance of £4,466.04 and £1,478.68 respectively.

4.3 Independent Persons Allowance

4.3.1 An IRP may recommend the payment and level of an allowance for those who serve on the committees or sub-committees of a Council but are not members of the Council. We recognise that in so doing, an element of the contribution made by the Independent Persons should be voluntary. We therefore continue to recommend that the Independent Persons of the Council are entitled to an allowance plus travel,

subsistence and other expenses in accordance with the scheme applicable to councillors.

WE RECOMMEND that the Independent Persons should continue to receive an allowance of £1,030 per annum. The role will also receive travel, subsistence and other expenses in accordance with the scheme applicable to councillors.

WE ALSO RECOMMEND that the allowance for an Independent Person or Co-Optee chairing a Standards Panel hearing continue to be at a rate of £200 per meeting.

4.4 Travelling and Subsistence Allowance

- 4.4.1 A scheme of allowances may provide for any councillor to be paid for travelling and subsistence undertaken in connection with any of the duties specified in Regulation 8 of the 2003 Regulations (see paragraph 5.10). Similarly, such an allowance may also be paid to co-opted/Independent Persons of a committee or sub-committee of the Council in connection with any of those duties, provided that their expenses are not also being met by a third party.

WE RECOMMEND that travelling and subsistence allowance should continue to be payable to councillors and independent persons in connection with any approved duties. The amount of travel and subsistence payable shall continue to be at the maximum levels payable to council staff in line with HM Revenue and Customs' rates. We propose no changes to the current travel and subsistence allowances.

4.5 Child and Dependent Carers' Allowance

- 4.5.1 The child and dependant carers' allowance should ensure that potential candidates are not deterred from standing for election and should enable current councillors to continue despite any change in their personal circumstances. The current scheme awards reimbursement for Child Care at the rate of **£9.00** per hour and more specialist care is also at a rate of **£9.00** per hour. The current scheme also limits any claim up to a maximum of £1,800 per annum when undertaking Approved Councillor duties.
- 4.5.2 The Panel is of the view that the Child and Dependent Carers' Allowance should continue to be reimbursed at two rates for basic Childcare and more specialist care. With regards to childcare the Panel recommends that this should be linked to the Real Living Wage as recommended by the Living Wage Foundation, currently **£12.00 per hour**.
- 4.5.3 With regard to more specialist care the Panel is of the view that because the cost of this type of care has escalated and that the nature of this type of care varies in terms of commitment and complexity the Panel is of the view that this should therefore be reimbursed at the actual cost incurred by the councillor upon production of receipts.
- 4.5.4 In respect of specialist care provision medical evidence that this type of care provision is required should also be provided and approved by an appropriate officer of the Council. The panel further recommends that the £1,800 maximum annual claim is removed.
- 4.5.5 The Panel recommends that the maximum claim for travel time and handover as part of the child and dependent Carers' allowance be increased from thirty minutes to sixty minutes for each journey.

- 4.5.6 Currently the Scheme of Allowances requires councillors to submit claims for allowances such as Childcare to be made within two months. To support a more manageable approach to claiming allowances the Panel is of the view that councillors be provided with up to **three months** to submit any claims relating to approved councillor duties.
- 4.5.7 The Panel is also of the view that the Monitoring Officer be given the discretion to accept claims outside of the three month limit in exceptional circumstances, such as illness or other circumstances beyond the councillor's control or where the Monitoring Officer otherwise considers it appropriate in all the circumstances. No extension should be given beyond six months.

WE THEREFORE RECOMMEND that the Child and Dependant Carers' Allowance should be based on two rates: childcare and specialist care.

The childcare rate should be linked to the Real Living Wage as recommended by the Living Wage Foundation, currently £12.00 per hour (reviewed on an annual basis).

Specialist care should be based at cost upon production of receipts and in the case of specialist care a requirement of medical evidence that this type of care is required.

The allowance should have no maximum claim when undertaking Approved Councillor Duties.

The Panel further recommends that the maximum claim for travel time and handover as part of the Child and Dependant Carers' Allowance be increased from thirty to sixty minutes for each journey.

WE ALSO RECOMMEND that the Council should actively promote the allowance to prospective and new councillors both before and following an election. This may assist in supporting greater diversity of councillor representation.

FINALLY WE RECOMMEND that the timescale to make claims for allowances related to approved councillor duties be extended to three months and that the Monitoring Officer be given discretion to extend this timescale further in exceptional circumstances. No extension should be given beyond six months.

4.6 Parental Leave

- 4.6.1 There is no uniform national policy to support councillors who require parental leave for maternity, paternity, or adoption leave. According to the Fawcett Society (Does Local Government Work for Women, 2018) a *'lack of maternity, paternity provision or support'* is a real barrier for women aged 18-44 to fulfil their role as a councillor.
- 4.6.2 We are of the view that support should be provided for parental leave although we do not wish to stipulate an exact policy/procedure. The Panel is aware that the Local Government Association (Labour Group) has developed a model policy that has been adopted by a growing number of councils across the southeast region.
- 4.6.3 There is no legal right to parental leave of any kind for people in elected public office. However, as a way of improving the diversity of Councillors, the Panel would recommend that the Members' Allowance Scheme should be further updated to include provisions that clarify that:

- All Councillors shall continue to receive their Basic Allowance in full for a period at least six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence
- Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of at least six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence
- Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972
- If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.
- If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance any Special Responsibility Allowance will cease from the date they leave office.

4.6.4 The Panel is aware that these provisions do not replicate the LGA Labour Group policy, as that policy introduces elements that are more akin to employees which in terms of employment legislation does not include Councillors. We feel that our recommendations more simply and adequately reflect the situation relating to Councillors and clarify for them what they can expect. Councillors however may wish to further develop the above recommendations.

4.6.5 The Panel was aware of the current BHCC policy that has been approved in respect of Parental and Special Leave and therefore the above recommendations are intended to build on that Policy.

WE RECOMMEND that the approach outlined is adopted as an update to the Council's Policy to support Parental and Special Leave for councillors. This may include the adoption of the LGA Labour Group model policy for parental leave.

Any policy on Parental Leave for Councillors should be actively promoted to prospective and current Councillors alongside the Dependents' Carers Allowance.

4.7 Indexing of Allowances

4.7.1 A scheme of allowances may make provision for an annual adjustment of allowances in line with a specified index. The present scheme makes provision for the basic allowance, the special responsibility allowances, Independent Persons and Co-optees allowance to be adjusted annually in line with the percentage increase for staff salaries.

- 4.7.2 The 2022 and 2023 National Joint Council for Local Government Services pay settlement recommended a flat rate increase rather than a percentage increase, should this happen again during the period of this scheme then a mid-point Spinal Column Point should be used for calculating the indexation of the members allowances.

WE RECOMMEND that the basic allowance, each of the SRAs, the Independent Persons and the Co-optees' Allowance be increased annually in line with the percentage increase in staff salaries from April 2025 for a period of up to four years. After this period, the Scheme shall be reviewed again by an independent remuneration panel.

4.8 Revocation of current Scheme of Allowances / Implementation of new Scheme

- 4.8.1 The 2003 Regulations provide that a scheme of allowances may only be revoked with effect from the beginning of a financial year, and that this may only take effect on the basis that the authority makes a further scheme of allowances for the period beginning with the date of revocation.

WE THEREFORE RECOMMEND that the new scheme of allowances to be agreed by the Council be implemented with effect from 16th May 2024, at which time the current scheme of allowances will be revoked.

5. OUR INVESTIGATION AND A FUTURE REVIEW

5.1 Background

- 5.1.1 We interviewed eleven current councillors including each group leader using a structured questioning process. We are grateful to all our interviewees for their assistance.

5.2 Future Review

- 5.2.1 The Panel recommends that a further review of members allowances should be undertaken after a period of at least six months implementation of the new governance arrangements and roles. This recognises that there are new arrangements in place and that the Panel is not able to survey all Members on the impact of the new arrangements until they have been in operation for a period of time. The review should therefore be undertaken, survey all Members and offering the opportunity for all Members from all Groups to speak to the Panel.

6. APPROVED COUNCILLOR DUTIES

- 6.1.1 The Panel during the review was mindful of the recommended duties for which allowances should be payable. The Panel recommends that a comprehensive review of the Approved Councillor Duties is undertaken during the review recommended in quarter one of 2025.

WE THEREFORE RECOMMEND: That no changes are made to the Approved Duties as outlined in the Members' Allowance Scheme.

However, the Panel recommends that a comprehensive evaluation of the Approved Duties is undertaken during the review recommended in quarter one of 2025.

**John Bateman (Chair of the Independent Remuneration Panel)
Jaine Jolly (Member of the Independent Remuneration Panel)
Rachel Potter (Member of the Independent Remuneration Panel)**

March 2024

Appendix 1: Summary of Panel's Recommendations

| Allowance | Current Amount for 2023-24 | Number | Recommended Allowance (33% PSD) | Recommended Allowance Calculation |
|---------------------|----------------------------|-----------|---------------------------------|-----------------------------------|
| Basic (BA) | | | | |
| Total Basic: | £13,593 | 54 | £14,218 | |

| Special Responsibility: | | | | |
|--|---------|---|------------|---------------------------|
| Leader of the Council | £33,593 | 1 | £36,967 | 260% of BA |
| Deputy Leader | £20,390 | 1 | £22,180 | 60% of Leader's Allowance |
| Deputy Leader if Job Share | | | £17,559.23 | " |
| Cabinet Members | No SRA | 8 | £12,938 | 35% of Leader's Allowance |
| Chair of Planning | £11,894 | 1 | £12,938 | 35% of Leader's Allowance |
| Chair of Licensing | £11,894 | 1 | £12,199 | 33% of Leader's Allowance |
| Leader of Largest Opposition | £11,894 | 1 | £12,199 | 33% of Leader's Allowance |
| Chair of Overview & Scrutiny | No SRA | 3 | £11,090 | 30% of Leader's Allowance |
| Mayor | £10,078 | 1 | £11,090 | 30% of Leader's Allowance |
| Chair of Health and Wellbeing Board | £10,195 | 1 | £11,090 | 30% of Leader's Allowance |
| Leader of Minority Group *1 | £6,796 | 1 | £7,393 | 20% of Leader's Allowance |
| Chair of Audit and Standards | £5,098 | 1 | £5,758 | 15% of Leader's Allowance |
| Deputy Mayor | £2,016 | 1 | £2,218 | 6% of Leader's Allowance |
| Independent Persons/ Co-opted Members | £1,030 | | £1,030 | |
| Chair of Standards Panel Hearing | £200 | | £200 | |
| Cabinet Advisor – Devolution and Functional Economic Areas | - | 1 | £4,436.04 | 12% of Leaders Allowance |
| Cabinet Advisor – City Focus | - | 3 | £1,478.68 | 4% of Leaders Allowance |

1. Leader of Minority Group to lead a group of at least 10% of total Members (6 Councillors).

Brighton & Hove City Council

Council

Agenda Item 14

Subject: Diverse Councils Action Plan and Policy on Parental & Other Leave for Members

Date of meeting: 16 May 2024

Report of: Corporate Director – Corporate Services

Contact Officer: Name: Elizabeth Culbert
Email: elizabeth.culbert@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 A Declaration seeking to ensure that councillors reflect the diversity of their community was [agreed and signed at Full Council](#) on Thursday 20 July 2023. This report recommends the approval of a Diversity Action Plan to assist the Council in achieving the aims set out in the Declaration.

1.2 As part of this work, this Report also recommends that the Council approves an updated Parental, Carers and Special Leave Policy for Members as a key step in supporting the ambition that Brighton & Hove City Council's elected councillors reflect the diversity of the communities they represent.

2. Recommendations

That full Council:

2.1 Notes the Diverse Councils Declaration previously committed to by the Council and attached at **Appendix 1**;

2.2 Notes the list of actions attached as **Appendix 2**, to progress the ambitions of the Declaration referred to above;

2.3 Approves the updated Parental, Carers & Special Leave Policy attached as **Appendix 3** with immediate effect, giving the Monitoring Officer delegated authority to make the specific additional change detailed in paragraph 5.4 below (as well as any changes they deem necessary or incidental) provided that the Independent Remuneration Panel indicates that it has no objection to the proposal described in that paragraph.

3. Context and background information

3.1 The Diverse Councils Declaration ('the Declaration') was developed by Baroness Debbie Wilcox of Newport, working with the Co-operative Party and local authorities in England and is attached at Appendix 1. The Declaration was signed by Brighton & Hove City Council in July 2023.

- 3.2 Published data¹ indicates that nationally 96% of councillors describe themselves as white, 88% as heterosexual or straight, 16% have a disability or long-term condition, 36% have caring responsibilities and 36% are female.
- 3.3 One of the recommendations in the Declaration is to undertake equalities surveys of members locally. This was undertaken by the Council between September and October 2023. A total of 45 survey responses were received in from the Council's 54 elected councillors. This is the highest response rate ever achieved in the City Council and provides a good basis upon which the Council can assess its progress against the aims of the Declaration.
- 3.4 The survey data indicates that councillors elected to represent Brighton & Hove City Council reflect much more closely than the national picture the ethnic heritage and background, gender, sexual orientation, faith and disability, caring responsibilities and armed forces backgrounds when compared with the 2021 Census results for the City. However it remains vital that people with protected characteristics, such as age, disability, race, gender, religion, pregnancy and maternity, or sexual orientation have the opportunity to shape the decisions which affect them and the city they live in in future elections.

4. Actions toward becoming a Diverse Council

- 4.1 This Council's pledge to become a diverse council was made building upon the actions taken to become an anti-racist council, detailed in our first Anti-Racism Strategy. The Diverse Council commitment requires an intersectional approach, so as to tackle equality disparity across people from all the different protected characteristics.
- 4.2 The Diverse Councils Declaration was developed to improve representation: an ambition which challenges the Council and different political groups to set ambitious targets ensuring that candidates from underrepresented groups stand as candidates in local elections. The aim is that action is taken by all political parties to promote talent and diversity across the political spectrum, for instance through mentoring and shadowing initiatives.
- 4.3 Attached as **Appendix 2** is a list of actions detailing a range of initiatives, including taking into account the health and wellbeing needs of councillors by ensuring the Council's counselling service is available to elected members. The actions have been developed with the specific commitments of the Declaration in mind.

5. Parental, Carers & Special Leave Policy: a review

- 5.1 Flexibility, parental support and fair remuneration are at the forefront of the Declaration, given the key imperative of ensuring that the role of member is not limited to those who can afford it. This Council already has in place a Parental Carers and Special Leave Policy. The Independent Remuneration Panel has recently recommended that the Council consider extending the

¹ Data cited in [the Diverse Councils Declaration briefing](#), noting [a census carried out by the LGA](#).

Parental Leave Policy in line with [the LGA model](#) which has now been adopted across many local authorities.

5.2 In this context, Members are asked to note that this Council's current Policy is wider in its application than the LGA Policy. While the LGA Policy only covers parental leave following birth or adoption, BHCC's policy expressly covers all types of leave that a member may wish to take as a result of their family-related responsibilities. This explicitly includes any leave for someone acting as a main carer for a child under the age of 18 as well as when they are acting as carer for any adult. It also includes bereavement leave and special leave, both of which are framed in an inclusive way to encourage a generous interpretation.

5.3 It is proposed that the Council's existing policy is updated to incorporate the following key changes:

- To create an expectation that members seeking parental leave may take it for up to twelve months, provided that they observe the legal process for extending their leave and their application is granted.
- Specific reference will be made to infants requiring neonatal care as a named potential ground on which a member may seek leave, having taken into account a recent communication from [DLUHC](#).
- Explicit provision to be made in relation to the payment of Special Responsibility Allowances ('SRAs') received by any member. The aim of this is to provide that they shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- A member appointed to cover the period of absence created by a member taking leave who was in receipt of an SRA shall receive an equivalent SRA on a pro rata basis for the period of the temporary appointment.

5.4 It is proposed that the Independent Remuneration Panel further consider the updated Policy as part of their next review in order to assess whether a sum equivalent to the basic allowance can be paid to any member covering the role of another member who is in receipt of a basic allowance only.

5.5 At **Appendix 3** is a proposed revised version of the current BHCC policy incorporating tracked changes from the LGA Policy. Full Council are asked to approve the revised Policy, which will then be published on the Council's website.

6. Analysis and consideration of alternative options

6.1 No other options have been considered other than those outlined in this Report.

7. Community engagement and consultation

7.1 While all of the Council's political Groups have been consulted, no external consultation has taken place.

8. Conclusion

- 8.1 Council is recommended to approve the proposals outlined in this report with immediate effect.

9. Financial implications

- 9.1 The updated Parental, Carers & Special Leave Policy for members could have financial implications in any one year depending on individual circumstances. However, any additional cost is anticipated to be at a relatively low level and managed within the Member Allowances budget or the overall Democratic Services budget. Any additional costs will be reflected in the regular Targeted Budget Management (TBM) reports to Cabinet.

Name of finance officer consulted: James Hengeveld Date consulted :07/05/24

10. Legal implications

- 10.1 No legal issues arising from this report have been identified. A further review by the Independent Remuneration Panel is proposed which will review the Policy against current Regulations to determine whether there is any scope for a sum equivalent to the Basic Allowance (pro rata'd for the relevant period) to be paid to any member providing cover in respect of another member who is in receipt of a Basic Allowance only.

Name of lawyer consulted: Victoria Simpson Date consulted 07.05.24

11. Equalities implications

- 11.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act and must advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not.
- 11.2 This report and the actions proposed are compliant with the Council's legal responsibilities in this regard and generally.

12. Sustainability implications

- 12.1 There are no adverse sustainability implications arising from the proposals.

Appendices

Appendix 1 [Diverse Councils Declaration – Co-operative Party](#)

Appendix 2 Proposed list of actions – Diverse Councils Action Plan

Appendix 3 Parental, Carers & Special Leave Policy – tracked changes version showing proposed changes

Diverse Councils Declaration

This Council commits to being a Diverse Council. We agree to:

1. Provide a clear public commitment to improving diversity in democracy.
2. Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct.
3. Set out a local Diverse Council Action Plan ahead of the next local elections. Including:
 - Appoint Diversity Ambassadors for each political group on the council to work with each other and local party associations to encourage recruitment of candidates from under-represented groups.
 - Encourage and enable people from under-represented groups to stand for office through the provision of activities such as mentoring and shadowing programmes and information and learning events for people interested in standing as official candidates.
 - Proactive engagement and involvement with local community groups and partner organisations supporting and representing under-represented groups
 - Ensure that all members and candidates complete a candidates' and councillors' survey distributed at election time.
 - Set ambitious targets for candidates from under-represented groups at the next local elections
4. Work towards the standards for member support and development as set out in the LGA Councillor Development Charter and/or Charter Plus.
5. Demonstrate a commitment to a duty of care for councillors by:
 - providing access to counselling services for all councillors
 - having regard for the safety and wellbeing of councillors whenever they are performing their role as councillors.
 - taking a zero-tolerance approach to bullying and harassment of members including through social networks.
6. Provide flexibility in council business by regularly reviewing and staggering meeting times
 - encouraging and supporting remote attendance at meetings
 - agreeing recess periods to support councillors with caring or work commitments.
7. Ensure that all members take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it.
8. Ensure that the council adopts a parental leave policy setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.
9. Ensure that councillors from under-represented groups are represented whenever possible in high profile, high influence roles.

Foreword

Two of the key co-operative values are equality and democracy. I have been working with colleagues in the Co-operative Party and local authorities throughout England on a project to bring the success of the Welsh LGA to England. We have developed this Declaration for councils in England aimed at increasing diversity in local government.

Councillors represent their community. We want to ensure Councillors reflect the diversity of their community, particularly those with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

Our consultation revealed that whilst 96.2% of respondents felt that it is important for good decision making that our council reflects the diversity of our residents, less than half felt that their own authority was achieving this well enough at present. Recent figures show that 96% describe themselves as white, 88% as heterosexual or straight, 16% have a disability or long term condition, 36% have caring responsibilities and only 36% are female. There is a clear appetite and need for change.

I am proud to announce our new Diverse Councils Declaration. I hope you will take up this challenge, removing barriers standing in the way of a more diverse and inclusive democracy.

Baroness Debbie Wilcox of Newport

Implementation guidance

Each guidance point below corresponds to the equivalent numbered point from the Declaration, as found on the reverse. Further guidance will be available at party.coop/diversecouncils

1. This is the cornerstone to the Declaration. A statement to the community and clear lines of communication on progress with partners will be necessary to ensure that the council is truly representative of the community it serves.
2. There are several ways to enact this aspect, but our recommendation would be to take the steps outlined in the LGA Equality Framework for Local Government. The four improvement modules are on Understanding and working with your communities, Leadership, partnership and organisational commitment, Responsive services and customer care, and a Diverse and engaged workforce. Together, the Framework is a useful tool in achieving culture change.
3. Your Action Plan should set SMART (Specific, Measurable, Achievable, Realistic, Time bound) goals and be reviewed regularly. Key milestones should include: Diversity Ambassador appointment, establishment of a mentoring and shadowing programme designed to reflect the needs of your specific community, running information and learning events for potential candidates, co-operative working with partners in the planning, promotion and delivery, a survey for candidates and councillors that has clear objectives and established actions based upon findings, and clear targets for the council to achieve at the next local election. This Action Plan should be reviewed upon completion.
4. Development for councillors is important in ensuring that councillors deliver. The LGA's Councillor Development Charter supports councils to enrich their councillor development programmes. The Framework enables councils to take a strategic approach to councillor development and support skills acquisition by councillors throughout the programme.
5. Care and well-being of elected members is an increasing area of focus in many local authorities. As well as supporting councillors through stressful and demanding tasks, options for achieving this include Mental Health First Aid training and free counselling services provided by local partners. Bullying and harassment has increased both in person and online. Women, ethnic minorities, LGBTQ+ colleagues and those with disabilities are targeted at higher rates. Councils should adopt a zero-tolerance approach.
6. Many councillors take on elected responsibility alongside other commitments. The time commitment required to be a councillor can hold back those aspiring to serve. The recognition of this and flexible working widens opportunities. Women disproportionately are impacted by caring commitments, so flexibility in meeting times and opportunities for remote working allow more women to stand. Those with a disability or long-term condition can benefit from hybrid or remote working if mobility issues arise. Councils can achieve this by reviewing the current meeting times and seeking to diversify timings. This goes beyond seeing what works for current councillors, but must also take into consideration how the existing meeting times may deter those who might put themselves forward as candidates. Hybrid / remote working can accommodate busy schedules and mobility needs.
7. Fair remuneration is essential for anyone in work. The dedication required to be a councillor should be compensated proportionately. For those with caring responsibilities, councils should ensure that there is a dedicated policy for remuneration of care, so this is not a financial obstacle to participation.
8. Ensure council members can take appropriate leave at the time of birth or adoption, that both parents can take leave, and that adequate arrangements are in place to provide cover for all in receipt of Special Responsibility Allowances (SRA) during any period of leave.
9. The councillor development and support programme above will ensure a wide pool of talent. Councillors from under-represented groups should be encouraged to take on high profile roles. Mentorship and shadowing opportunities should be available to members to encourage individuals into senior roles. Councillors should promote the talent and diversity of colleagues so the council will visibly recognise all people in society.

APPENDIX 2 – draft action plan for BHCC

| | Proposed Action | Officer responsibilities | Member/ Group responsibilities | Review Date/Update |
|---|--|---|---|---------------------------|
| 1 | Appoint Diversity Ambassadors for each political group on the council to work with each other and local party associations to encourage recruitment of candidates from under-represented groups. | | Members are invited to consider committing to this. Labour Group have committed to this appointment. | |
| 2 | Encourage and enable people from under-represented groups to stand for office through the provision of activities such as mentoring and shadowing programmes | Ensure BHCC Policies support all elected Members to undertake their roles and remove barriers to participation. For example, by adopting a flexible Parental Leave Policy and ensuring the support available to officers, such as the Counselling Services, is also available to elected Members and that this is clearly communicated. | All Councillors/ Groups are invited to indicate what is currently provided in terms of mentoring or shadowing or other initiatives, and to consider what might be made available in the future in terms of mentoring, shadowing and/or other initiatives. | |
| 3 | Provide information and learning events for people interested in standing as official candidates | Before local elections, officers plan and deliver sessions (both face to face and virtual) for people interested in standing as candidates and will continue to do this. We will continue to work with the Communities Team to ensure the sessions are advertised and made available to under-represented groups. | | |

| | | | | |
|---|---|--|--|--|
| 4 | Proactive engagement and involvement with local community groups and partner organisations supporting and representing under-represented groups | See above. | | |
| 5 | Ensure that all members and candidates complete a candidates' and councillors' survey distributed at election time. | BHCC carries out an equalities survey for all members upon election. Surveying candidates is not advised as the focus is on reducing the administration accompanied with candidacy to ensue there are not additional obstacles for prospective candidates. | | |
| 6 | Set ambitious targets for candidates from under-represented groups at the next local elections. | | All Councillors/Groups are encouraged to consider and progress this. | |

Parental, Carers and Special Leave Policy for Members

Aim of the Policy

- 1.1. The aim of this Policy is to place on record the Council's ongoing intention to provide a positive and accommodating environment for all Members, including those who have family and/or caring responsibilities. Ensuring that a range of people from across our society feel supported to stand for election is a key ambition for the Council. Only by supporting existing elected and co-opted members while also encouraging representation from under-represented groups will the Council attract and retain all those who wish to represent their community or communities, whatever their individual life circumstances.
- 1.2. This policy offers some key guiding principles, which are to be given their widest possible application in line with the aims and ambitions outlined above.

Context & application of this Policy

- 1.3 This Policy applies to all types of Leave that a member may wish to take as a result of their family-related responsibilities. This includes but is not limited to the following:
- Parental Leave (including maternal and paternal leave, adoptive leave and any leave taken by a person acting as the main carer for a child under the age of 18),
 - Carers' Leave (including any leave taken to care for another individual of any age),
 - Bereavement Leave (including that taken following the death of a partner, dependent or other key individual) and
 - Special Leave (including compassionate leave and leave triggered by a complex family situation).

Note: for the avoidance of doubt; a carer is someone who provides unpaid support to a family member, child, partner or friend who could not manage daily activities without this help.

- 1.4 The term 'Leave' is used throughout this policy to describe a period of absence of less than 6 months which members may take from their duties at their discretion. Parental Leave will be permitted for up to an additional 6 months provided that prior authorisation has been granted – see para 2.4). The legislative framework in relation to member

attendance at Council meetings is not affected by this policy and the requirement for authorisation of any absence of 6 months or more remains as set out at s85 of the Local Government Act 1972, as described at paragraph ~~2.7-2.9~~~~3.4-3.6~~ below.

Member allowances, including Special Responsibility Allowances

1.5. The taking of Leave pursuant to this Policy will not trigger any change to a Member's Basic Allowance or Special Responsibility Allowance, which will continue to be payable to members until such time as they cease to be a member or cease to hold their position of Special Responsibility.

~~1.6.3.2~~ Where a replacement is appointed to cover the period of absence then that person shall receive an equivalent SRA on a pro rata basis for the period of the temporary appointment.

~~1.7.3.3~~ The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement during a period of maternity, paternity, shared parental or adoption leave, shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

~~1.8.3.4~~ Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules in place regulating the payment of more than one Special Responsibility Allowances shall apply.

~~1.9.3.5~~ Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

Parental Leave, including adoption, ~~and antenatal~~ and neonatal leave

~~2.0.4.~~ An elected Member who has given birth to or is (one of the) primary carer(s) of a child, including an adopted child, may take up to ~~twelve~~~~six~~ months' Leave from their Member duties following or starting at around the time of the birth/ adoption/ otherwise assuming caring responsibilities for their child. This is provided that any Leave of six months or more is authorised in advance in accordance with the Council's process and this Policy.

2.1.2-A Members will be supported in attending antenatal appointments and/or pre-adoption appointments where they aim to be (one of the) primary carer(s) of a child, and in providing neonatal care where such is required.

2.2.3-The parental Leave provisions in para 2.1 above will be applied equally to any Member whose child is not carried to term or is stillborn. The same principles will also be applied to parents who suffer the bereavement of a child.

Carers, Special and other Leave

2.3.4 Other Leave including (but not limited to) the types of Leave listed in para 1.3 may also be taken for a period of less than six months at the elected Member's discretion, having first notified their Group and the Monitoring Officer in advance of their intention to take Leave in accordance with para 2.43.2 below.

Notification of taking of Leave, and of return

2.4.3.1 Members are expected to alert both their Group (if they have one) and fellow ward members as well as the Monitoring Officer where they plan to take Leave of any duration exceeding one calendar month. They are expected to indicate an anticipated date of return at that time, and to keep both their Group and the Monitoring Officer informed of their intentions, including by notifying them should their period of absence be extended to cover a longer period of time than first anticipated.

Communication by members who are on Leave

2.5.3.2 It is for the individual member to decide whether/ to what extent to continue to respond to emails and correspondence whilst on Leave. While Members will normally be expected to put on an 'out of office' automated message redirecting queries to a designated /alternative member, the main expectation is that they are clear re how long they intend to be absent and the extent to which they will continue to engage, as well as who should be contacted in their absence.

Local Constituent Duties

[2.6.3-3](#) Members who take Leave may nominate one or more other Member(s) to deal with local issues in their constituency. Where a Member is in a Group, they may ask another Group member; alternatively or where they are not in a Group then they may ask another Member, who may have been elected to the same ward. It will normally be the responsibility of the Member taking Leave to arrange this and to notify the Monitoring Officer of the arrangement which has been made.

Leave of 6 months or more

[2.7.3-4](#) ~~Any p~~Periods of absence of six months or more is subject to fall outside the limits of this Policy. Section 85 of the Local Government Act 1972. This provides that any member failing to attend any meetings of the authority for six consecutive months shall automatically cease to be a member unless their reason for not attending was due to a reason approved by the authority before the expiry of that period.

[2.8.3-5](#) ~~As a result, w~~Written application must be made to the Monitoring Officer of the Council by any member seeking to take -member for Leave of any description for a period of six months or more, including any application for authorisation for between 6-12 months' Parental Leave pursuant to para 2.0 above. - Written application must normally be made by the member seeking Leave at least two weeks before the six consecutive months expire.

[2.9.3-6](#) Further details are available on application to the Monitoring Officer.

Approved December 2021

Updated 16 May 2024