





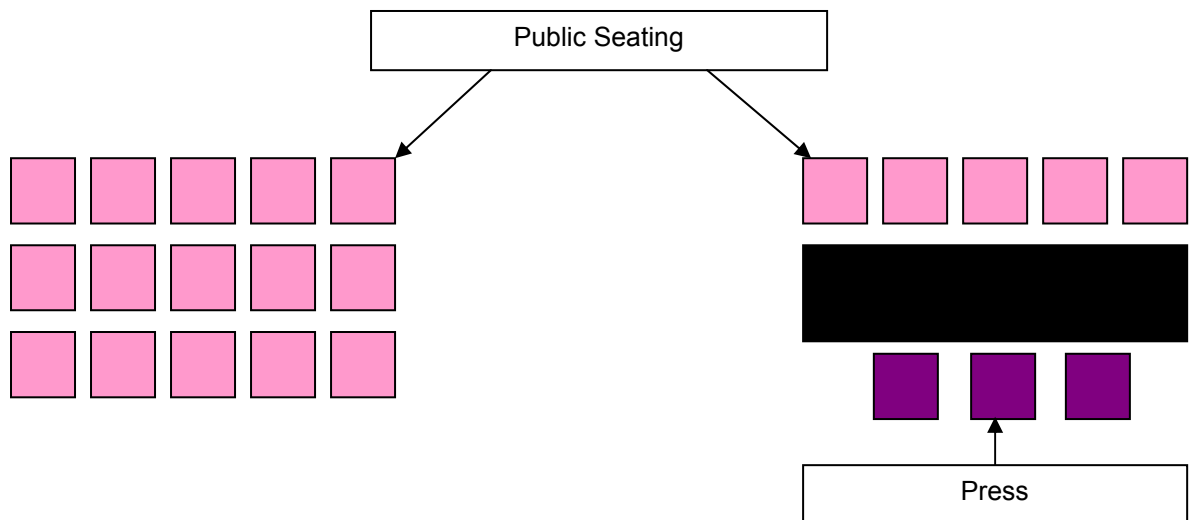
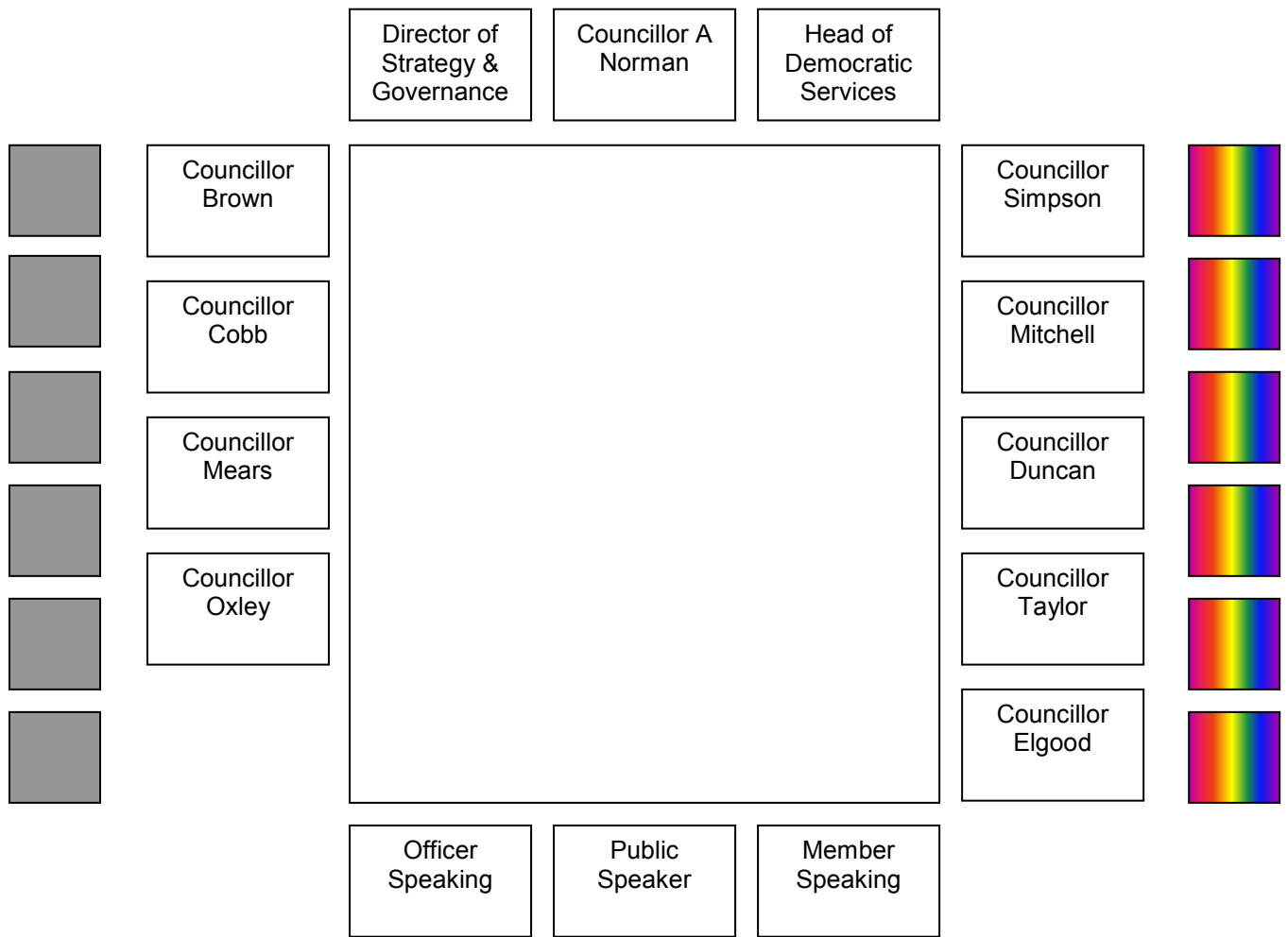
**Brighton & Hove
City Council**

Governance Committee

Title:	Governance Committee
Date:	10 March 2009
Time:	4.00pm
Venue	Committee Room 1, Hove Town Hall
Members:	Councillors: Mrs Norman (Chairman), Simpson, Mrs Brown, Mrs Cobb, Duncan, Elgood, Mears, Mitchell, Oxley and Taylor
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

69. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

70. MINUTES

1 - 10

Minutes of the previous meeting held on the 13 January and of the Special Meeting held on the 22 January 2009 (copies attached).

71. CHAIRMAN'S COMMUNICATIONS

72. CALLOVER

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

73. PETITIONS

No petitions have been received by the date of publication.

74. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 3 March

GOVERNANCE COMMITTEE

2009)

No public questions had been received by the date of publication.

75. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 3 March 2009)

No deputations had been received by the date of publication.

76. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

77. LETTERS FROM COUNCILLORS

No letters have been received.

78. NOTICES OF MOTIONS

11 - 12

Report of the Director of Strategy & Governance (copy attached).

79. MEMBERS ALLOWANCES - REPORT OF THE INDEPENDENT REMUNERATION PANEL

13 - 42

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Mark Wall Tel: 29-1006

Ward Affected: All Wards

80. SIX MONTH REVIEW OF THE CONSTITUTION

43 - 72

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Elizabeth Culbert Tel: 29-1515

Ward Affected: All Wards

81. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION BILL

73 - 80

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis Tel: 291500

Ward Affected: All Wards

GOVERNANCE COMMITTEE

82. EAST SUSSEX COUNTY COUNCIL AND BRIGHTON & HOVE CITY COUNCIL INTEGRATED WASTE MANAGEMENT SERVICES CONTRACT COMMITTEE 81 - 84

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Elizabeth Culbert Tel: 29-1515
Ward Affected: All Wards

83. PROPOSED MEETINGS TIMETABLE FOR 2010/11 85 - 98

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Mark Wall Tel: 29-1006
Ward Affected: All Wards

84. CONSULTATION ON CHANGES TO LOCAL GOVERNANCE ARRANGEMENTS 99 - 130

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Elizabeth Culbert Tel: 29-1515
Ward Affected: All Wards

85. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY 131 - 140

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: John Shewell Tel: 01273 291039
Ward Affected: All Wards

86. ITEMS TO GO FORWARD TO COUNCIL

To consider whether any items listed on the agenda should be submitted to the 30 April 2009 Council meeting for information.

In accordance with Procedural Rule 24.3a the committee may determine that any item is to be included in its report to council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive by 10.00am on Monday 20 April 2009.

Contact Officer: Mark Wall Tel: 29-1006
Ward Affected: All Wards

GOVERNANCE COMMITTEE

PART TWO

87. PART TWO MINUTES

141 - 150

Minutes of the previous meeting held on the 13 January and of the Special Meeting held on the 22 January 2009 – Exempt Categories 1,3,4 & 5 (copies attached).

88. PART TWO ITEMS

To consider whether or not the above item and the decision thereon should remain exempt from disclosure to the press and public.

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.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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.

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.

For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email mark.wall@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 2 March 2009

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 13 JANUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Simpson (Deputy Chairman), Mrs Brown, Duncan, Elgood, Fallon-Khan, Kemble, Mitchell, Oxley and Taylor

PART ONE

52. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

52.1 Councillors Fallon-Khan and Kemble declared that they were attending the meeting as substitutes for Councillors Cobb and Mears respectively.

(B) Declarations of Interest

52.2 There were no declarations of interest.

(C) Exclusion of the Press and Public

52.3 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

52.4 **RESOLVED** – That the public be not excluded from the meeting during the consideration of the items listed on the agenda but they be excluded during consideration of item 67 as listed on the addendum.

53. MINUTES OF THE PREVIOUS MEETING

- 53.1 The minutes of the last meeting were agreed as a correct record of the proceedings, subject to the reference to Councillor Taylor in paragraph 36.2 being amended to read Councillor Elgood.

54. CHAIRMAN'S COMMUNICATIONS

- 54.1 The Chairman informed the Committee that she had received a letter from Councillor McCaffery, regarding the establishment of the Inclusive City Partnership and the development of an equalities policy, with particular reference to the ability of ethnic minority groups to feed into the Partnership and consultation on the equalities policy. She stated that Councillor McCaffery had intended for her letter to be included on the agenda for the December Committee meeting but had missed the deadline. In view of this and that the issue would need to be considered as part of the 6-month review of the constitution, she had agreed with Councillor McCaffery that her letter should be referred to the officers undertaking the review and included in their report to the March Committee meeting.

55. PETITIONS

- 55.1 The Committee considered a report of the Director of Strategy & Governance which detailed the submission of a petition to the 12 December Council by Councillor Bennett, concerning a request to change the name of Stanford Ward to Hove Park Ward.
- 55.2 The Chairman stated that she had spoken to Councillor Bennett and explained that following the last meeting of the Committee and the last Council meeting, it had been decided that all such requests should be referred to the Leaders Group for consideration.
- 55.3 The Director of Strategy & Governance informed the Committee that the Leaders Group was due to meet on the 5 February and would be agreeing a schedule of meetings for the year ahead.
- 55.4 **RESOLVED** – That the petition and information regarding the Leaders Group be noted.

56. PUBLIC QUESTIONS

- 56.1 The Chairman noted that no public questions had been submitted for the meeting.

57. DEPUTATIONS

- 57.1 The Chairman noted that there had been no deputations submitted for the meeting.

58. WRITTEN QUESTIONS FROM COUNCILLORS

58.1 The Chairman noted that no written questions from Members had been submitted for the meeting.

59. LETTERS FROM COUNCILLORS

59.1 The Chairman noted that no letters from Members had been submitted for the meeting.

60. NOTICES OF MOTIONS

60.1 The Chairman noted that there had been no Notices of Motion submitted for the meeting.

61. CALLOVER

61.1 The Chairman stated that she wished to consider all the items on the agenda and therefore reserved them for discussion.

61.2 **RESOLVED** – That item No's 55, 62 – 65 inclusive, as listed on the agenda together with the urgent item No.67, circulated as an addendum, be reserved for debate and determination.

62. UPDATE ON THE 'COMMUNITIES IN CONTROL' WHITE PAPER

62.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the latest position in relation to the Department of Communities and Local Government's (CLG), consultations and the council's responses and draft legislation derived from the 'Communities in Control' White Paper (for copy see minute book).

62.2 The Lawyer introduced the report and noted that two Bills had been announced in the Queen's Speech in December, which were derived from the White Paper and related to governance matters. It was intended to bring a further report to the Committee in March on how these were progressing and the implications for the council.

62.3 Councillor Mitchell referred to the various responses given to consultation from the CLG and expressed her regret that there had been no cross-party gathering of views to formulate the responses. In particular, she felt that the Overview & Scrutiny Commission could have undertaken a role in dealing with appeals in relation to petitions, rather than give the response shown on page 20 of the report. However, overall she was in broad agreement with the report and hoped that there would be an opportunity for the committee to respond to future consultations.

62.4 Councillor Elgood welcomed the report but noted that the making of by-laws was an issue for residents of his ward and suggested it would have been helpful to have

indicated the need for more control at a local level. He also referred to Question 2 on page 19 and suggested that the use of the word 'us' was not clear or appropriate in terms of the response coming from the council.

- 62.5 Councillor Duncan welcomed the report and noted that there would be an opportunity for the committee to feed into the outstanding responses at its meeting in March. He also sought clarification with regard to the code of practice relating to press and publicity and the agreed protocol for working in a no overall control environment. He recognised matters had changed in that the council now had a Leader & Cabinet but wanted to know that the protocol remained in effect.
- 62.6 The Lawyer noted the comments regarding the responses given to CLG and stated that the time frame for submitting responses had meant that there had been a need to take a pragmatic approach in formulating the responses. However, he hoped that in future there would be sufficient time for responses to be brought to the committee for consideration before submission.
- 62.7 The Director of Strategy & Governance stated that a protocol for working under a position of no overall control had been considered and agreed by the Leaders Group. However, this was a working agreement which had not been intended to be agreed on a formal basis, but rather kept under review at the Leaders' level. He anticipated that it would be reviewed by the Leaders Group in the near future.
- 62.8 The Chairman noted the comments and that a further report would be brought to the next meeting.
- 62.9 **RESOLVED –**
- (1) That the latest position on the Department of Communities and Local Government's consultations under the White Paper be noted;
 - (2) That the governance related provisions of:
 - (i) the Local Democracy, Economic Development and Construction Bill, and
 - (ii) the draft Community Empowerment Bill, be noted;
 - (3) That officers be requested to provide the Committee with a further report to its meeting on the 10 March 2009, setting out more detail and analysis on the Bills, and seeking the Committee's input in formulating a response to the Department of Communities and Local Government's latest White Paper consultations.

63. REVIEW OF CABINET MEMBER FUNCTIONS FOR COMMUNITY SAFETY

- 63.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Leader's proposals to transfer the Community Safety function from the Cabinet Member for Environment to the Cabinet Member for Community Affairs, Inclusion and Internal Relations (for copy see minute book). The report outlined the intention to reflect the changes for Community Safety resulting from the establishment of Crime & Disorder Committees and proposals contained in the Green Paper on Policing;

and to achieve greater co-ordination with related functions around equalities, inclusion and community affairs.

- 63.2 The Head of Law introduced the report and stated that whilst the functions and responsibilities of Cabinet Members was determined by the Leader of the Council, the constitution required that any proposed changes to portfolios would be reported to the Governance Committee for consideration.
- 63.3 Councillor Duncan noted the proposed change and queried whether a similar change should be made in the Overview & Scrutiny functions. He suggested that the Environment portfolio was large enough on its own and that therefore a separate Overview & Scrutiny Committee should be established for Community Safety. He also queried whether the Cabinet Member for Environment would relinquish a number of roles he had been appointed to as part of the overall portfolio.
- 63.4 Members of the Committee welcome the proposed change and suggested that consideration be given to the need for a similar change the Overview & Scrutiny arrangements. However, it was also felt that any change would need to take account of the resources available for overview & scrutiny.
- 63.5 Councillor Mitchell queried the need for the change at the present time and suggested that it might have been beneficial to wait for the review of the constitution before implementing it.
- 63.6 The Head of Law stated that there were a number of issues which would be coming forward over the next few months and the Leader felt that the change was required, in order to ensure a co-ordinated response to these could be led by a Cabinet Member.
- 63.7 **RESOLVED –**
- (1) That the proposed transfer of community safety functions delegated to the Cabinet Member for Environment as detailed in the report, to the Cabinet Member for Community Affairs, Inclusion and Internal Relations be agreed;
 - (2) That the Head of Law be authorised to make the necessary amendments to the Council's Constitution.

64. INTRODUCTION OF CRIME & DISORDER COMMITTEES

- 64.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Government's intention that local authorities should introduce Crime & Disorder Committees from the 1st April 2009 (for copy see minute book).
- 64.2 The Lawyer introduced the report and noted that the intention was that the Crime & Disorder Committee would operate as an overview & scrutiny committee. It would be responsible for calling the Police to account and looking at community safety issues. At present guidance and draft regulations on how these committees should operate was still awaited. However, it was hoped that the information would be forthcoming and

recommendations could be included in the report on the 6-month review of the constitution to the committee in March.

- 64.3 Councillor Kemble noted the report and queried whether there were sufficient resources within the council to service a further overview & scrutiny committee.
- 64.4 Councillor Duncan noted the report and stated that there was a need to review the impact of such a committee on the overview & scrutiny function of the council. He believed that the current Environment & Community Safety portfolio was too large and that with the element of crime & disorder coming into effect, there was a need for a separate committee. He also hoped that the current Community Safety Forum would remain as it provided a useful arena to discuss issues with the various interest groups, and he felt this would be lost in a more formal scrutiny committee structure.
- 64.5 Councillor Simpson stated that she hoped the report in March would take account of the current situation and the resource provision, as the role of overview & scrutiny was an important element in the decision making process.
- 64.6 The Chairman noted the various comments which she hoped would be taken on board.
- 64.7 **RESOLVED –**
- (1) That the Government's intention to introduce Crime & Disorder Committees from April 2009 be noted; and
 - (2) That the local governance implications as a result of (1) above be considered as part of the council's 6-month review of its Constitution and in light of statutory guidance and regulations expected in early 2009.

65. UPDATE ON THE 6-MONTH REVIEW OF THE CONSTITUTION

- 65.1 The Committee considered a report of the Director of Strategy & Governance, which provided an update on the 6-month review process of the constitution (for copy see minute book).
- 65.2 The Head of Law introduced the report and stated that a questionnaire had been issued to partner organisations, local businesses, Members, Officers and made available to the public. The closing date for the return of the questionnaire was the 19th January and to date there had been 10 public responses. Overall the response to the questionnaire had been positive and a number of areas had been highlighted.
- 65.3 Councillor Elgood queried whether there had been any further guidance issued by the Government in respect of the adoption of the Strong Leader and Cabinet model, as he was aware most authorities were required to make the change this May.
- 65.4 The Head of Law confirmed that no further guidance had been issued and that Brighton & Hove had been the first authority to adopt the new model and was being looked at in terms of how to move to the new model.

- 65.5 Members of the Committee noted that there had been some public response to the questionnaire and that promotion of the review was something that Members should highlight and encourage responses.
- 65.6 The Head of Law noted that whilst Members and the majority of officers engaged with the decision-making process on a daily basis, it was not an easy subject to convey to the public or the business community. However, there was still time and it may be that further responses would be received by the deadline.
- 65.7 The Chairman noted the comments and that a report would be brought to the next meeting of the committee.
- 65.8 **RESOLVED** – That the report be noted.

66. ITEMS TO GO FORWARD TO COUNCIL

- 66.1 The Committee considered whether any items should be submitted to the 29 January Council meeting for information.
- 66.2 **RESOLVED** – That no items be referred to the forthcoming council meeting for information.

PART TWO SUMMARY

67. EQUAL PAY

- 67.1 **RESOLVED** – That the recommendations contained in the report be agreed.

68. TO CONSIDER WHETHER OR NOT THE ABOVE ITEM AND THE DECISIONS THEREON SHOULD REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC.

- 68.1 The Chairman noted that the addendum circulated to the Members of the Committee had been misprinted and failed to include the usual final item for part two matters, which was to consider whether the item should remain exempt from disclosure to the press and public. She therefore proposed that the item should be taken as Item No.68 and sought agreement from the committee.
- 68.2 Councillor Kemble formally seconded the proposal and Members of the committee indicated their support for the proposal and noted that the matter would remain exempt from disclosure at this time, but dependant upon how matters/negotiations progressed information in relation to the issue could be made public in due course.
- 68.3 **RESOLVED** – That item No. 67 and the decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 6.10pm

Signed

Chairman

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

5.00pm 22 JANUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Simpson (Deputy Chairman), Mrs Brown, Mrs Cobb, Elgood, Kennedy, Mears, Mitchell, Oxley and Taylor

Also in attendance: Councillors Fallon-Khan, Kemble and K. Norman.

PART ONE

1. PROCEDURAL BUSINESS

Declarations of Substitutes

- 1.1 Councillor Kennedy declared that she was attending the meeting as a substitute for Councillor Duncan.

Declarations of Interest

- 1.2 There were no declarations of interest.

Exclusion of the Press and Public

- 1.3 The Chairman noted that she had agreed to requests from Councillors Fallon-Khan, Kemble and Ken Norman to be present during the consideration of the items listed in Part 2 of the agenda.
- 1.4 That the press and public be excluded from the meeting during consideration of the items contained in Part 2 of the agenda.

2. EARLY RETIREMENT: CHIEF EXECUTIVE - EXEMPT CATEGORIES 1, 3, 4 AND 5.

- 2.1 By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chairman of the meeting was consulted and was of the opinion that this item should be considered at the meeting as a matter of urgency.

2.2 The Committee noted that the special circumstances for non-compliance with Council Procedure Rule 19, Access to Information Rule 5 and Section 100B, Schedule 12A of the 1972 Local Government Act as amended (items not to be considered unless the agenda is open to inspection at least five days in advance of the meeting) were that a special meeting had been called in order to ensure certainty in the position of the Chief Executive was achieved as soon as possible in light of media and public attention and speculation and that any necessary actions could be planned towards appointing a replacement.

2.3 The Committee considered a report of the Director of Strategy & Governance, concerning the proposed early retirement of the Chief Executive on the grounds of the efficiency of the service.

2.4 **RESOLVED** – That the recommendations detailed in the report be agreed.

Note: Councillors Kennedy and Elgood wished their names recorded as having voted against the recommendations;

Councillor Taylor wished his name recorded as having voted against recommendation 2 in the report;

Councillors Mitchell and Simpson wished their names recorded as having abstained from voting on the recommendations.

3. **TO CONSIDER WHETHER OR NOT THE ABOVE ITEM AND THE DECISIONS THEREON SHOULD REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC.**

3.1 **RESOLVED** – That Item No.2 and decisions thereon remain exempt from disclosure to the press public.

Note: Prior to closing the meeting, the Chairman wished to pay tribute to the Chief Executive, and stated that she felt he had taken the Authority forward during his term of office and proved to be an excellent Chief Executive and wished him well for the future.

The meeting concluded at 5.50pm

Signed

Chairman

Dated this

day of

Subject:	Referred Notice of Motion – Green Group : Senior Staff Salaries		
Date of Meeting:	10 March 2009		
Further Meeting:	Council 19 March 2009		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name: Mark Wall	Tel: 291006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

To receive the following Notice of Motion referred from the Council meeting held on 29 January.

“This Council notes that in the pay negotiations for 2008-9 the Local Government Employers Association (LGE) made a final offer of a 2.45% pay increase to all local authority staff. Trade Unions subsequently rejected this offer and the dispute has now been referred by all sides to ACAS for binding arbitration.

This Council further notes that senior officers have also commissioned a review by the Rockpool consultancy of top Council salaries (Chief Executive, Directors and Assistant Directors) The results of this review have not yet been released.

This Council understands that the current decision making process over senior salary levels – after being informed by the Rockpools report - to be;

- Chief Executive – level of award decided by Governance Committee
- Directors – level of award decided by Chief Executive
- Assistant Directors - level of award decided by Directors

This Council:

- Supports the principal that any nationally imposed wage settlement on Council employees (ie the 2.45% LGE offer) should apply to all salary grades, including the most senior officers in Brighton & Hove Council
- Suggests that the Governance Committee consider reviewing the procedures and protocols around fixing senior staff salaries, including consideration of an increased role in the process elected members.”

Proposed by: Cllr Keith Taylor

Seconded by: Cllr Ben Duncan

2. RECOMMENDATIONS

- 2.1 That the notice of motion as detailed above be noted and any subsequent action resulting from the nature of the motion be determined and reported back to the Council in accordance with Procedural Rule 24.

Subject: Report of the Independent Remuneration Panel on Members Allowances

Date of Meeting: 10 March 2009

Further Meeting: Council 19 March 2009

Report of: Director of Strategy & Governance

Contact Officer: Name: Mark Wall Tel: 291006
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

For general release

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To receive the report of the Independent Remuneration Panel (IRP) as part of its current review of the Members' Allowances Scheme.

2. RECOMMENDATIONS

- 2.1 That the recommendations of the Independent Remuneration Panel, as set out in its report and attached as appendix A to the report be noted and referred to the Council for final approval.
- 2.2 That the Chief Executive be authorised to amend the Brighton & Hove Members' Allowances Scheme to reflect the foregoing, to submit to Council for adoption, and to issue the revised scheme following council approval.
- 2.3 That the allowance payable to each of the members of the Independent Remuneration Panel continue to be increased by the council's salary inflation assumption of 2.3% for 2009 with effect from 15 May 2009, (i.e. the day after the Annual Council meeting), in recognition of their time commitment and their important role.

3 BACKGROUND/INFORMATION

- 3.1 In order to revise its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel. The Panel has taken the view that in line with the Local Authorities (Members' Allowances) (England) Regulations 2003 and the introduction of the new governance arrangements in May 2008, it should undertake a comprehensive review of the Members' Allowances Scheme and make recommendations to the Council in March 2010 on :

- (a) The level of Basic Allowance to be paid to all councillors;
- (b) The responsibilities for which Special Responsibility Allowances (SRAs) should be payable (only one Special Responsibility Allowance is payable per councillor);
- (c) The levels of SRA payable;
- (d) The payment of Travel & Subsistence Allowances and appropriate mileage and subsistence rates payable to councillors undertaking approved council duties;
- (e) The payment of a Co-optee's Allowance
- (f) The payment of Childcare & Dependant Carer's Allowances, the level of such payments and any upper limits that should apply.

3.2 The Panel has in accordance with its recommendations approved by Council in April 2008, begun its review of the Members Allowances Scheme and produced an interim report for information at this point in time.

3.3 The Panel has met with the Leader of the Council, Councillor Mary Mears, and undertaken a survey of all Members which it will be using to help to inform its review over the next 12 months.

4. CONSULTATION

4.1 As part of the 2008-10 review, the Panel has met with the Leader of the Council in order to gain a better understanding of the proposed council structures, the balance between decision-making and scrutiny and the levels at which individual positions can reasonably be set.

4.2 The recommendations of the Independent Remuneration Panel are being reported to Governance Committee where all party groups are represented, before being submitted to Full Council on 19 March 2009.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The proposed Members' Allowances revenue budget for 2009/10 has been set at £1,080,000 subject to agreement at budget council, the Members' Allowance only element will be £1,053,00 with the inclusion of provision made for national insurance and superannuation contributions based on the level of take up. The Basic Allowance of £11,205 will rise by 2.3% salary inflation to £11,463 giving a total of £619,002 plus on-costs for the full year.

5.2 With the full review of the Panel not due until March 2010, budget provision will need to be made in the 2010/11 Budget estimates for any possible increases in allowances back-dated to May 2009 and from May 2010.

Finance Officer Consulted: Anne Silley

Date: 10.02.09

Legal Implications:

- 5.3 The proposals in this report comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003 and associated guidance. There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date:10.02.09

Equalities Implications:

- 5.4 The recommendations explicitly seek to encourage a wider cross-section of the community to become Councillors, and reduce the financial disincentives, which deter a broader spectrum of people from serving as Councillors.

Sustainability Implications:

- 5.5 There are no sustainability implications arising from this report

Crime & Disorder Implications:

- 5.6 There are no crime & disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.7 There are no implications arising from this report.

Corporate / Citywide Implications:

- 5.8 There are no implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A: Report of the Independent Remuneration Panel

Background Documents

1. Previous reports of the Independent Remuneration Panel

**INTERIM REPORT OF THE
INDEPENDENT REMUNERATION PANEL**

**REVIEW OF MEMBERS' ALLOWANCES SCHEME
2008/09/10**

Members of the Panel:

**Simon Keane (Chair)
Samuel Barsam
Ken Childerhouse
Keith Hathaway
Jennifer Redman**

Brighton & Hove City Council

March 2009

1. CONTEXT FOR THE REVIEW

- 1.1 The Independent Remuneration Panel began the 2008/09/10 review of Members' Allowances on 7th November 2008 and the review will reach its conclusion when we make our recommendations for approval to Governance Committee and Full Council on 9th and 18th March 2010 respectively. We can report therefore that the Panel is submitting no recommendations to Council at this stage. The only possible change being that, in line with previous recommendations, the level of Basic Allowance could increase by the assumed salary inflation for 2009 and therefore rise by 2.3% from £11,205 to £11,463. However, the Panel are mindful of the current economic climate and the fact that it will be reporting in 2010 and therefore feel that any decision to take the inflationary increase at this time should be for the Council to determine.
- 1.2 The Members' Allowances Scheme 2008 remains as the authority's latest scheme; a copy is attached at Appendix 1. However, Members should note that the Panel may, if it chooses, backdate any changes to the allowances recommended in 2010 to May 2009.
- 1.3 This is the first review we have undertaken since the new governance arrangements came into effect in May 2008 and of necessity therefore, it will be extensive. The purpose of our report so early in the proceedings is to provide Members with information on the format of our review and to explain briefly the rationale behind it. It is also a statutory requirement for us to provide a written report to the council each year and for the council to publish that information. It should be recognised therefore that the Panel plays an important role in the relationship between the media, the public and the council when any amendments to the Members' Allowances Scheme are published or other relevant information disclosed.
- 1.4 The Panel's initial work programme was agreed on 16 January 2009 and this is attached for your information at Appendix 2. We hope you will find this a useful guide to our progress over the coming months. Members will note that we intend meeting monthly as we gather evidence from a variety of sources. As in the past, these sources will be wide-ranging and varied. We believe strongly that any recommendations we make must be open and transparent, we can account for any proposals we make and that they demonstrate good practice wherever possible. We will be considering methodology, public service principles and public expenditure.

2. RECOMMENDATIONS

- 2.1 That the Council note the Panel's interim report and its intention to report fully to the council in March 2010 on the outcome of its review of Members' Allowances; and
- 2.2 That the Council should determine whether or not to implement the potential increase to the Basic Allowance based on the assumed salary rate of inflation of 2.3%.

3. THE REVIEW

- 3.1 Firstly, the Panel would like to take this opportunity to thank Members for completing the survey on the levels of Basic and Special Responsibility Allowances which was circulated over the Christmas/New Year period. We appreciate the time you have taken to respond to our questions and we are able to report that we have received initial analysis of the data and that we will continue to gather and receive information from it throughout our review.
- 3.2 We have asked officers to circulate a summary of the findings from the survey either later this month or early next and we hope that this will give you an understanding of the type of information we are receiving. We will be asking individual Members to expand further on some of the common themes over the coming months.
- 3.3 One theme we have identified so far is the misconception amongst some Members that the levels of allowances could be compared in some way with the levels of staff salaries. However, the Members' Allowances Regulations (2003) indicate that there must be a public service element (PSE) for the allowances of an elected member which relates to the voluntary part of the role. We feel there is no link between the two and we will continue to base our recommendations on examples of good practice and national guidance.
- 3.4 We recognise that many new positions of additional responsibility came into effect last May when the council moved to a new-style of governance by adopting the Leader and Cabinet model. It is clear that we must listen to the comments and views of individual post-holders as well as receiving evidence from, and comparisons with, external sources if we are to learn first-hand of the impact of those changes. With this in mind we would like to meet informally with as many Members as possible throughout the review period.
- 3.5 In addition to these *new* positions of responsibility, we are aware that the changing roles of the opposition Members in terms of overview and scrutiny and backbench positions are of equal importance and we will be listening to both portfolio holders and backbench Members in order to widen the debate. There will be comparison and review at all levels.
- 3.6 In our 2007/8 Report we acknowledged the concerns expressed by some Members over the payment of expenses to cover childcare costs and stated that we wished to undertake a fuller review in 2008/9. In order to consider the matter in more detail we will be inviting those Members who are unhappy with the current arrangements to come along and talk to us more fully. As you will see from our work programme, this is likely to be during the autumn months.
- 3.7 In April 2008 we also received an expression of concern in relation to the non-payment of car mileage within the city boundary and although we are mindful of the sustainability implications of any change, we will be happy to look at the matter in more detail in or around January 2010.

4. PANEL INITIATIVE

- 4.1 Lastly, the Panel is pleased to report that the city council will be hosting an inaugural local authority event for Independent Remuneration Panels and their supporting officers in May 2009 when we expect to receive colleagues from around the country. This event is a Panel initiative and one we hope will be a valuable source of learning, information-sharing and networking for all delegates. We will be reporting on this event in our 2010 Annual Report to Full Council at the conclusion of the 2008-10 Review.

5. THE PANEL

Composition

- 5.1 The Independent Remuneration Panel (“the Panel”) shall consist of between three and five members appointed by the Monitoring Officer after consultation with the Chief Executive.

Functions of the Panel

- 5.2 The functions of the Panel shall be as set out in Regulation 21 of the Local Authorities (Members’ Allowances) (England) Regulations 2003, namely to produce a report in relation to members of the council, making recommendations as to:
- (a) the amount of basic allowance which should be payable to members;
 - (b) the duties in respect of which such members should receive a special responsibility allowance and the amount of such allowance;
 - (c) whether dependant carer’s allowance should be payable to members of the council, and the amount of such allowance;
 - (d) the responsibilities or duties in respect of which a travel and subsistence allowance should be available;
 - (e) the responsibilities or duties in respect of which a co-optees’ allowance should be available;
 - (f) whether payment of allowances may be backdated in accordance with regulation 10(6) in the event of the scheme being amended at any time;
 - (g) 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;
 - (h) which members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972;

- (i) treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable;
- (j) whether any allowances to members should be withheld in the event of the member concerned being suspended or partially suspended.

5.3 Where the Independent Remuneration Panel exercises its functions in relation to the Parish Council within the authority's area, its functions shall be as set out in Regulation 28 of the Local Authorities (Members' Allowances) (England) Regulations 2003, namely to produce a report in relation to members of the Parish Council making recommendations as to:

- (a) the amount of parish basic allowance which should be payable to Parish Council members;
- (b) whether parish basic allowance should be payable only to the chairman of the Parish Council or to all of its members;
- (c) whether, if parish basic allowance should be payable to both the chairman and the other members of any such authority, the allowance payable to the chairman should be set at a level higher than that payable to the other members and, if so, the higher amount so payable;
- (d) the amount of travelling and subsistence allowance payable to members of such authority;
- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

5.4 In addition to the functions under 2.1 and 2.2 above, the Panel may, if requested to do so by the Monitoring Officer, consider the expenses and allowances paid to the Mayor and Deputy Mayor under Sections 3 and 5 of the Local Government Act 1972.

5.5 The Panel has also, at the request of the Monitoring Officer, reviewed the level of allowances paid to non-voting co-optees who attend committee meetings, and made recommendations as to how these should be reimbursed.

Term of office of Panel Members

5.6 Members of the Panel shall be appointed for an initial term of three years. The Council may, at its discretion, extend this period. The Council or the Panel member may terminate the appointment by giving one month's notice.

Meetings

5.7 The Panel shall be chaired by a person appointed by the Panel members.

5.8 The Panel shall meet on such dates and at such times as the Panel may determine, having regard to the advice of the Monitoring Officer.

5.9 The quorum for meetings of the Panel shall be at least 50% of the members of the Panel.

BRIGHTON & HOVE CITY COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Brighton & Hove City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following Scheme:

1. This Scheme may be cited as the Brighton & Hove City Council Members' Allowances Scheme 2008 and shall have effect on and from 16 May 2008 unless stated otherwise.
2. In this Scheme,
 - “the council” means Brighton & Hove City Council;
 - “councillor” means a Member of the Brighton & Hove City Council who is a councillor;
 - “co-opted member” means a member of a committee or sub-committee of the council who is not a member of the authority;
 - “total estimated allowances” means the aggregate of the amounts estimated by the Responsible Finance Officer, at a time when a payment of Basic Allowance or Special Responsibility Allowance is made, to be payable under this Scheme in relation to the relevant year, and for this purpose any election under paragraph 11 shall be disregarded;
 - “year” means the 12 months ending with 31 March.
3. **Basic Allowance**
 - 3.1 Subject to paragraphs 10 and 11, for each year a Basic Allowance of £11,205 shall be paid to each councillor.
4. **Special Responsibility Allowances**
 - 4.1 For each year a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the council that are specified in Schedule 1 to this Scheme. These payments shall come into effect on and from 16 May 2008.
 - 4.2 Where a councillor holds more than one position of responsibility, only one Special Responsibility Allowance shall be paid, such an allowance being the higher or highest of the relevant allowances.

4.3 Subject to paragraph 11 and 12, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

5. Attendance Allowance

5.1 No Attendance Allowance shall be payable.

6. Travel & Subsistence, Childcare & Dependant Carers' Allowances

6.1 Travel & Subsistence, Childcare & Dependant Carers' Allowances shall be paid to councillors and co-opted members in accordance with Schedule 2 to the Scheme.

7. Pensions

7.1 All eligible members of the Council may elect to join the Local Government Pension Scheme (LGPS) with effect from the first day of the month following the Council's receipt of the pensions option form.

7.2 Where members elect to join the Scheme, both the Basic Allowance and any Special Responsibility Allowance to which they may be entitled or may become entitled, shall be treated as amounts in respect of which a pension is payable.

7.3 The Local Government Pension Scheme and the Discretionary Compensation (Local Authority Members in England) Regulations 2003 shall apply to members who elect to join the LGPS.

8. Co-optee's Allowance

8.1 For each year a Co-optee's Allowance shall be paid to the Chairman of Standards Committee provided the post is held by an Independent Member.

8.2 For each year a Co-optee's Allowance shall be paid to the Deputy Chairman of Standards Committee provided the post is held by an Independent Member.

9. Withholding of allowances

9.1 Where payment of any allowance is due or has already been made in respect of any period during which the member concerned is

- (a) suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000, or regulations made under that Part; or

- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may withhold the payment of an allowance for that period or, as the case may be, require that such part of the allowance already paid as relates to any such period be repaid to the authority.

- 9.2 The term “member” in this paragraph covers both councillors and co-opted members.
- 9.3 Decisions as to the withholding or repayment of allowances under the above provisions shall be taken by the Standards (Local Determinations) Hearing Panel.

10. Renunciation

- 10.1 A councillor or a co-opted member may by notice in writing given to the Responsible Finance Officer elect to forego any part of his/her entitlement to an allowance under this Scheme.

11. Part-Year Entitlement

- 11.1 Subject to paragraph 11.7, the provisions of this paragraph shall have effect to regulate the entitlements of a councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended or that councillor becomes, or ceases to be a councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- 11.2 If an amendment to this Scheme changes the amount to which a councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:
 - (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
 - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

- 11.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a Basic Allowance shall be to the payment to such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- 11.4 Where the Scheme is amended as mentioned in sub-paragraph 11.2, and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph 11.2(a), the entitlement of any such councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.
- 11.5 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- 11.6 Where this Scheme is amended as mentioned in sub-paragraph 11.2, and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 11.2(a) of that paragraph any special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.
- 11.7 The provisions of this paragraph, subject to necessary modifications, shall apply to Co-optees' Allowances as if the reference to a "member" included a co-opted member.

12. Claims and Payments

- 12.1 Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph 11.2, in instalments of one-twelfth of the amount specified in this Scheme on the last day of each month (or the last working day before that day if it is not a working day).
- 12.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the councillor receiving more than the amount to which,

by virtue of paragraph 11.6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

- 12.3 The provisions of this paragraph shall apply to Co-optees' Allowances in the same way as they apply to Basic and Special Responsibility Allowances.

This Scheme was approved by Full Council at its meeting on 24 April 2008 and takes effect from 16 May 2008 unless stated otherwise.

SCHEDULE 1

Special Responsibility Allowances

Responsibility	SRA (£)
Cabinet	
Leader of the Council	28,758
Deputy Leader	17,254
Deputy Leader and Cabinet Member with portfolio	17,254
Cabinet Member with portfolio	10,927
Chairmen of Regulatory Committees	
Planning	10,927
Licensing (dual role)	8,626
Governance	8,626
Audit	8,626
Chairmen of Overview & Scrutiny Committees	
Overview & Scrutiny Commission	7,188
Adult Social Care & Housing OSC	7,188
Children & Young People OSC	7,188
Culture, Tourism & Enterprise OSC	7,188
Environment & Community Safety OSC	7,188
Health OSC	7,188
Deputy Chairmen of Regulatory Committees	
Planning	7,188
Licensing (dual role)	2,156
Governance	2,156
Audit	2,156
Deputy Chairmen of Overview & Scrutiny Committees	
Overview & Scrutiny Commission	2,156
Adult Social care & Housing OSC	2,156
Children & Young People OSC	2,156
Culture, Tourism & Enterprise OSC	2,156
Environment & Community Safety OSC	2,156
Health OSC	2,156
Other positions of additional responsibility	
Leader of the Opposition Group	13,803
Deputy Leader of the Opposition Group x 2	7,188
Convenor/Leader of Minority Groups (minimum of 10% of the seats on the council)	3,594

Note :

- *The Cabinet shall comprise of not more than 10 Members made up of either
 - *the Leader of the Council, two Deputy Leaders & Cabinet Members with portfolio plus seven Cabinet Members with portfolio, or*
 - *The Leader of the Council, one Deputy Leader & Cabinet Member with portfolio plus eight Cabinet Members with portfolio**
- *A maximum of two Deputy Leaders of the Opposition have been included in the Members' Allowances Scheme*
- *The remits and responsibilities of the Chairmen and Deputy Chairmen of the six Overview & Scrutiny Committees may change without requiring amendment to the Members' Allowances Scheme.*
- *Where a councillor holds more than one position of Special Responsibility, only one Special Responsibility Allowance shall be paid and this is the higher or the highest of the relevant allowances.*

Co-optees' Allowances

Chairman

Independent Chairman of Standards Committee
£4,313

Deputy Chairman

Independent Deputy Chairman of Standards Committee
(if the post is held by an independent member)

£548

Special Responsibility Allowances and Co-optees' Allowances are payable from 16 May 2008.

SCHEDULE 2

Approved Duties

Brighton & Hove City Council specifies the following as approved duties for the purpose of the payment of Travel, Subsistence and Childcare & Dependant Carers' Allowances.

1. Attendance at :
 - (a) The council, cabinet, cabinet member meetings or any of its committees and sub-committees.
 - (b) The bodies to which the council makes appointments or nominations at either Annual Council or Governance Committee including any committee or sub-committee of such a body.
 - (c) The following meetings, the holding of which is authorised by the council, its cabinet or cabinet member meetings or any of its committees or sub-committees, or by any joint committee (or sub-committee thereof) of the council and any other authority, provided that it is a meeting to which councillors of at least two political groups of the council have been invited:
 - i) Meetings of the council's formally established consultative fora and partnerships, scrutiny review panels and select committees.
 - ii) Meetings with outside bodies in pursuit of economic development objectives which have been authorised by the council, its cabinet, cabinet member meetings or any of its committees or sub-committees.
 - iii) Councillors' tours of the authority's area which have been authorised by the council, its cabinet, cabinet member meetings or any of its committees or sub-committees.
 - iv) Internal training sessions organised and facilitated by officers of the council for the induction of councillors or for the better performance of their duties and responsibilities or to enable better understanding of the council's functions.

2. The following meetings of associations of authorities of which this authority is a member:

The Local Government Association and its committees

3. Any other duty, or class of duty approved by cabinet, cabinet member meetings or any committee, or officer of the council acting under delegated powers, such duty or class of duty to be for the purposes of or in connection with the discharge of the functions of the council, its cabinet, cabinet member meetings or its committees or sub-committees.

Payments in respect of the above approved duties shall be paid in accordance with the following rates:

A. Travel and Subsistence Allowance

Public Transport

Actual standard class rail fares (first class travel will only be reimbursed with prior agreement where councillors have to work on the journey).

Long distance travel undertaken by car will be reimbursed at the rail fare rate where this is a cheaper option.

Councillors purchasing their own rail tickets should provide their receipt or ticket when claiming reimbursement.

For local travel councillors may choose:

Either

- (a) an annual saver ticket valid for Brighton & Hove buses where bus fares would otherwise be payable (bus travel is free for those aged 60 and over travelling after 9.00am and the disabled),

Or

- (b) a combination of reimbursement of cycle mileage and (ticketed) bus travel

Or

- (c) reimbursement of cycle mileage and passes to the Lanes and Hove Town Hall Car Parks

Mileage Allowances

Motor mileage for attendance at approved council duties is payable for travel **outside** the city boundaries only, except in exceptional circumstances where the use of taxis/personal transport shall be permitted with the agreement of the Monitoring Officer for example by Members who have a disability or injury, or former mayors undertaking mayoral duties on behalf of the Mayor. Taxis may also be claimed in cases of urgency, meetings outside normal working hours (8.30am-6.30pm) or where there is no public transport available. Receipts must be provided. Motor mileage within the city's boundaries is deemed to be covered by the Basic Allowance.

All mileage is paid at Inland Revenue advisory rates and these will automatically be updated by the council to reflect any changes the Inland Revenue introduces. The current rates are -

Cars	40p per mile
Supplement for Passengers	5p per mile for each official passenger, up to a maximum of 4 passengers
Motor Cycle Allowance	24p per mile
Cycle Allowance	20p per mile

In addition, those Members opting for either (b) or (c) above may also take advantage of either the council's Bike Loan Scheme or the new Tax-free Bike Scheme and they will have access to the showering and secure lock-up facilities at three sites across the city.

Day Subsistence

Subsistence for approved council duties is payable for attendances **outside** the city boundaries only, except in exceptional circumstances. Where refreshments are not provided, subsistence costs within the city's boundaries are deemed to be covered by the Basic Allowance. Where claims can be made, eligibility is based on the time of day meals are taken and time away from home, as follows: -

Breakfast allowance	-	more than four hours' absence before 11.00am	£6.50
Lunch allowance	-	more than four hours' absence including 12 noon – 2.00pm	£8.50
Tea allowance	-	more than four hours' absence including 3.00pm – 6.00pm	£3.50

Evening Meal allowance- more than four hours' absence
ending after 7.00pm
£15.00

Receipts should be provided for all subsistence claimed.

Overnight Subsistence

Where an overnight stay is required, overnight subsistence may be claimed up to a maximum of:

London/Conference Rate not exceeding
£114.00

Standard Rate not exceeding
£100.00

The above sums are for all subsistence received over a 24-hour period.

Meals on Trains

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the limits specified below.

The limitations on reimbursement are:

- (i) Absence of more than four but not more than eight hours, the cost of one main meal.
- (ii) Absence of more than eight hours but not more than 12 hours, the cost of two main meals.
- (iii) Absence of more than 12 hours, the cost of three main meals.

Where the cost of meals taken on trains is reimbursed, the rate of day subsistence for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by 4 hours in respect of each meal taken.

NOTE:

1. The council will not reimburse the cost of any alcohol purchased.
2. With effect from 1 September 2007 motor mileage within the authority's boundaries can only be claimed in exceptional circumstances and councillors should either use the bus or cycle within the city.

3. With effect from 1 September 2007 subsistence within the authority's boundaries can only be claimed in exceptional circumstances.

Travel and subsistence rates apply from 28 November 2003 and these have been re-affirmed by Full Council on 24 April 2008.

B. Childcare & Dependant Carers' Allowance

This is paid directly to the Carer -

Childcare	Up to the appropriate national minimum hourly wage capped at £1,200 p.a. per councillor and uplifted to reflect each increase imposed by the government. Any reimbursement must not exceed the actual amount charged by the carer.
children	Caring costs will be paid in respect of under the age of 14.
Dependant Care	Up to a maximum of £7.50 per hour capped at £1,200 p.a. per councillor. This allowance is payable for both children with severe disabilities and also dependent adult relatives.

Childcare & Dependant Carers' Allowance revised at Full Council on 12 July 2007 and this has been re-affirmed by Full Council on 24 April 2008.

SCHEDULE 3

Other Allowances

NB These allowances which do not form part of the Members' Allowances Scheme are included here for information only :

Mayoral Allowances

Mayor's Allowance for 2008/9 £12,048 pa

Deputy Mayor's Allowance for 2008/09 £3,373
pa

The Mayoral Allowances were approved by Full Council on 28 April 2005 and have been uplifted by inflation each year since, following the recommendations of the Independent Remuneration Panel.

Payments to Former Mayors £35 per
duty

This is currently a flat rate allowance which is not subject to inflationary increases, although it is subject to further review as required by the Independent Remuneration Panel.

Payable from 16 May 2008

Independent Remuneration Panel

Members of the Independent Remuneration Panel (5) £511 pa
each

Payable from 16 May 2008

INDEPENDENT REMUNERATION PANEL
WORK PROGRAMME FOR THE 2008/9 REVIEW

Date	Meeting/Event	Action/Information
7 November 2008 9.30am morning-only session 1st meeting	Panel meet to <ul style="list-style-type: none"> • appoint Chair • receive feedback from SE Regional Meeting • consider work programme and the format of the 2008/09 review 	Panel members to attend
November/December 2008 SURVEY	Officers prepare electronic survey for <ul style="list-style-type: none"> • circulation to all councillors before the Christmas break 	Panel members to comment and agree proposed questionnaire prior to circulation
12 January 2009 Survey responses	Deadline for survey responses	Officers to collate information received
16 January 2009 9.30am King's House morning-only session 2nd meeting	Panel meet to <ul style="list-style-type: none"> • receive initial survey results and discuss ideas/requirements • discuss draft work programme set by officers 	Panel members to attend
6 February 2009 9.30am King's House morning-only session 3rd meeting	Panel consider <ul style="list-style-type: none"> • further survey results • draft information report to Governance Committee/Council Panel meet <ul style="list-style-type: none"> • Leader of the Council 	Panel members to attend 10.00 – 10.30am
10 March 2009 report to Governance Committee	Panel submits information report to Governance Committee	For information only/Chair to attend (?)
19 March 2009 report to Full Council	Panel submits information report to Full Council	For information only/Chair to attend (?)

Date	Meeting/Event	Action/Information
27 March 2009 9.15am all-day session King's House 4th meeting	Panel meet with <ul style="list-style-type: none"> • Deputy Leaders with/out portfolio • Individual Cabinet Members Panel receive evidence of the levels of SRAs paid by other authorities	Panel members to attend
17 April 2009 9.30am all-day session King's House 5th meeting	Panel meet with <ul style="list-style-type: none"> • O&S Chairmen and their Deputies Panel to receive <ul style="list-style-type: none"> • Evidence of the levels of allowances paid to O&S Chairmen and their Deputies in other local authorities 	Panel members to attend
6 May 10.00am – 3.30pm	Unitary Authorities' IRP and Officers' all-day networking event hosted by Brighton & Hove	Panel members to attend
19 June 2009 9.30am all-day session King's House 6th meeting	Panel meet with <ul style="list-style-type: none"> • Regulatory Chairmen and their Deputies Panel receive <ul style="list-style-type: none"> • evidence of the levels of allowances paid to Regulatory Chairs and their Deputies in other local authorities 	Panel members to attend
24 July 2009 morning-only session King's House 7th meeting	Panel meet with <ul style="list-style-type: none"> • Leader of the Opposition • Deputy Leaders of the Opposition • Convenor/Leader of Minority Group • Leader of Liberal Democrat Group • Independent Member 	Panel members to attend
August	Summer break – no meeting	

Date	Meeting/Event	Action/Information
September (date tbc) half-day session 8th meeting	Panel meet with <ul style="list-style-type: none"> • Chairman of Standards Committee to consider level of Co-optee's Allowance • A group of backbench councillors 	Panel members to attend
October/November (date tbc) morning-only session 9th meeting	<ul style="list-style-type: none"> • Panel invite councillors to attend to discuss Child and Dependant Carers' Allowances 	Panel members to attend
January 2010 (date tbc) morning-only session 10th meeting	<ul style="list-style-type: none"> • Panel invite councillors to discuss travel and subsistence allowance. • Panel discuss first draft report 	Panel members to attend
February 2010 (date tbc) morning-only session 11th meeting	Panel finalise report for submission to	Panel members to attend
9 March 2010	IRP Report to Governance Committee	Chair to attend
18 March 2010	IRP Report to Full Council	Chair to attend

GOVERNANCE COMMITTEE

Agenda Item 80

Brighton & Hove City Council

Subject:	Six Month Review of the Constitution		
Date of Meeting:	10 March 2009		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 291515
	E-mail:	elizabeth.culbert@brighton-hove.gov.uk	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 On 18th November 2008 Governance Committee approved the methodology for a six month review of the Council's Constitution. This report presents the outcome of the review and seeks views on initial proposals for amendments to the Constitution.

2. RECOMMENDATIONS

- 2.1 That the Committee notes the responses received to the invitation for feedback on the six month review of the Constitution;
- 2.2 That the Committee agrees to recommend to Cabinet the proposals set out at paragraph 4 of the report save those reserved to Full Council for decision at 2.3 below;
- 2.3 That the Committee agrees to recommend to Full Council the proposals for amendments to the Constitution set out at 4.2, 4.3, 4.4.4, 4.4.6, 4.4.7, 4.4.9.
- 2.4 That the Committee authorises the Head of Law to make the necessary amendments to the Constitution to reflect the above proposals once approved by the relevant body.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council's new Constitution was approved by Full Council in May 2008 and at that time Members agreed to review how it was working after six months and in more depth after the first year.

- 3.2 The Governance Committee has overseen the methodology for the six month review and on 18th November 2008 approved the wording for an article in City News and for questionnaires to the public, partner organisations, Members and Officers.
- 3.3 The City News article appeared on 12th December 2008, inviting responses to Legal Services. Questionnaire packs were placed in libraries and other public buildings and the material was also placed on the Council's website.
- 3.4 On 5th and 7th January 2009 questionnaires were sent to Officers (all first, second and third tier Managers) and Members. On 5th January a letter was sent to partner organisations, seeking their views on what has worked well and the challenges presented by the new constitution. The closing date for all responses was 19th January 2009.

Responses from the Public

- 3.5 There were twenty six responses from members of the public who completed the questionnaire. There were a further two responses by way of one email and one letter. An analysis of the public responses is attached at Appendix 1, including the full text of the responses to the open questions.
- 3.6 Whilst a range of views are expressed, it is possible to draw some themes that arise from the public responses. The perception of a number of those who responded was that the new constitutional arrangements are less democratic and that the public are more distant from the decision making process. A difficulty in accessing and influencing decisions was reported. 73.9% felt that they were not able to have an input into decisions taken by the Council under the Leader and Cabinet system and of those that tried to have an input 88.9% felt that their input was not listened to and considered.
- 3.7 In the response to the open questions, the issue of consultation was raised by four respondents, requesting an improved public consultation process. A proposal to establish area committees or neighbourhood forums was also raised by four respondents.

Responses from Partners and other Organisations

- 3.8 The following Partners and Organisations were contacted directly to seek their views on the new Constitution:-
- LSP (each LSP member received an individual letter)
 - Brighton and Hove Chamber of Commerce
 - Brighton and Hove Federation of Disabled People
 - Black Minority Ethnic and Community Partnership
 - Spectrum

- Interfaith Contact Group
- Older People's Council
- Youth Forum

- 3.9 Responses were received from the PCT, the Older People's Council and the Federation of Disabled People. Brighton & Hove Arts Commission and Eco-Logically also provided comments. The full text of the responses received are attached at Appendix 2.
- 3.10 Each organisation that responded had its own specific issues to raise and suggestions for improvement. What is clear from the responses is that the organisations wish to work with the Council and would welcome the opportunity to discuss further their opportunities for involvement within the current structures.

Responses from Officers

- 3.11 Feedback from Officers has been collated on an ongoing basis since the Constitution was approved last year. In addition, specific questionnaires were sent out to Managers in January 2009. A summary of the issues raised is attached at Appendix 3.
- 3.12 A number of officers have suggested a review of the meetings cycle. In particular, the number of Cabinet Member meetings, Sustainability Committee meetings and Licensing Committee meetings was raised and it was suggested that these should be reduced.
- 3.13 There was also feedback on technical issues and proposals to amend/clarify aspects of the constitution where, for example, legislation has changed and delegations need to be updated or where the wording has led to confusions and needs reworking. All of these issues are picked up in the list of proposed technical amendments, set out in the recommendations below.

Responses from Members

- 3.14 On 7th January 2009, Members were sent individual questionnaires, in the form previously agreed by the Governance Committee. 13 responses were received and a summary of these responses is included at Appendix 4. In addition to the individual responses, Groups were offered a session at one of their Group Meetings, to express their views on the Constitution. Officers attended the Labour Group meeting on 13th January and Conservative Group meeting on 19th January and met Paul Elgood on 29th January 2009.
- 3.15 A number of common themes arose from the Member responses:-
- Cabinet/Cabinet Member meetings – from the responses received there was a common view that there should be more debate at Cabinet/Cabinet Member meetings and that this would be assisted

by all parties having a seat at the table and the right to speak, rather than relying on the exercise of discretion.

- The agendas for some CMMs were perceived to be thin and a review of the number of meetings was suggested.
- Council – the procedure for Notices of Motion was requested to be clarified.
- Overview and Scrutiny – there was a consensus among those responses received and collated at Group meetings that the role of Overview and Scrutiny still needs to be embedded and that further development for Members and Officers in this area would be beneficial, including looking at models from elsewhere which are working well.

3.16 Other issues that were raised by Members include:

- A concern that the Community Affairs and Inclusion portfolio has no obvious place for dialogue;
- A desire for clarification of the rules governing Special Meetings;
- The lack of public questions at CMM and Cabinet Meetings and the fact that most of these appear to be coming to Full Council.
- Concern that the way in which scrutiny issues are identified for investigation has led to duplication and a high workload without adequate filtering.
- The view that the Forward Plan is not giving enough information early enough to allow the pre decision scrutiny that was envisaged.
- A suggestion to remove Cabinet Member Meetings and for Executive decisions to be made by Cabinet or the Executive Member and then reported to Cabinet.

4. Recommendations

Based on the views reported above, the Committee is asked to recommend the following proposals for approval by Full Council and Cabinet (where appropriate).

4.1 Cabinet/Cabinet Member Meetings and Portfolios

- 4.1.1 To extend speaking rights and a seat at the table at Cabinet and Cabinet Member Meetings to the Leader/Convenor (or their nominated spokesperson) of all opposition parties;

- 4.1.2 Opposition parties to have access to an Officer briefing for Cabinet (one briefing per Group);
- 4.1.3 Clarify the procedure for Special Meetings by:
- extending the procedure that applies to Committee and Sub-Committees regarding calling special meetings under Council Procedure Rule 19.2 to the Cabinet, a Committee of the Cabinet and Cabinet Member Meeting and include the same in the Cabinet Procedure Rules
 - extending the procedure for deputations, petitions, Member and Public questions to special meetings of the Cabinet, a Committee of the Cabinet or Cabinet Member Meeting providing the subject matter of the deputation, petition or questions is on the agenda for the special meeting.
- 4.1.4 Add Community Affairs and Inclusion as an item on the Cabinet agenda at least every six months and invite community representatives to those meetings;
- 4.1.5 Officers to consider the format of the Forward Plan and look at examples from a range of authorities to ensure it is as effective as possible.
- 4.1.6 That the proposed changes to the Delegations to the Cabinet Member for Central Services and to Officers shown in Appendix 5 be approved. These propose substantive decision making powers in the area of property, contracts and ICT for the Cabinet Member for Central Services and some changes to Officer delegations regarding property.

4.2 Council Meetings

- 4.2.1 The Monitoring Officer to issue guidance clarifying the Notice of Motion procedure to address:-
- relevance and timing of amendments;
 - the ability to request Cabinet to consider proposals;
 - limiting issues to those that directly affect the well-being of inhabitants of Brighton & Hove;
 - the prohibition on Notices of Motion relating to live planning or licensing applications.
- 4.2.2 Seek co-operation from all Parties to limit the number of Member questions;
- 4.2.3 Members Services to issue clear guidance to the public explaining the time limit for public questions, the restrictions on supplementaries and that those questions not taken will be referred to the relevant Cabinet/CMM meeting;

4.2.4 Provide all Members with an email link to the decisions list in addition to the Forward Plan.

4.3 Overview and Scrutiny

4.3.1 Amend the Overview and Scrutiny procedures to relax the rule regarding conflicts so that it is clear that only those Members who have led or taken a prominent role in a campaign or pressure group are excluded from scrutinising that issue;

4.3.2 Officers to identify models of best practice for Overview and Scrutiny and report back to Cabinet and OSC.

4.4 Technical amendments

4.4.1 Update Officer delegations to incorporate changes to legislation and structure as follows:-

- Transfer of the Risk Management function from the Director of Strategy and Governance to the Director of Finance & Resources;
- Transfer the Council's functions regarding Communities (Voluntary Sector & External Unit) from the delegations to the Director of Cultural Services to the Director of Strategy & Governance (Policy Team). This will allow for the city council's services to the sector including neighbourhood management and community engagement to be co-located in one service area;
- Include in the Director of Environment delegations powers and duties under the Consumer Protection from Unfair Trading Regulations 2008;
- Include in the Director of Environment delegations functions which came in force in April 2008 regarding the management of traffic and carrying out street works under the Traffic Management Act 2004.

4.4.2 The Council's sustainability team to develop a Sustainability Impact Assessment Checklist and new guidance for report writers on sustainability implications;

4.4.3 Clarify where responsibility for risk management lies within the structure by adding approval of the Risk Management Strategy to the list of Cabinet functions.

4.4.4 Amend the delegations to the Director of Environment to include unopposed licensing applications;

4.4.5 Retain the rights of the Leader to attend all Cabinet Committee meetings but remove the requirement for the Leader or Deputy Leader to be present for a Cabinet **Committee** to be quorate providing the Leader or Deputy Leader agrees the meeting can proceed in their absence. This change will prevent difficulties arising in holding a Cabinet Committee meeting should either the Leader or Deputy Leader be unavailable;

- 4.4.6 Disapply Council Procedure Rule 18.13 in relation to the Standards Committee so that no substitutes are allowed at Standards Committee. This reflects the wishes of the Standards Committee;
- 4.4.7 Disapply procedure rule 24.1 of Council Procedure Rules in relation to Assessment Panel meetings. This will mean that the Panels will not be required to report up to Standards Committee and will accordingly assist in maintaining confidentiality;
- 4.4.8 The Monitoring Officer to issue guidance on how to treat exempt information in the Forward Plan. The guidance will explain the need to include the particulars of a matter –the title and date of the proposed decision - even if the content of the report is exempt itself;
- 4.4.9 Amend the Officer Employment Procedure Rules to provide for consultation with the Executive in respect of senior officer appointments in accordance with the requirements of Local Government (Standing Orders)(England) Regulations 2001.

4.5 Partnerships/Joint Committees

- 4.5.1 Remove City Inclusion Partnership from the Constitution to reflect its status as one of the LSP partnerships, formally constituted and adopted by the LSP. The activities of the CIP will continue to be reported, in particular through Cabinet.
- 4.5.2 Dissolve the Joint Waste Committee – (a separate report will set out the proposed changes in detail);
- 4.5.3 Propose a meeting between the Leader and each of the Partner organisations that responded to discuss the specific issues they have raised and to discuss how to best to ensure lines of communication remain open.

4.6 Consultation/public involvement

- 4.6.1 In response to the concerns raised by members if the public about accessibility and the ability to influence decisions, the Council has recently approved the new Community Engagement Framework . This sets robust standards for carrying out community engagement including consultation, as well as a range of actions for including activity to improve the co-ordination of consultation.
- 4.6.2 It is proposed that the Council takes every opportunity to emphasise and highlight the possibility to ask questions at Cabinet and Cabinet Members Meetings, as well as Full Council to ensure that there is awareness of the ability to raise issues at all of these meetings.
- 4.6.3 As the six month review was intended to be a “light touch” review, it is proposed that the responses in relation to area committees and

neighbourhood forums should be reviewed when the Council looks more in depth at the Constitution at the 12 month stage.

5. CONSULTATION

- 5.1 As set out in the body of the report there has been wide consultation with the public, partner organisations Members and officers in relation to the review of the Constitution. The recommendations of the report have also been the subject of consultation with the Leaders Group.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 There are no direct financial implications arising from the proposed amendments to the Constitution outlined in the report.

Finance Officer Consulted: Patrick Rice Date: 25.02.09

Legal Implications:

- 6.2 Under the Local Authorities (Functions and Responsibilities) England Regulations 2000 (as amended), there are certain functions that are reserved to Full Council for decision and others that are Executive functions. For this reason those recommendations in the report that relate to Council functions are required to be approved by Full Council and those that relate to Cabinet functions are required to be approved by Cabinet.

Lawyer Consulted: Elizabeth Culbert Date: 16th January 2009

Equalities Implications:

- 6.3 The recommendations in the report aim to ensure that Community Affairs and Inclusion Issues are regularly addressed at Cabinet meetings.

Sustainability Implications:

- 6.4 None

Crime & Disorder Implications:

- 6.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 6.6 None

Corporate / Citywide Implications:

- 6.7 The amendments to the Constitution are designed to ensure the continuous improvement of the governance arrangements.

SUPPORTING DOCUMENTATION

Appendices:

- Appendix 1 Public responses
- Appendix 2 Interested parties responses
- Appendix 3 Officer responses
- Appendix 4 Member responses
- Appendix 5 Proposed changes to the Cabinet Member for Central Services Portfolio

Background Documents:

None

How Effective Do You Think Brighton and Hove City Council's New Constitution Is?

Are you aware of the new Cabinet system which came into effect at Brighton and Hove City Council in May 2008?

Answer Options	Response Count	
Yes	22	
No	4	
<i>answered question</i>		26
<i>skipped question</i>		0

Do you feel you are able to have an input into decisions taken by the Council under the Leader and Cabinet system?

Answer Options	Response Count	
Yes	0	
No	17	
Don't know	6	
<i>answered question</i>		23
<i>skipped question</i>		3

Have you tried to have an input into decisions taken by the Council under the Leader and Cabinet system?

Answer Options	Response Count	
Yes	9	
No	15	
<i>answered question</i>		24
<i>skipped question</i>		2

Were you satisfied that your input was listened to and considered?

Answer Options	Response Count	
Yes	1	
No	8	
<i>answered question</i>		9
<i>skipped question (only those who have tried to have an input were asked the question)</i>		17

Have you heard of the Forward Plan?

Answer Options	Response Count	
Yes	5	
No	19	
<i>answered question</i>		24
<i>skipped question</i>		2

Have you looked at the Forward Plan?		
Answer Options	Response Count	
Yes	2	
No	3	
<i>answered question</i>		5
<i>skipped question (only those who have heard of the forward plan were asked the question)</i>		21

If you have looked at the Forward Plan did you use it to:		
Answer Options	Response Count	
Find out information about the major decisions likely to	2	
To plan attendance at Council meetings	0	
To get information on agendas and reports	1	
Other	1	
<i>answered question</i>		2
<i>skipped question (only those who have looked at the forward plan were asked the question)</i>		24

Did you know that some Council meetings are being webcast?		
Answer Options	Response Count	
Yes	14	
No	10	
<i>answered question</i>		24
<i>skipped question</i>		2

Have you seen any of the Council meeting webcasts?		
Answer Options	Response Count	
Yes	2	
No	12	
<i>answered question</i>		14
<i>skipped question (only those who knew Council meetings are being webcast were asked the question)</i>		12

Are you likely to watch the Council meeting webcasts in the future?		
Answer Options	Response Count	
Yes	14	
No	3	
Don't know	4	
<i>answered question</i>		21
<i>skipped question</i>		5

DRAFT (19/01/09): Constitution Review - Verbatims

Are there any changes you would like to see to the Council's Constitution/decision-making process?	Do you have any suggestions to improve the public interest and involvement in the decision-making process?
The old system was far more democratic and I would welcome a return to it.	
Yes. The councillors and councillor Cabinet post holders should be paid. The system relies upon dogged scrutiny by non post holders and these are "part time" and that is a handicap. Councillors now have more responsibility and they should be recognised as such. I do not want my ward Cllr to be scrambling to balance a job and represent my interests.	Yes. Cabinet holders should be placed under a code of conduct where they are not allowed to directly pressure non political executive officers with party political considerations. This is important because with increased power and influence Cabinet post holders must be made aware that executive officers have a duty to the whole council and should not feel under pressure from a particular Member who wields increased power.
There seems to be an obvious way that minority parties or community groups can influence the decision making process. It is a closed book to most of us.	Some decisions should be taken at neighbourhood level.
Return to the previous committee system	
The Council is more distant and unresponsive since the cabinet system came in. We should reconsider having a City Mayor in view of this.	I don't think many people realise that a very small number of votes can significantly affect the make-up of their local council and that their vote is really worth while especially in local elections.
I would like to feel that when members of the public are consulted it was more than just a box being ticked by the Council in a process that has already been decided. There are a lot of people in Brighton with a far more detailed knowledge of the city than some members of the planning department have, and they have something useful to contribute, given a chance.	
I prefer the old committee system. I think that the present system distances the public from the decision making process, as a result even fewer people may vote in local elections.	Officers must first learn the difference between giving members of the public information and true consultation. It is only true consultation when plans may be changed as a result of the views submitted by members of the public. In the majority of cases minds have been made up, shown to the public, and described as consultation, whereas they are merely informing the public of decisions which have already been made. This makes members of the public fed up and they are put off getting involved again as they regard it as a waste of time.

Are there any changes you would like to see to the Council's Constitution/decision-making process?	Do you have any suggestions to improve the public interest and involvement in the decision-making process?
I think there are problems inherent in the "pyramid" structure of the council. The only people who truly know what is going on are those at the top. In the lower ranks there is a sense of being "in the dark", confusion and even paranoia.	Yes. I think the council needs to discard its perception of being an "Authority" and see itself as "Public Servant". Public interest and involvement increases with positive results to involvement. The council should be there to administer decisions taken by the public.
I do not believe that investing executive power into the hands of the leader of the council and cabinet is as democratic or accountable as the standard/previous constitution.	Revert the constitution to the previous, more democratic system as the current constitution concentrates power into one individual and then a small minority.
Regular Area committees attended by local councillors should be held (monthly?) to discuss local issues and councillors should report concerns and decisions to full Council. The Cabinet set-up inevitably means that there is little cross-party discussion and all decisions are made simply by a few senior members of the ruling party. Even their own back-benchers are sidelined.	More time for questions from the public should be allowed at full Council meetings -- and at the start of the proceedings.
Neighbourhood forums	More accessible council meeting times - not during the working day, so all people can attend.
I do not feel the current 'cabinet' structure is very democratic. I felt that no notice at all was taken of the questions asked at the Environment Cabinet Member meeting I attended - minds had already been made up - very poor.	Improve the public consultation process. BHCC regularly fails to give proper prior notice of consultations and inadequate time for responses. And in the recent North Street MPR consultation regarding Ship Street, BHCC disregarded the most popular option and opted for a scheme which was not in the questionnaire. No wonder the public loses faith in decision making processes!!!
Greater openness	Consultation standards need to be far higher and adhered to.

Are there any changes you would like to see to the Council's Constitution/decision-making process?	Do you have any suggestions to improve the public interest and involvement in the decision-making process?
<p>I strongly support greater devolution to the constituent parts of the city. Probably, the most practical way to do this would be by the establishment of committees consisting of all the councillors from a particular group of wards. This might help resolve such of the concerns felt by Hove residents opposed to the merger of the two towns, and might be easier to implement than establishing Parish Councils. This change could also be applied to other areas of Brighton, Patcham and the North of the city, East Brighton, Portslade, Central Brighton etc. If felt appropriate, the community committees could have a small budget and input into local decisions, or similar functions to a Parish Council. It was my understanding that both the campaigns for the directly elected executive Mayor system and the Committee system, prior to the last constitutional referendum, included community committees as part of their proposals.</p>	
	<p>Decisions that affect the public - like allowing Fatboyslim's beach party to go ahead at unacceptable volumes for locals and with unexpected restrictions to public spaces should be given public consideration before gaining approval.</p>
	<p>Make it known more.</p>
<p>Make it more democratic.</p>	<p>Return to committees.</p>
<p>Yes... can't think...er...mmm</p>	<p>Oh yes...absolutely...er mmm... New Year resolution - to be more aware of opportunities for involvement in "the forward plan" and the "decision making process/constitution". Sorry to come a cross "clueless" but I think you may find me typical of many housing tenants. Keep trying we are far from a lost cause - OK?</p>
<p>Would like to see an elected mayor.</p>	

Comments from the PCT

Thank you for asking us to comment on the Council's new democratic arrangements.

The PCT is involved with the Council in number of areas specifically:

- Local Strategic Partnership groups including the Healthy City Partnership and the City Inclusion Partnership.
- Joint Commissioning Board
- Children and Young Peoples Trust Board
- Overview and Scrutiny Committees

We broadly welcome the new arrangements as they give a focus to discussions about services that impact on both of our organisations. Particularly an increased emphasis on the 2020 Community Partnership and the Community Plan. Ensuring that all partners are able to contribute to the priorities of the City is a welcome step forward.

Executive function:

- The role taken by the Cabinet member for Community Affairs, Inclusion and Internal Relations has been a welcome improvement, and we have been able to see clear benefits from having both a key leadership role in this area and a strong officer team.
- Progress has been made in making the CYPT and Joint Commissioning Board more effective, by improving governance arrangements. The PCT does however need to ensure that the Councils Forward Planning arrangements are fully integrated into our own planning and governance structures.

Overview and Scrutiny

- The Health Overview and Scrutiny Committee role continues to be a key scrutiny function supported by a very able scrutiny team. We had hoped that the new governance structures would enable the Council to provide increased support for officers to enable Councillors more fully engage in the scrutiny role.
- Further discussion is required about how the PCT can be effective in contributing to the Children and Young People scrutiny process.

Given the changed nature of other Councillors' roles we had anticipated that there would be an increased emphasis on the role of 'Community Councillors'. We believe this could strengthen links with local communities

the NHS. It is hoped that as the system continues to develop, there will be an increased link to how the PCT engages with neighbourhoods and Councillors.

Brighton and Hove Federation for the Disabled

Thank you for giving us the opportunity to take part in your 6 monthly review. I have consulted Trustees and Staff of the Federation as to how the constitutional changes have impacted upon us as an organisation.

The consensus seem to be that it is really early days and at the moment, most people have not really felt that the changes have impacted on how they work with the authority. However during this time of change, we are pleased to report, that we have been consulted and have been able to influence some of the structures and processes that have been put in place to support the new constitution, for example the new City Inclusion Partnership and the Community Engagement Framework.

The Federation is a partner organisation and benefits from a collaborative way of working with Council Members and Officers. We look forward to strengthening this relationship and to work with the authority to ensure that the voices of Disabled People are heard and are able influence how services are improved and delivered in the future.

Arts Commission

I consulted with the executive committee of the Arts Commission about the review. The members gave overall support to the cabinet system but were unclear about policy direction. Under the committee system the Arts Commission was able to give ongoing reports to committee. That contact appears to have been lost. The executive would welcome an opportunity to continue a line of communication.

Eco-Logically

We understand that you are seeking views on the new constitution adopted in 2008 (source: 'City News', December 2008). In particular the 'Cabinet System' that replaced the former Committee Structure' on 15 May. We are primarily interested in effective management of the natural environment across the whole city jurisdiction and in increasing awareness and appreciation of this irreplaceable resource by residents and visitors. Close involvement with the council's Wildlife Advisory Group (WAG) has provided one mechanism for progressing this interest.

The WAG previously reported to the then 'Sustainability Commission' and **Eco-Logically** regularly attended the quarterly meetings.

However, under the new Cabinet System it has been difficult to engage effectively with the nominated members and appropriate officers. This is of particular concern as one intention was to achieve better representation for local people, to seek agreement on proposals to local government which improve the sustainability of local communities (Sustainable Communities Act, 2007). So far the Cabinet System has significantly failed in this respect. For example, the Sustainability Cabinet Meeting (8 October 2008) was very poorly publicized with a handful of councillors attending and only three local residents present! There were no formal opportunities to raise questions in advance, and it was only through the Chair's extremely helpful direction to address this glaring shortfall that comments were sought after AOB. Similarly at the 12 January 2009 City Sustainability Partnership meeting there was no allocated opportunity for residents to raise issues. In fact people who were not sitting at the main table initially had to stand as there was no seating provided, even up to five minutes before the meeting started!

Finally, the Partnership meetings are held between 5.00 and 7.30pm. Previous Sustainability Commission meetings were held at a similar time and refreshments were provided for those attending. This greatly helped to foster a relaxed and effective meeting where all those attending could concentrate and focus on contributing most usefully. Regretfully refreshments were not provided at the last Sustainability Partnership meeting apart from a pitifully small quantity of tea and coffee. Whilst this last detail is clearly not as critical as the first three issues raised, it is perhaps indicative of the way implementation of the new council constitution is treating those elected members and specialists who are providing their time and expertise wishing to improve the quality of life across Brighton & Hove.

We hope these comments will be considered in detail. If you wish to discuss any aspects further please contact **Eco-Logically** at the above address.

Summary of consultation responses - Officers – January 2009

1. What has worked well under the new constitution?	2. What has improved as a result of operating a Leader & Cabinet system?
Decision making appears easier and quicker	Clearer about public info being available (published) and access to meetings
Scrutiny has potential/is improving	Clearer leadership on issues
Licensing Panels	Created an advisory committee to the executive to assist licensing councillors
Focus on Sustainability in new Sustainability Cabinet Committee	Cabinet Support Team is strong and good to work with.
Webcasting	New Audit Committee working well
3. What major changes have you noted and how have these impacted on your work?	4. What has not worked so well?
The lead in time is longer than before in many cases and this feels like the system is less flexible	Cabinet Member meetings lack debate, do not appear inclusive or accessible. Are they a good use of resources?
Too much duplication of systems and processes – adding further workload	Scrutiny has not developed a transparent way to deal with issues members want to challenge
Difficulty in identifying key decisions	Some meeting have thin agendas (Central Services CMM/ Licensing Committee/Finance CMM). Need to review meetings timetable
The Sustainability Commission has been replaced by a Committee internally and a Partnership externally, doubling the workload.	Scrutiny appear to be weak with many items going to Council rather than scrutiny
More meetings and a lot of uncertainty about what decisions should be taken where.	Report template need improving
5. What have been the challenges?	6. What changes do you think should be made to the constitution to improve its operation and to help you do your job more effectively?
The Forward Plan could be more accessible and user friendly	More time is needed for this to bed in and for us to get more experience
Helping Members to understand the distinction in roles between Scrutiny and the Audit Committee	Review CMM portfolios and operation of CMM meetings
Defining what a key decision is	Develop Area Panels to involve and include a wider base of community interest

Appendix Three

Workload; learning and understanding new ways of working; more oppositional and less consensual decision-making, arguably.	Less frequent meetings – Licensing/Contra Services/Finance
Understanding the executive and council functions and where to take issues for decision.	Encourage more debate/public questions at Cabinet Meetings.
7. Are there any aspects of the constitution you need clarified? If so, please give details	8. Are there any further issues you would like to raise?
Difference between cabinet member and cabinet meetings	
More clarity around key decisions – what are they – how do you decide	
Learning through exposure and attendance would probably deal with this, though workload makes it difficult to attend many meetings regularly.	

Summary of consultation responses - Members – January 2009

What has gone well?	<p>Housing Management and Planning Committees working well</p> <p>More open and transparent</p> <p>Quicker decision making</p> <p>Closer liason with Officers</p> <p>More informed</p> <p>The transition to the new Constitution went smoothly</p> <p>The openness of Cabinet Member Meetings</p> <p>Audit and Licensing and some other Regulatory Committees, including Standards, operating well and inclusively</p> <p>Decisions made more quickly</p> <p>Introduction of political assistants</p> <p>Introduction of webcasting (but technical problems remain)</p> <p>The principle of the Forward Plan (but not been able to get the reports)</p>
Cabinet Meetings and Cabinet Member Meetings	<p>Would like more debate at Cabinet and Cabinet Member Meetings</p> <p>Difficult for Members to raise issues/speak at these meetings.</p> <p>Physical layout not welcoming or inclusive – a more inclusive approach would be welcomed</p> <p>Redesign the seating arrangements in meetings which are perceived to be hostile and unwelcoming</p> <p>Access to information and opportunity for debate greatly reduced</p> <p>Would like to be able to speak at these meetings as of right</p> <p>Grant speaking rights at all public and private Cabinet Member meetings</p>

	<p>A disproportionate amount of responsibility allotted to the principal opposition group</p> <p>Should allow cross party involvement at these meetings – ie a seat at the table for Greens and Lib Dems</p> <p>Opposition Parties need access to Officer briefing on Cabinet papers</p> <p>Involve main spokespeople of all parties in Chair's briefings</p> <p>Cabinet meetings too confrontational</p>
Decisions /agendas at Cabinet and Cabinet Member meetings	<p>Not enough business on some CMM agendas</p> <p>Agendas for some meetings very thin</p> <p>Difficult to justify resources spent on CMMs.</p> <p>Decisions should either be taken at Cabinet or by the Member and reported to Cabinet</p> <p>Lack of seat at the table at these meetings means do not attend</p> <p>Decisions driven further from (non Cabinet) Members and the public gaze</p> <p>Revisit the officers' delegated powers to see how they have been affected by the introduction of the Cabinet system</p>
Community Affairs and Inclusion	<p>Lack of CMM for this portfolio means there is no place for a dialogue on these issues</p>
Special Cabinet Meetings	<p>Need clarity on when these can be called and how</p>
Council – Notices of Motion	<p>Clarify what NOMs can cover</p> <p>Too many hoops to get through – Members should be able to ask the Administration to consider action</p>
Council	<p>Council is the only forum for genuine debate</p>

	<p>Council is being used instead of Cabinet/CMM to debate issues</p> <p>There should be more Full Council meetings</p> <p>Report substantive decisions to Council for review</p> <p>NOMS/questions and supplementaries escalating</p> <p>Opportunities to debate major issues are limited to five general council meetings a year – should increase number to 11 per year</p> <p>Urgency Committee of Council should be politically proportionate</p>
Scrutiny	<p>Clarify limits on number of panels to ensure not overloaded</p> <p>Look at other models eg Birmingham to improve understanding and best use of scrutiny</p> <p>The Scrutiny Commission needs to operate more as a filter for the work of Panels and ensure that work is not duplicated with work already underway</p> <p>The OSC has not undertaken work requested of them</p> <p>Clarify the role of OSC</p> <p>Reduce the number of reports for noting where no action from scrutiny requested.</p> <p>Policy development role is not embedded.</p> <p>Too many reports to note.</p> <p>Forward Plan timing not effective to assist with work programme.</p> <p>Need training for Officers and Members and look at other models that are working well</p> <p>A disproportionate allocation to the principal opposition group re Chairs/Deputy Chairs</p> <p>Not on top of how scrutiny works</p> <p>Pre decision policy development role not working</p>

	<p>Comments made by Scrutiny Panels not taken to Cabinet</p> <p>In practice scrutiny has very little direct power or influence</p> <p>Ensure urgent decisions cannot be made exempt from call-in</p> <p>Separate Scrutiny Committees for ASC and Housing</p> <p>Separate Scrutiny Committees for Environment & Community Safety</p>
<p>Regulatory Committees</p>	<p>Change the size of Regulatory Committees to odd numbers</p>

The Proposed amendments are show in bold italics.

K. Cabinet Member for Central Services

Explanatory Note

The Cabinet Member for Central Services will have responsibility for the quality, efficiency and cost effectiveness of Central Services, namely the support services listed in paragraph 1 below.

Delegated Functions

To exercise the functions of the Council as follows:

1. All functions regarding the delivery and performance of the Council's support services, in particular:
 - Finance
 - Property
 - ICT
 - Customer Services
 - Corporate Procurement
 - Legal Services
 - Democratic Services
 - Policy
 - Communications
 - Human Resources
 - Improvement & Organisational Development
2. To discharge all functions regarding the establishment of joint working with other authorities, including the establishment of any shared services arrangements.
3. To receive reports on resourcing, structuring and capacity building in support services and takes action as appropriate.
4. ***The Council's functions regarding ICT providing that this shall not include approval of the ICT Strategy.***
5. ***To approve the Council's Planned Property Maintenance Programme.***
6. ***The acquisition or disposal of properties held centrally or by service areas relating to 2 or more Cabinet Members or Directorates, up to the value of £1 million providing that the Leader is notified in advance and has no objection.***
7. ***The award of contracts relating to Central Services or those that are Corporate (i.e. not specific to individual services such as corporate stationary, cleaning etc contracts).***

[NB. The delegations under 6 or 7 will not preclude contracts of major significance being referred to Cabinet in accordance with the normal rules.]

PART 7.2**PART A.****GENERAL DELEGATIONS**

Save where indicated otherwise and subject to paragraph 16 of the Introduction, the following general powers are delegated to all Chief Officers in relation to the services for which they are responsible.

1. Administrative

To administer the services for which they are responsible, including taking and implementing decisions which facilitate the operation or effectiveness of those services, and which fall within the policy decisions taken by the Council or the Executive. This power shall include the continuing review of the departments for which they are responsible to maximise resources and implement best value.

2. Financial

To exercise all the functions delegated to officers under the Council's Financial Regulations.

3. Land Management

In the paragraphs below: -

- (1) The disposal or acquisition of any interest in property or the creation, extension or variation of any interest therein shall be in such form as shall receive the approval of the Monitoring Officer.
- (2) The term "land" includes buildings or parts of buildings and any estate or interest in land.
- (3) The term "Valuer" means the valuer appointed or approved by the Director of Finance & Resources.

In respect of land held or used for the purposes of a service administered by the officer:

- (a) To approve the detailed terms of any disposal or acquisition authorised in principle by the Council, the Executive or a Cabinet Member where the terms are certified by the Valuer to be the best consideration reasonably obtainable;

- (b) After consultation with the Monitoring Officer and the Valuer to dispose of any land or any interest in land where the person acquiring the land or the interest has a legal right to acquire the same granted by an Act of Parliament or any rule of law;
- (c) To acquire or dispose of the freehold or leasehold of land for a consideration of £25,000 or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable and after consulting the Chairman of the relevant Committee or Sub-Committee or relevant Cabinet Member as appropriate;
- (d) To acquire or dispose of land on a lease for 25 years or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable;
- (e) In relation to the Director of Finance & Resources only:
 - After consulting the Cabinet Member for Central Services to acquire or dispose of land for a consideration of up to £250,000 provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable and relates to property held for the purposes of the functions of the Director or is declared by the relevant Director to be surplus to requirement. under (k) below;
- (f) To approve rent reviews where the Valuer certifies the terms to be the best consideration reasonably obtainable;
- (g) After consultation with the Valuer for all land in relation to item (i) below, and for all land except council housing in relation to item (ii) below –
 - (i) to approve the change of use of land let by the Council, and
 - (ii) to give consent for improvements or alterations to such land
(except where any compensation payable by the Council is likely to exceed £10,000);
- (h) After consultation with the Monitoring Officer to take action on all matters concerned with the enforcement by or against the Council of the terms or provisions of any lease or disposal, including the service of appropriate notices under any statutory provision whether or not including the forfeiture or other termination of such lease or other provision;

- (i) After consultation with the Valuer and the Monitoring Officer, to grant easements, licences and wayleaves;
- (j) Subject to the limitations expressed above, to undertake the general management of land, including the making of any necessary planning applications and applications for building regulation consent;
- (k) After taking appropriate professional advice in accordance with guidelines from time to time laid down by the Council to authorise land to be declared surplus to the requirements of the officer's area of service. Management and future use of the land will be transferred to the Director of Finance & Resources to be held corporately pending appropriation or disposal;
- (l) After consultation with the Monitoring Officer and subject to the advice of the Valuer to accept the surrender of leases.

4. Human Resources

- (1) Subject to the policies, practices and procedures of the Council, to manage staff within the officer's department.

Subject: Local Democracy, Economic Development and Construction Bill

Date of Meeting: 10 March 2009

Report of: Director of Strategy and Governance

Contact Officer: Name: Oliver Dixon Tel: 291512
E-mail: oliver.dixon@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Local Democracy, Economic Development and Construction Bill is part of the Government's legislative programme for 2008-09 and is now proceeding through Parliament. The local democracy provisions originate from the *Communities in Control* White Paper issued in July 2008 and are intended to promote understanding of how local government operates and how individuals and communities can get involved.

This report outlines these provisions and the implications for governance arrangements at Brighton & Hove City Council. In addition, the report provides a brief overview of the provisions relating to economic development.

2. RECOMMENDATIONS:

That the Governance Committee:

- 2.1 Notes the governance provisions of the Local Democracy, Economic Development and Construction Bill ('the Bill') and their implications for the Council.
- 2.2 Instructs officers to track the passage of the Bill and to bring a further report to the Governance Committee once the Bill is enacted and the timescale for implementing its key provisions is known.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 The report on the *Communities in Control* White Paper considered by the Governance Committee on 13 January 2009 contained a summary of the key provisions of the Bill. In light of this, the Committee instructed officers to provide a further report in March with more detail and analysis.

3.2 The Bill was introduced by Baroness Andrews, Parliamentary Under-Secretary of State for Communities and Local Government, in December 2008 and is first proceeding through the House of Lords. At the time of writing (25.2.09) the Bill is with the Lords' Grand Committee where each clause is considered in turn. After Report Stage and Third Reading, the Bill proceeds to the House of Commons.

3.3 The governance related provisions of the Bill are described below.

3.3.1 Duties to promote local democracy (clauses 1-9)

- (a) A local authority will be under a duty to promote among local people an understanding of –
- (i) its functions
 - (ii) its democratic arrangements (those enabling members of the public to participate in, or influence, the making of decisions, whether at full council, executive meetings or other committee meetings including overview and scrutiny)
 - (iii) how to take part in those arrangements and what taking part is likely to involve. This includes explaining the role of councillors, how to become one, and the support available to assist them in their role.

(b) A local authority will also be required to promote understanding of:

- authorities connected with it, namely those public bodies providing services in the Council's area and listed in the Bill, such as health bodies and any police body, fire and rescue authority or parish council
- (to the extent that any exist in the Council's area) court boards, independent monitoring boards for prisons and immigration removal centres, and Youth Offending Teams
- lay justices: their functions, how to become one and what is involved

N.B. the duty in (b) only applies where the body has made the necessary information available to the local authority.

3.3.2 Petitions to local authorities (clauses 10-22)

This part of the Bill provides that every local authority has arrangements to ensure that petitions are considered, a response is sent to the petitioners, and that petitions over a certain scale trigger a debate at full council.

In the case of unitary authorities such as Brighton & Hove, a petition can relate not only to the functions of the authority but to an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute.

In particular, a local authority will be required to:

- provide a facility to accept electronic petitions
- make, publicise and comply with a 'Scheme'* for handling paper and electronic petitions
- acknowledge petitions within a specified period
- specify in its Scheme the measures to be taken in response to a petition; these must include holding an enquiry or public meeting, commissioning research, or referring the matter to an overview & scrutiny committee

- specify in its Scheme a threshold number of signatures which will give an automatic right for the subject matter of the petition to be debated by full council (except for petitions calling an officer to account)
- notify the petition organiser of the steps the authority has taken or proposes to take; and publicise this information on the authority's website

* The Secretary of State may, by secondary legislation, stipulate what a petition scheme must or must not contain. Statutory guidance may include a model scheme.

A petition bearing the requisite number of signatures may require a senior officer to be called to account at a public meeting of an overview and scrutiny committee. Officers subject to this requirement must include the chief executive and the most senior officers responsible for the delivery of services.

Once an authority has notified the petition organiser of the steps it intends to take or has taken in response to the petition, the organiser can – if dissatisfied with that response – request one of the authority's overview and scrutiny committees to review the adequacy of those steps. The outcome of the review must be communicated to the petition organiser (and made public, unless inappropriate).

No local authority will be required to take substantive measures in response to a petition that is vexatious, abusive or unconnected with the authority's functions; or to a petition that duplicates one dealt with in the previous six months.

3.3.3 Involvement in functions of public authorities (clauses 23-24)

This deals with the issue of stakeholder involvement in public authority functions, and mirrors the duty to be imposed on local authorities from 1 April 2009¹. The duty is that where an authority considers it appropriate for local representatives to be involved in the exercise of any of the authority's functions, it must take appropriate steps to provide information about the function, to consult over the exercise of the function, or to involve them in any other way.

A wide range of public authorities are covered by this provision including the Environment Agency, the Health & Safety Executive, and any regional development agency.

3.3.4 Scrutiny (clauses 27-28)

A local authority will be required to designate one of its officers (other than the chief executive, monitoring officer or chief finance officer) to:

- promote the scrutiny function internally and externally
- provide advice and support to the authority's overview and scrutiny committees
- advise members and officers regarding any O & S function

Where a local authority decides to operate a joint O & S committee with one or more councils in their county, its remit will no longer be limited to matters relating to the attainment of a Local Area Agreement target

¹ See section 138 of the Local Government & Public Involvement in Health Act 2007

3.3.5 Audit of entities connected with local authorities (clauses 30-48)

Following on from Lord Sharman's 2001 review into the audit and accountability of public money, the Audit Commission will have power to appoint a person to audit certain 'entities': companies, limited liability partnerships and industrial and provident societies that are connected with local authorities.

In line with one of the principles of public audit endorsed by Lord Sharman, an auditor so appointed will have power to make a report in the public interest. This means making a report to the entity about any matter relating to the financial affairs or corporate governance of the entity which they consider would be in the public interest to bring to the attention of the entity, the local authority to which it is connected, or the public.

The entity concerned must consider the report within one month of receipt and decide what action, if any, to take. It is then for the connected local authority to decide on any action based on the auditor's report and on the entity's response to it.

3.3.6 Local government boundary and electoral change (clauses 49-62)

In 2007 the Government accepted a recommendation by the Committee on Standards in Public Life that the Electoral Commission should no longer be involved in English electoral boundary matters. The Bill provides for these matters to be dealt with instead by a new and independent body known as the Boundary Committee (BC) for England.

The BC *must* from time to time conduct a review of each local authority area and recommend whether a change should be made to their electoral arrangements in terms of:

- the total number of council members
- the number and boundaries of local wards
- the number of members to be returned for each ward
- the name of any ward

The BC *may* at any time carry out a review of this type on an individual part of a local authority area.

A local authority may request the BC to conduct a review of their electoral arrangements and, specifically, to make recommendations as to whether any of that authority's wards should return a single member.

On completion of its review, the BC must publish its draft recommendations and invite representations from interested parties. In due course, the BC may by order give effect to all or any of its final recommendations.

3.3.7 Parts 4-7 of the Bill relate to economic development and stem from the Government's Review of Sub-National Economic Development and Regeneration. Although these provisions are not expected to have a significant effect on governance arrangements, the Committee needs to be aware of the broad proposals; a summary is given below.

Local authority economic assessments (clauses 63-64)

There is to be a new duty on unitary authorities and county councils to assess the economic conditions of their area. In conducting the assessment, the authority will be required to consult certain named partners and other people or organisations they consider appropriate. Statutory guidance is likely to indicate what an assessment should contain, how to prepare it and when.

Regional Strategy (clauses 65-82)

Each region outside London is to have a new regional strategy to replace their existing regional economic strategy and regional spatial strategy. It will also integrate the substance of other regional strategies covering culture and sport, housing, biodiversity and transport. The strategy must set out policies relating to sustainable economic growth, and the development and use of land in the region; and contribute to the mitigation of and adaptation to climate change.

All district and county councils across a region must establish a “Leaders’ Board” (whose formation and operation must have Sec of State approval) to enable local authorities to act collectively at regional level.

Joint responsibility for preparing, reviewing and maintaining the regional strategy sits with the regional development agency and the Leaders’ Board for the region.

Economic Prosperity Boards, Combined Authorities and Multi-Area Agreements (clauses 83-132)

Parts 6 and 7 of the Bill provide for the creation of three new options for sub-regional co-operation: economic prosperity boards; the combination of the functions of an economic prosperity board with the functions of an integrated transport authority; and multi-area agreements with statutory duties.

The Sec of State will have power to create an ‘economic prosperity board’ (EPB) for an area covering two or more local authority areas having contiguous boundaries. The EPB will have functions relating to the economic development and regeneration of the area. The Sec of State may provide for a Board’s membership, voting powers and executive arrangements.

A Multi-area Agreement (MAA) is a voluntary agreement between two or more local authorities, their local partners and central Government to work together to deliver targets in return for policy freedoms and flexibilities. If these local authorities and their partners have their draft MAA approved by the Sec of State, they will be under a duty to have regard to every improvement target they have specified in the MAA, in exercising their respective functions.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 On the assumption that the Local Democracy, Economic Development and Construction Bill successfully proceeds through Parliament, there are likely to be

some financial implications for the council in the form of staffing and publicity costs. These costs will be assessed once more definite details are known.

Finance Officer Consulted: Peter Francis

Date: 23 February 2009

Legal Implications:

- 4.2 Legal implications are dealt with in the body of the report. If any provision in the Bill necessitates an amendment to the Council's constitution, officers will bring a report to Governance Committee where this is required under Article 15.03.

Lawyer Consulted: Oliver Dixon

Date: 23 February 2009

Equalities Implications:

- 4.3 Any new activity instigated as a result of the Bill's implementation will be equality impact assessed in line with the Council's equalities policy

Sustainability Implications:

- 4.4 As stated in 3.3.7 above, the new Regional Strategy for the South East must set out policies relating to sustainable economic growth, and contribute to the mitigation of and adaptation to climate change.

Crime & Disorder Implications:

- 4.5 Potentially, the Council might receive one or more petitions in connection with a crime and disorder matter, which it would then be required to deal with in accordance with its Petition Scheme

Risk and Opportunity Management Implications:

- 4.6 The provisions on promoting democracy present opportunities to support the Council in achieving open and effective leadership, one of its five corporate priorities. However, there are associated risks in terms of resource implications, and infrastructure to support e-petitioning.

Corporate / Citywide Implications:

- 4.7 As indicated in 3.3.1 above, it falls to the Council to promote the democratic arrangements exercised by other public bodies operating across the city. In that respect, the Council will act as city leader in fulfilment of its "place-shaping" role.

SUPPORTING DOCUMENTATION

Appendices: None

Background Documents:

1. Local Democracy, Economic Development and Construction Bill, as introduced to House of Lords, 4 December 2009.

<http://www.publications.parliament.uk/pa/ld200809/ldbills/002/2009002.pdf>

2. Explanatory Notes to the Bill

<http://www.publications.parliament.uk/pa/ld200809/ldbills/002/en/2009002en.pdf>

3. Progress of Bill and links to parliamentary debates

<http://services.parliament.uk/bills/2008-09/localdemocracyeconomicdevelopmentandconstruction.html>

Subject:	East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services Contract Committee		
Date of Meeting:	10 March 2008		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 29-1515
	E-mail:	elizabeth.culbert@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 On 31st March 2003, Brighton & Hove City Council and East Sussex County Council jointly entered into the Joint Integrated Waste Management Services Contract (the IWMSC) to Veolia Environmental Services Ltd (then Onyx Aurora). At the same time, and so as to provide appropriate governance arrangements for the contract, the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services Contract Committee (the Joint Committee) was set up. For the reasons set out in this report, it is now recommended that this Joint Committee be dissolved.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees to recommend to Cabinet the dissolution of the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services Contract Committee;
- 2.2 That the Head of Law be authorised to make the relevant changes to Brighton & Hove City Council's constitution and to the Joint Working Agreement.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On entry into the IWMSC on 31ST March 2003, the Councils entered into arrangements between themselves so ensure that the contract was managed and controlled effectively. This required the creation of both a 'Joint Working Agreement' to regulate the equitable apportionment between the Councils of payments to the contractor, and required the

creation of a Joint Committee to provide oversight for the project as a whole. The functions of the Joint Committee are set out at Appendix 1.

- 3.2 Since March 2003, the necessary sites and planning consents for the required infrastructure under the IWMS C have been delivered, and construction phase for the facilities is either complete (Hollingdean); near completion (Whitesmith and Maresfield) or underway (North Quay, Newhaven).
- 3.3 In these circumstances, the need for a free standing Joint Committee has diminished. The IWMS C Project Board reports directly to Cabinet (at both Councils) for the necessary strategic decision making. Therefore dissolving the Joint Committee would properly reflect the stage the IWMS C has now reached and the constitutional arrangements now in place in Brighton & Hove.
- 3.4 The Joint Working Agreement remains relevant as the instrument by which the two Councils' rights and obligations flowing from the Principal Contract are regulated. It is therefore proposed that this Agreement should remain in force.
- 3.5 In order to ensure regular involvement of Members from both Councils over and above specific reporting to Cabinet, it is proposed that the IWMS C Project Board will arrange six monthly meetings between both Councils' Lead Members and others (as deemed appropriate) to discuss the progress and performance of the Project. In addition, the role of the Councils' relevant Scrutiny Committees will continue.

4. CONSULTATION

- 4.1 The IWMS C Project Board has been consulted and the proposal is being taken forward at East Sussex in parallel.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications arising from the dissolution of the committee.

Finance Officer Consulted: Patrick Rice Date: 13th February 2009

Legal Implications:

- 5.2 Changes to the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services Contract Committee is an executive function pursuant to the local Authorities (Arrangements for the discharge of Functions) (England) Regulations 2000 and therefore approval from Cabinet is required for this proposal. If approved, the

changes could be incorporated alongside any changes flowing from the six month review of the new Constitution.

Lawyer Consulted: Elizabeth Culbert

Date: 16th January 2009

Equalities Implications:

- 5.3 Access to information regarding this project will not be affected by the dissolution of this Joint Committee, which has not been meeting regularly over the last two years. Where Member decisions are required, these are taken in public at Cabinet.

Sustainability Implications:

- 5.4 None

Crime & Disorder Implications:

- 5.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The current Joint Committee is not being used to make decisions on the operation of the Joint Working Agreement and the Principal Contract and Member involvement takes place through Cabinet meetings and briefings. Therefore the proposals in the report reflect the current Governance arrangements as they operate in practice.

Corporate / Citywide Implications:

- 5.7 The proposal to discontinue the Joint Committee will not impact on the work or progress of the project.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Functions of the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services Contract Committee

Background Documents:

None

Appendix 1

Functions of the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services Contract Committee

The function of the Committee is to administer the operation of the waste management arrangements of the Councils in accordance with the Joint Working Agreement. Within the policy and budget frameworks set by each Council, the Committee will:-

- be responsible for the operational and management issues arising from the Principal Contract;
- be responsible for the administration of any contract management arrangements as set out in the Joint Working Agreement;
- ensure the effective implementation of the Joint Working Agreement and the Principal Contract;
- administer the budgets set by the respective Councils for the operation of the Joint Working Agreement and the Principal Contract;
- exercise such powers as the respective Councils may from time to time delegate to it.

The Constitution Agreement also sets out the matters the Joint Committee are not responsible for, namely:

- the determination of the budgets of the respective Councils regarding waste management;
- change to the waste policies and targets of the respective Councils;
- the selection and development of sites for waste disposal and any connected acquisition and planning procedures;
- any change of policy or procedure regarding kerbside source separation.

Subject: Review of Meetings Timetable
Date of Meeting: 10 March 2009
Report of: Director of Strategy & Governance
Contact Officer: Name: Mark Wall Tel: 29-1006
E-mail: mark.wall@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To look at the proposed schedule of meetings for the municipal year 2010/11 based on the current meetings timetable and taking into account the local elections in May 2011.

2. RECOMMENDATIONS:

- 2.1 That the proposed timetable of meetings for 2010/11 be approved.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Existing Arrangements

- 3.1 The timetable of meetings for 2009/2010 was based on the new executive arrangements for the council and took account of the need for changes in the frequency of meetings that had become apparent as part of the review of meetings in the first year of the new arrangements. This saw a reduction in the overall number of scheduled meetings and this will be monitored as part of the 12-month review of the constitution.
- 3.2 The proposed timetable for 2010/11 maintains a similar cycle of meetings and takes into account the local elections to be held in May 2011. In summary, the proposals are:-

Executive Meetings:

Cabinet meeting: 4 weekly
Environment CMM: 6 weekly
Housing CMM: 6 weekly

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Adult Social Care & Health, Children & Young People, Finance, Central Services, Culture, Recreation & Tourism, Enterprise, Employment & Major Projects CMM's: Quarterly

Full Council and Regulatory Committees:

5 Ordinary Council meetings, plus the Annual Council and Budget Council

Governance: 8 weekly

Planning: 3 weekly

Audit and Standards: Quarterly

Licensing: 3 meetings a year

Personnel Appeals: Monthly

Overview & Scrutiny:

Overview & Scrutiny Commission: 6 weekly

Health Overview & Scrutiny Committee: 6 weekly

Adult Social Care & Housing, Children & Young People, Culture, Tourism & Enterprise, Environment & Community Safety Overview & Scrutiny Committees: 8 weekly.

Partnerships:

Children's Trust Board: 6 meetings

Joint Commissioning Board: Quarterly

- 3.3 The proposed timetable for 2010/11 provides for a total of 153 meetings (see Appendix 1).

Governing Principles for the Meetings Timetable

- 3.4 The following guidelines have been applied in reviewing the meetings timetable:
- As far as possible clashes of meetings have been avoided. However, inevitably, given the constraints of avoiding school/public/religious holidays and the number of meetings to be accommodated on specific days of the week, there are occasions where there are overlaps of meetings. This has been exacerbated in March/April 2011 because of the elections in May 2011 and seeking to enable Members to be free from council business in the run up to the elections.
 - What appear at the moment to be "free" days will be filled by Licensing Panel hearings and the various chairman's and political group meetings.

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- As far as possible meetings have not been scheduled on Fridays.
 - As far as possible school holidays, religious holidays and party conference weeks have been avoided, although it has not been possible to keep those weeks completely clear.
 - Meeting start times generally are scheduled for 4pm or later to encourage public attendance. However, Cabinet Members and Committees can determine whether to continue with the programmed start time or if an alternative time would be more appropriate for their particular meeting.
- 3.5 There must be a sufficient number of meetings to enable the council business to be transacted. The schedule of Council and Cabinet meetings is designed to ensure that:-
- Committee and Scrutiny reports can be received without undue delay;
 - consideration of the various plans and strategies to be adopted by Full Council can be accommodated;
 - there is scope to accommodate city-wide debates if necessary; and public interest and participation through questions and deputations continues to be facilitated.
- 3.23 The Overview & Scrutiny Commission is programmed to meet once a cycle in line with the Overview and Scrutiny rules.
- 3.24 Whilst every effort will be made to keep meetings on the dates listed there may be a need to alter them and additional meetings may be required for dedicated debates on key issues or particular plans and strategies.
- 3.25 As usual, a number of further meetings, which are not part of the formal meetings cycle, have been programmed to meet on a regular basis e.g. the Community Safety Forum. In addition dates have yet to be finalised for the Cabinet Sustainability Committee, the Inclusive City Partnership and the Sustainability Partnership.

4. CONSULTATION

- 4.1 Leading Members, Directors and appropriate officers have been consulted on the proposed timetable and appropriate committee and council dates set to meet statutory requirements.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications arising from the report.

Finance officer consulted: Anne Silley

12 February 2009

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Legal Implications:

- 5.2 The proposed timetables of meetings does not prevent the calling of Special Meetings or the use of Urgency Sub-Committee meetings should circumstances arise, however it does enable a more fluent scheduling of meetings to be maintained throughout the municipal year.
- 5.3 The proposed timetable allows for continued compliance with the Access to Information Procedure Rules set out in Part 8.1 of the Constitution

Lawyer consulted: Abraham Ghebre-Ghiorghis 12 February 2009

Equalities Implications:

- 5.3 The majority of meetings are scheduled for 4pm or later to encourage public attendance and interest. Holiday periods are also avoided as far as is feasible.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.5 There are no crime & disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The scheduling of meetings aims to accommodate the decision-making processes for the year, but there is always the possibility of additional meetings having to be called.

Corporate / Citywide Implications:

- 5.7 The scheduling of meetings accommodates the Council priority for open and effective city leadership

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Proposed Timetable for 2010/11

Background Documents

Timetable of Meetings for 2009/10

BRIGHTON & HOVE CITY COUNCIL

**PROPOSED TIMETABLE OF MEETINGS
2010/11**

2010	APRIL	APRIL	APRIL	MAY	MAY	MAY	MAY
MONDAY	12 SH	19 Yom HaAtzma'ut - Jewish Joint Commissioning Board 5.00pm Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	26 CMM – C&YP 4.00pm	3 BH	10 Personnel Appeals Cttee 10.00am Housing Management Consultative Cttee 3.00pm	17 Children & Young People's Trust Board 5.00pm	24
TUESDAY	13 SH	20 <i>Members Seminar</i> Standards Cttee 5.00pm	27 Site Visits for Planning 2.00pm Overview & Scrutiny Organisation Commission 4.00pm Governance Cttee 4.00pm	4	11	18 Site Visits for Planning 2.00pm	25
WEDNESDAY	14 SH	21 CMM – Housing 4.00pm	28 Planning Applications Cttee 2.00pm	5 Health Overview & Scrutiny Cttee 4.00pm	12	19 Planning Applications Cttee 2.00pm	26 CMM – Housing 4.00pm
THURSDAY	15 SH	22 Cabinet 4.00pm	29 COUNCIL 4.30pm	6 CMM – Environment 4.00pm	13 ANNUAL COUNCIL 4.30pm	20	27 Cabinet 4.00pm
FRIDAY	16 SH	23	30	7	14	21	28

2010	MAY / JUNE	JUNE	JUNE	JUNE	JUNE / JULY	JULY	JULY
MONDAY	31 BH	7 Personnel Appeals Cttee 10.00am	14 CMM – ASC&H 4.00pm Housing Management Consultative Cttee 3.00pm	21 Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	28 LGA Annual Conference CMM Finance 4.00pm (followed by) CMM Central Services	5 Personnel Appeals Cttee 10.00am Community Safety Forum 4.00pm CMM – C&YP 4.00pm	12 Joint Commissioning Board 5.00pm
TUESDAY	1 SH	8 Site Visits for Planning 2.00pm Overview & Scrutiny Organisation Commission 4.00pm	15 CMM – Culture, Recreation & Tourism 4.00pm (followed by) CMM – Enterprise & Major Projects	22 Standards Cttee 5.00pm	29 LGA Annual Conference Audit Cttee 4.00pm	6 Governance Cttee 4.00pm	13
WEDNESDAY	2 SH	9 Planning Applications Cttee 2.00pm	16 Children & Young People Overview & Scrutiny Cttee 5.00pm	23	30 LGA Annual Conference Planning Applications Cttee 2.00pm	7 CMM – Housing 4.00pm	14 Health Overview & Scrutiny Cttee 4.00pm
THURSDAY	3 SH	10 CMM – Environment 4.00pm	17 Cabinet 4.00pm	24 Adult Social Care & Housing Scrutiny Cttee 4.00pm Licensing Cttee 3.00pm	1 LGA Annual Conference Culture, Tourism & Enterprise Overview & Scrutiny Cttee 4.00pm	8 COUNCIL 4.30pm	15 Cabinet 4.00pm
FRIDAY	4 SH	11	18	25	2 LGA Annual Conference	9	16

2010	JULY	JULY	AUGUST	AUGUST	AUGUST	AUGUST	AUG / SEPT
MONDAY	19 Children & Young People's Trust Board 5.00pm	26 SH <i>Tisha B'Av - Jewish</i>	2 SH	9 SH	16 SH	23 SH	30 BH
TUESDAY	20 Overview & Scrutiny Organisation Commission 4.00pm	27 SH	3 SH	10 SH	17 SH	24 SH	31 SH
WEDNESDAY	21 Planning Applications Cttee 2.00pm	28 SH	4 SH	11 SH Planning Applications Cttee 2.00pm	18 SH	25 SH	1 SH Planning Applications Cttee 2.00pm
THURSDAY	22 CMM – Environment 4.00pm	29 SH	5 SH	12 SH	19 SH	26 SH	2 SH
FRIDAY	23	30 SH	6 SH	13 SH	20 SH	27 SH	3 SH

2010	SEPTEMBER	SEPTEMBER	SEPTEMBER	SEPT/OCT	OCTOBER	OCTOBER	OCTOBER
MONDAY	6 Personnel Appeals Cttee 10.00am Children & Young People's Trust Board 5.00pm	13 Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	20	27 Housing Management Consultative Cttee 3.00pm	4 Personnel Appeals Cttee 10.00am CMM – C&YP 4.00pm	11 CMM Finance 4.00pm (followed by) CMM Central Services	18 Community Safety Forum 4.00pm CMM – ASC&H 4.00pm
TUESDAY	7 Overview & Scrutiny Organisation Commission 4.00pm	14 CMM – Culture, Recreation & Tourism 4.00pm (followed by) CMM – Enterprise & Major Projects Standards Cttee 5.00pm	21 Governance Cttee 4.00pm	28 Audit Cttee 4.00pm	5	12	19 Overview & Scrutiny Organisation Commission 4.00pm
WEDNESDAY	8 CMM – Housing 4.00pm	15 Children & Young People Overview & Scrutiny Cttee 5.00pm	22 Planning Applications Cttee 2.00pm	29 Health Overview & Scrutiny Cttee 4.00pm	6	13 Planning Applications Cttee 2.00pm	20 CMM – Housing 4.00pm
THURSDAY	9 Adult Social Care & Housing Scrutiny Cttee 4.00pm	16 Cabinet 4.00pm	23 CMM – Environment 4.00pm	30 Culture, Tourism & Enterprise Overview & Scrutiny Cttee 4.00pm	7	14 Cabinet 4.00pm	21 COUNCIL 4.30pm
FRIDAY	10 <i>Eid Al-Fitr - Islam</i>	17	24	1	8	15	22

2010	OCTOBER	NOVEMBER	NOVEMBER	NOVEMBER	NOVEMBER	NOV / DEC	DECEMBER
MONDAY	25 SH	1 Personnel Appeals Cttee 10.00am Children & Young People's Trust Board 5.00pm	8 Environment & Community Safety Overview & Scrutiny Cttee 4.00pm Housing Management Consultative Cttee 3.00pm	15 Joint Commissioning Board 5.00pm	22	29	6 Personnel Appeals Cttee 10.00am
TUESDAY	26 SH	2	9	16 Governance Cttee 4.00pm	23	30 Overview & Scrutiny Organisation Commission 4.00pm	7 CMM – Culture, Recreation & Tourism 4.00pm <i>(followed by)</i> CMM – Enterprise & Major Projects
WEDNESDAY	27 SH	3 Planning Applications Cttee 2.00pm	10 Children & Young People Overview & Scrutiny Cttee 5.00pm	17	24 Planning Applications Cttee 2.00pm	1 CMM – Housing 4.00pm	8 <i>Muharram – Islam</i> Health Overview & Scrutiny Cttee 4.00pm
THURSDAY	28 SH	4 CMM – Environment 4.00pm Adult Social Care & Housing Scrutiny Cttee 4.00pm	11 Cabinet 4.00pm	18 Licensing Cttee 3.00pm	25 Culture, Tourism & Enterprise Overview & Scrutiny Cttee 4.00pm	2	9 Cabinet 4.00pm
FRIDAY	29 SH	5 <i>Guy Fawkes Day</i> <i>Diwali - Hindu</i>	12	19	26	3	10

2010 / 2011	DECEMBER	DECEMBER	DECEMBER	JANUARY	JANUARY	JANUARY	JANUARY
MONDAY	13 Housing Management Consultative Cttee 3.00pm	20	27 BH	3 BH	10 Personnel Appeals Cttee 10.00am CMM – ASC&H 4.00pm	17 CMM – C&YP 4.00pm	24 CMM Finance 4.00pm (followed by) CMM Central Services Housing Management Consultative Cttee 3.00pm
TUESDAY	14 Audit Cttee 4.00pm	21	28 BH	4	11 Overview & Scrutiny Organisation Commission 4.00pm	18 Standards Cttee 5.00pm	25 CMM – Environment 4.00pm
WEDNESDAY	15 Planning Applications Cttee 2.00pm	22	29 SH	5 CMM – Housing 4.00pm	12 Planning Applications Cttee 2.00pm	19	26 Children & Young People Overview & Scrutiny Cttee 5.00pm
THURSDAY	16 COUNCIL 4.30pm	23 SH CMM – Environment 4.00pm	30 SH	6 Adult Social Care & Housing Scrutiny Cttee 4.00pm	13	20 Cabinet 4.00pm	27 COUNCIL 4.30pm
FRIDAY	17	24 SH	31 SH	7	14 <i>Makar Sakranti – Hindu/Sikh</i>	21	28

2011	JAN / FEB	FEBRUARY	FEBRUARY	FEBRUARY	FEB / MARCH	MARCH	MARCH
MONDAY	31 Children & Young People's Trust Board 5.00pm	7 Personnel Appeals Cttee 10.00am Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	14 Joint Commissioning Board 5.00pm	21 SH	28	7 Personnel Appeals Cttee 10.00am Housing Management Consultative Cttee 3.00pm	14 CMM – ASC&H 4.00pm
TUESDAY	1 Governance Cttee 4.00pm	8 <i>Vasant Panchami – Hindu</i>	15 <i>Mawlid al-Nabi - Islam</i>	22 SH	1 <i>St David's Day – Christian</i> Overview & Scrutiny Organisation Commission 4.00pm	8 <i>Shrove Tuesday - Christian</i>	15
WEDNESDAY	2 Planning Applications Cttee 2.00pm	9 Health Overview & Scrutiny Cttee 4.00pm	16 CMM – Housing 4.00pm	23 SH Planning Applications Cttee 2.00pm	2 <i>9 Ash Wednesday - Christian</i>	16 Planning Applications Cttee 2.00pm	
THURSDAY	3 Culture, Tourism & Enterprise Overview & Scrutiny Cttee 4.00pm	10	17 Budget Cabinet 4.00pm	24 SH BUDGET COUNCIL 4.30pm	3 <i>Mahashivaratri – Hindu</i> CMM – Environment 4.00pm	10 Adult Social Care & Housing Scrutiny Cttee 4.00pm Licensing Cttee 3.00pm	17 <i>St Patrick's Day – Christian</i> Cabinet 4.00pm
FRIDAY	4	11	18	25 SH	4	11	18

2011	MARCH	MAR/APRIL	APRIL	APRIL	APRIL	APRIL	MAY
MONDAY	21 Children & Young People's Trust Board 5.00pm	28 CMM Finance 4.00pm (followed by) CMM Central Services CMM – C&YP 4.00pm	4 <i>Hindu New Year</i> Personnel Appeals Cttee 10.00am Environment & Community Safety Overview & Scrutiny Cttee 4.00pm Joint Commissioning Board 5.00pm	11 SH	18 SH	25 BH <i>Easter Monday - Christian</i>	2 BH
TUESDAY	22 CMM – Culture, Recreation & Tourism 4.00pm (followed by) CMM – Enterprise & Major Projects	29 Governance Cttee 4.00pm Standards Cttee 5.00pm	5 Overview & Scrutiny Organisation Commission 4.00pm Audit Cttee 4.00pm	12 SH <i>Rama Navami - Hindu</i>	19 SH	26	3
WEDNESDAY	23 Children & Young People Overview & Scrutiny Cttee 5.00pm	30 CMM – Housing 4.00pm	6 Planning Applications Cttee 2.00pm	13 SH <i>Vaisakhi – Sikh</i> Health Overview & Scrutiny Cttee 4.00pm	20 SH <i>Pesach (Passover) - Jewish</i>	27 Planning Applications Cttee 2.00pm	4
THURSDAY	24 COUNCIL 4.30pm	31 Culture, Tourism & Enterprise Overview & Scrutiny Cttee 4.00pm CMM – Environment 4.00pm	7 Cabinet 4.00pm	14 SH <i>Hola Mohalla – Sikh</i>	21 SH	28	5 Elections
FRIDAY	25	1	8	15 SH	22 BH <i>Good Friday - Christian</i>	29	6

2011	MAY	MAY	MAY	MAY / JUNE	JUNE	JUNE	JUNE
MONDAY	9 Yom HaAtzma'ut - Jewish	16	23	30 BH	6	13	20
TUESDAY	10 Yom HaAtzma'ut - Jewish	17	24	31 SH	7	14	21
WEDNESDAY	11	18 Planning Applications Cttee 2.00pm	25	1 SH	8 Planning Applications Cttee 2.00pm	15	22
THURSDAY	12 Cabinet 4.00pm	19 ANNUAL COUNCIL 4.30pm	26	2 SH	9 Cabinet 4.00pm	16	23
FRIDAY	13	20	27	3 SH	10	17	24

Subject: Consultation on Governance Arrangements

Date of Meeting: 10 March 2008

Report of: Director of Strategy and Governance

Contact Officer: Name: Elizabeth Culbert Tel: 29-1515

E-mail: elizabeth.culbert@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Communities and Local Government are currently consulting on proposals to change the requirements which govern how a Council moves from one form of executive model of governance to another. This report sets out the proposed changes and seeks views on a Council response.

2 RECOMMENDATIONS:

- 2.1 That the Committee notes the consultation questions and agrees the proposed responses at Appendix One.

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The 2008 "Communities in Control: Real People, real power" White Paper made a number of policy commitments to encourage increased public participation in local democracy. One of these commitments was to look again at the means available to Councils and local people to move from one form of governance arrangement to another. A consultation paper has now been issued which addresses this and raises a number of specific questions upon which responses are sought.
- 3.2 This report sets out a brief summary of the issues raised in the consultation paper. At Appendix One the text of the seven consultation questions is reproduced together with a proposed response. The Committee is asked to consider the questions and proposed responses and agree any changes. The deadline for responses is 20th March 2009 (an extended deadline to allow the views of the Governance Committee to be fully represented). The consultation paper itself is reproduced at Appendix Two for information.

The proposals

Changing governance arrangements

- 3.3 The current legislative framework for changing a Council's governance model enables a Council to move to a directly elected mayor and cabinet executive in one of the following ways:-
- Following consultation and drawing up proposals, a Council can simply resolve to move to those arrangements. (The Local Government Public Involvement in Health Act 2007 removed the old requirement of holding a referendum where there was a proposal to move to a mayoral model);
 - The Council can make its proposals subject to approval in a governance referendum;
 - A governance referendum can be triggered by a petition submitted by local people representing 5% of the population.
- 3.4 A council currently operating the mayor and cabinet model which wishes to move to the leader and cabinet system can likewise take one of the above approaches. However, in the case where the Council is seeking to resolve to make the change from a mayoral model with no referendum, special additional requirements apply. These are that the Council must include in its proposal a statement setting out the arguments for and against the change and the reasons for wanting the change.
- 3.5 The first consultation question relates to these additional requirements which apply only to a proposal to move away from a mayoral model and asks whether they should be removed. The proposed response at Appendix One suggests that the additional requirements should be removed as the system is currently inappropriately weighted in favour of retaining a mayoral model.

The moratorium period for a referendum

- 3.6 Where a referendum has been held in respect of adopting new governance arrangements, there is currently a moratorium period stating that a further referendum may not be held for 10 years. (It used to be 5 years but was extended by the Local Government Public Involvement in Health Act 2007).
- 3.7 The second consultation question proposes a reduction in the moratorium period where the earlier referendum resulted in no change. The draft response at Appendix One suggests that the period required between referendums should not be reduced. Running a referendum is resource intensive and the proposal assumes that where the public

vote against change this should carry less weight than where a change is agreed.

Threshold for a petition requiring a governance referendum

- 3.8 Currently a governance referendum can be triggered by a petition signed by 5% of the local electorate. The consultation paper raises the concern that this threshold is hard to meet and therefore asks for comments on a proposed reduction to either 4%, 3%, or 2%. As an alternative, there is an option of setting numerical thresholds dependent on the number of local government electors or keeping the threshold as a percentage but with minimum and maximum numerical thresholds.
- 3.9 Three consultation questions address the options for reducing the threshold for petitions and/or setting numerical or other thresholds. The proposed response suggests that the current percentage threshold is not too high and is straightforward for the public to understand and for the Council to administer.

E- Petitioning

- 3.10 The consultation paper expresses the Government's wish to make it easier for people to become involved in local democracy and therefore proposes to introduce electronic petitioning alongside paper petitions. Signatures from both types of petition could be combined for the purposes of meeting the petition threshold.
- 3.11 In recognition of the need to ensure that e-petitions can be verified, procedures are proposed which would require the e-petition to be a facility provided by the Council. The petition would be verified against the electoral register.
- 3.12 The final two consultation questions ask whether e-petitions should be acceptable and whether these should be run by a secure Council facility. The draft response at Appendix One suggests that Brighton & Hove City Council supports these measures as they increase public accessibility to the Council and support sustainable practices.

4. CONSULTATION

- 4.1 Consultation with relevant Officers has taken place.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 None at this stage as the proposals are at the consultation phase. If the thresholds for petitions and/or the moratorium period for a referendum are reduced there could be an increase in the number of referendums

that the Council is required to administer which would have a cost to the Council.

Finance Officer Consulted: Patrick Rice Date: 24/02/09

Legal Implications:

- 5.2 None at this stage as the proposals are at the consultation phase. A further report with legal and financial implications will be brought forward if the proposals are taking forward and new legislation enacted.

Lawyer Consulted: Elizabeth Culbert Date: 16 January 2009

Equalities Implications:

- 5.3 The proposals in the consultation paper include e-petitioning which, if brought forward, may increase access to petitioning for all groups.

Sustainability Implications:

- 5.4 None at this stage. If e-petitioning is made available this could have a positive impact.

Crime & Disorder Implications:

- 5.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 None at this stage – the risk management implications will need to be reviewed once firm proposals are made to amend the existing requirements for changing governance arrangements.

Corporate / Citywide Implications:

- 5.7 None at this stage. The corporate/citywide implications will need to be reviewed once firm proposals are made to amend the existing requirements for changing governance arrangements.

SUPPORTING DOCUMENTATION

Appendices:

- Appendix 1 List of consultation questions and proposed responses
Appendix 2 Consultation Paper

Background Documents

None

Appendix One

List of consultation questions and proposed responses

Question 1	<p>Should we remove the special requirements that a proposal to move from a mayoral and cabinet executive must include a statement setting out the arguments for and against the change and the council's reasons for wanting to make that change?</p> <p>Proposed response</p> <p>Yes - the requirements should be the same whether for a change from a mayoral or leader and cabinet system. To have a different set of rules that applies only to a move from a mayoral model is confusing and unnecessary. To make it more difficult to move from a mayoral system appears to be favouring retaining that system and weighting against the leader and cabinet system. This undermines the principal that the choice of model rests at local level.</p>
Question 2	<p>Do you agree with the proposal that the moratorium period should be reduced from ten years to four years where a governance referendum does not result in a change?</p> <p>Proposed response</p> <p>No – it is onerous for the Council to administer and run a referendum and the current period allows for stability. We do not think that the moratorium period should be different depending on the outcome of the referendum. Such a proposal appears to be seeking to ignore and undermine the wishes of local people where their legitimate view has been expressed that they do not wish to see a change in the arrangements. The impact of a 'no' vote or a 'yes' vote should be the same. Again, the proposals appear to seek to exert an influence over councils and local people as to which model of governance they choose.</p>
Question 3	<p>Should the threshold for a petition to trigger a governance referendum be reduced across the board? If yes, to what level should the threshold be reduced, bearing in mind the considerations about the balance between the practicalities of collecting signatures and the demonstration of a significant level of interest in change.</p> <p>No - to trigger a referendum and require the Council to administer this properly, ensuring the electorate is informed as to what the choices mean for them and the City, is extremely resource</p>

	<p>intensive. It should only therefore be triggered where a sufficiently large proportion of the population has expressed a wish to see a change so that there is a realistic possibility of a 'yes' vote. Anything less than 5% of the population does not indicate a sufficient level of interest to justify the amount of cost, time and instability that a referendum can cause.</p>
Question 4	<p>Should numerical thresholds be set? If so, what should the basis and bands for these thresholds be?</p> <p>No - the percentage of population approach is simple and easy to apply. Numerical bands and thresholds would be an unnecessary complexity which would leave room for error/confusion.</p>
Question 5	<p>Should the threshold be a percentage, but subject to certain minimum and maximum numerical thresholds? What should those percentage and numerical thresholds be?</p> <p>No - the percentage threshold without qualification is clear to understand and simple to apply. Setting minimum and maximum levels is adding complexity where it is not required. The public need to understand these rules and we are concerned about complicating the rules for this reason.</p>
Question 6	<p>Do you agree that a traditional paper based petition calling for a governance referendum may be supplemented, if the petition organiser so wishes, by e-petitioning?</p> <p>Yes - subject to the e-petition being through a secure facility provided by the council - we support any measures which improve or simplify public access to the Council. We further support any measures which will help Councils adopt sustainable practices wherever possible.</p>
Question 7	<p>Do you agree that e-petitioning for a governance referendum must be through a secure e-petitioning facility provided by the council concerned?</p> <p>Yes - in order to ensure that the e-petition was able to be properly verified it would need to be conducted through a secure facility provided by the Council. This would prevent the petition process being abused and consequently undermined.</p>

Communities in control: Real people, real power
Changing Council Governance Arrangements –
Mayors and Indirectly Elected Leaders.
A Consultation



**Communities in control: Real people, real power
Changing Council Governance Arrangements –
Mayors and Indirectly Elected Leaders.
A Consultation**

December 2008
Department for Communities and Local Government: London

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Bressenden Place
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Chapter 1

The consultation and how to respond

Communities in Control consultation papers

- 1.1 The white paper, *Communities in Control: Real people, real power*, is about passing power into the hands of citizens and communities. It sets out a range of policies to achieve this, building on work in progress from the 2006 Local Government white paper, *Strong and Prosperous Communities*.
- 1.2 This is part of the Government's wider agenda to modernise our democratic system, to strengthen participatory democracy and, through the *Communities in Control* white paper, to deliver genuine empowerment to local people and local communities – passing more power to more people through every practical means. Central to this is a vibrant local democracy, at the heart of which are councils – providing strategic leadership, delivering services and empowering communities.

About this consultation paper

- 1.3 We now need to consult further about a number of policy commitments and are doing this through a series of *Communities in Control* consultation papers. This consultation is the next in the series and invites views about reducing the threshold for a petition to trigger a governance referendum on a council's governance model to below five per cent of local electors, and permitting e-petitioning for mayors. It also considers the commitment in the *Communities in Control* white paper that where a governance referendum is lost, a further governance referendum may be held after 4 years, rather than after 10 years as is currently the case.
- 1.4 Councils need governance models that readily deliver strategic leadership, sharp accountability, and effective and efficient decision taking. The Government recognises that the directly elected mayoral model can readily deliver this. It also recognises that governance models where there is an indirectly elected council leader can equally deliver these outcomes. It is for this reason that the Government has legislated in the Local Government and Public Involvement in Health Act 2007 to give councils a choice between directly elected mayors and indirectly elected leaders. This should be a choice that the local community can make.

- 1.5 Accordingly this consultation paper focuses on proposals to make it easier for people in England to demand that their local leaders hold a governance referendum on moving to a new form of governance arrangements. It includes proposals to make it easier for local people to decide to have a directly elected mayor. Equally the consultation includes a process whereby a decision to have a directly elected mayor can be reversed by a governance referendum or vote of the council.
- 1.6 Chapter 2 provides background on both governance models, and sets out the legislative provisions and processes for changing governance models. It seeks views on whether we should remove existing statutory requirements so that in future there would be a level playing field for moves between the two governance models.
- 1.7 Chapter 3 seeks views on proposals to reduce the threshold for a petition to trigger a governance referendum from the existing requirement, which is five per cent of local government electors.
- 1.8 Chapter 4 seeks views on permitting the use of e-petitioning to demonstrate support for a governance referendum.

Who we are consulting

- 1.9 This is a public consultation and it is open to anyone to respond to the questions which are summarised at annex A. We would particularly welcome responses from councils in England, national representative bodies, and electoral registration officers and returning officers.

How to respond

- 1.10 Your response must be received by **13 March 2009** and may be sent by email or by post to:

Changing Council Governance Arrangements Consultation
Communities and Local Government
Zone 5/A2
Eland House
Bressenden Place
London
SW1E 5DU

email: governance@communities.gsi.gov.uk

- 1.11 It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

What will happen to the responses?

- 1.12 We will analyse the responses to the consultation and produce a summary of them within three months of the close of the consultation. This summary will be published on the consultation page of the Department's website at:
www.communities.gov.uk/corporate/publications/consultations/
- 1.13 The Government will take account of the responses received to this consultation before introducing primary and secondary legislation on the particular topics discussed in this paper.

Publication of responses – confidentiality and data protection

- 1.14 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- 1.15 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential.
- 1.16 If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 1.17 The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

1.18 The UK Government has adopted a code of practice on consultations. The criteria that apply under this code, and advice about who you should contact if you have any comments or complaints about the consultation process are included in annex B.

Additional copies

1.19 You may make copies of this document without seeking permission. Printed and alternative format (eg Braille or audio) copies of this consultation paper can also be obtained from the contact details at paragraph 1.10 above. An electronic version of this document can be found in the consultation section of the Departments website at: www.communities.gov.uk

DRAFT

Chapter 2

Governance arrangements

Executive governance models

- 2.1 All councils serving a population of above 85,000 electors are required to adopt one of two executive governance models – the directly elected mayoral model (“a mayor and cabinet executive”), or indirectly elected council leader model (“a leader and cabinet executive”). In the mayor and cabinet executive, the mayor is directly elected by local government electors in a council’s area, whereas in the leader and cabinet executive, the leader of the council is a councillor elected by his/her fellow councillors. In both models, the directly elected mayor or indirectly elected leader will have a range of policies to implement while in office with the help of their cabinet.
- 2.2 Under both models, the mayor or leader will lead the council and can be in charge of local services. However in addition, many councils have a ceremonial mayor who normally chairs council meetings. Where a directly elected mayor leads the council, he or she may carry out ceremonial functions or the council may decide to keep the ceremonial mayor as well. If they do, he or she will normally have a new title. The directly elected mayor will hold the formal title of ‘mayor’.
- 2.3 Most councils in England operate with the leader and cabinet executive. To date, twelve council areas have a directly-elected mayor: Bedford, Doncaster, Hackney, Hartlepool, Lewisham, Mansfield, Middlesbrough, Newham, North Tyneside, Stoke-on-Trent¹, Torbay and Watford. Of the 12 current mayors some are from political parties, and others are independent.

Changing governance models

- 2.4 In the *Communities in Control* white paper we undertook to consult on making it easier for local people to petition for a governance referendum on moving to a mayoral form of governance. This consultation seeks your views on two proposals for achieving this, as well as on making it as easy to move to a leader and cabinet executive. The first proposal is whether there should be a reduction in the petition threshold, i.e. the number of local government electors required to sign a petition, in order to trigger a governance referendum for a change in a council’s governance model, and the second proposal is whether e-petitioning for such a governance referendum should be

¹ Following a governance referendum, Stoke-on-Trent will adopt a leader and cabinet executive from June 2009.

permitted. The consultation also invites views on the proposal to facilitate change that a reduced moratorium period between governance referendums should apply in every case where a governance referendum results in no change of governance model. Subject to the outcome of this consultation, it is the Government's intention to seek the necessary primary legislation for any such reduction at the next convenient opportunity.

2.5 This is in the context where a local community should be able to decide a change in its council's governance model. Where there is demonstrable evidence that there is significant interest locally for such a change, then the local community should have the opportunity through a governance referendum to decide whether or not the change is to be made.

2.6 Equally, the democratically elected representatives of a local community should be able to decide if they wish to change their council's governance model. In such a case, just as where change is made through a governance referendum, it should be as easy to move to a leader and cabinet executive as to a mayor and cabinet executive. Accordingly, this consultation invites views on whether where a change in governance models is decided by a vote of the council without a governance referendum, the current special procedural requirements for a move from a mayor and cabinet executive should be removed. Subject to this consultation, it is the Government's intention to seek the necessary primary legislation for removing such requirements at the next convenient opportunity.

The legislative framework for changing a council's governance model

2.7 The Local Government Act 2000 introduced reforms in order to make council decision making more efficient, transparent and accountable. As part of these reforms, local people were able to choose which form of executive governance arrangements their councils should adopt. Where a council receives a valid petition it must hold a governance referendum the results of which are binding. Such petitions and duties on councils to hold a governance referendum are separate to local petitions and the new duty on councils to respond to them as set out in the Local Democracy Economic Development and Construction Bill.

Moving to a Mayor and cabinet model

2.8 The Local Government and Public Involvement in Health Act 2007 made amendments to the 2000 Act which relaxed the procedure for changing governance arrangements². The requirement to hold a governance referendum in relation to a council proposing to move to the mayor and cabinet executive was removed; where the council wishes to move to the mayor and cabinet executive it can now take one of the following approaches:

- Following consultation and the drawing up of proposals for the change in its governance arrangements, the council can simply resolve to move to those arrangements
- The council can make its proposals subject to approval in a governance referendum

Moving from a Mayor and cabinet model to a leader and cabinet model

2.9 A council currently operating the mayor and cabinet executive model which wishes to move to the leader and cabinet executive can likewise take one of those approaches. In this case, where the council is seeking simply to resolve to make the change, special additional requirements apply. These are that it must also include in its proposal a statement setting out the arguments for and against the change and its

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Consultation Question 1: Should we remove the special requirements that a proposal to move from a mayor and cabinet executive must include a statement setting out the arguments for and against the change and the council's reasons for wanting to make that change?

for wanting to make that change.

Moratorium period between governance referendums

2.10 Where a council has adopted an executive governance model following a governance referendum, it can move from that model only following a further governance referendum approving that change. A council may also be required to hold a governance referendum on proposals for a move to a mayor and cabinet executive by virtue of being petitioned by local people or directed or ordered by the Secretary of State to do so. Regulations made under the Local Government Act 2000 provide that in order to trigger a governance referendum petitions must be supported

² The provisions for local people to trigger a governance referendum by submitting a valid petition remain unchanged.

by a number of

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electors that is greater than or equal to five per cent (known as the threshold) of the number of local government electors for the council's area shown in the electoral register.

- 2.11 Legislation also provides that where a governance referendum has been held, a further governance referendum may not be held for a defined period – informally known as the 'moratorium period'. The moratorium period was extended by the Local Government and Public Involvement in Health Act 2007 from 5 to 10 years to provide a period of stability where governance arrangements had changed to ensure time for the new arrangements to bed in.
- 2.12 The Government considers that this should remain the case where a governance referendum has resulted in a change of governance arrangements. It is right that there is a period of stability in which the new arrangements can be fully tried and tested. However, the Government considers that where a governance referendum results in no change, local people should not be denied the opportunity to seek a change in local governance arrangements for a further 10 years should they wish to do so. As suggested in the *Communities in Control* white paper, the Government considers a moratorium period of four years would strike the right balance between allowing local communities to change their councils' governance models with relative ease whilst avoiding unnecessary and damaging instability.
- 2.13 We therefore seeks views on whether to refine the 'moratorium period' arrangements, namely to remove the stipulation that no governance referendum may be held for 10 years where a governance referendum does not result in a change in governance arrangements, and permit a further governance referendum after four years in these circumstances.

Consultation Question 2: Do you agree with the proposal that the moratorium period should be reduced from ten years to four years where a governance referendum does not result in a change?

Chapter 3

Petition threshold

- 3.1 The purpose of a petition threshold is to provide the basis for recognising that there is demonstrable significant interest locally for a change in governance arrangements. The level of the threshold needs to be such that it ensures that on the one hand governance referendums are not triggered unless there is significant interest, but equally that there are no barriers or impediments to such interests being demonstrated where they exist. E-petitioning might also facilitate the demonstration of such interests and the use of e-petitioning is examined in chapter 4.
- 3.2 We know in practice that it can be a substantial undertaking for petition organisers to collect the number of signatures required to meet the current five per cent threshold to trigger a governance referendum. This is particularly the case in those council areas covering larger populations. We are therefore seeking views on whether to reduce the threshold, thereby making the task more achievable. Any new threshold should however continue to be at such a level as to demonstrate significant interest locally for a change.
- 3.3 This chapter explores options for changing the petition arrangements for triggering a governance referendum to make them both practical and reasonable, thereby encouraging local people to get involved, and stimulate debate about the leadership arrangements for their area. We are seeking views on the threshold of signatures required, and set out below three broad proposals which are:
- 1. reduce the single five per cent threshold to either four per cent, three per cent or two per cent of local government electors for the council area concerned**
 - or
 - 2. introduce a range of numerical thresholds**
 - or
 - 3. apply a percentage threshold as set out in option 1, but subject to set minimum and maximum numerical thresholds**

Reduce the five per cent threshold

- 3.4 There are large differences in the number of local government electors for councils across England. By way of example, table 1 shows that petition organisers in council areas serving a large electorate – say 500,000 local government electors for example, would need to collect over 25,000 signatures within the space of a year (since any signatures over a year old are invalid) to trigger a governance referendum, which would be a substantial undertaking.
- 3.5 Our view is that the current threshold of five per cent may pose a barrier to local people petitioning for a governance referendum, particularly in larger council areas. One option for altering the current arrangements would be to reduce the petition threshold to below five per cent. Table 1 below provides an indicative illustration of the effect of reducing the threshold to four per cent, three per cent or two per cent across a range of electorate sizes.

Local Government Electors	5%	4%	3%	2%
700,000	35,000	28,000	21,000	14,000
500,000	25,000	20,000	15,000	10,000
300,000	15,000	12,000	9,000	6,000
150,000	7,500	6,000	4,500	3,000
100,000	5,000	4,000	3,000	2,000
50,000	2,500	2,000	1,500	1,000

- 3.6 Reducing the percentage threshold has the advantage of retaining simplicity in the arrangements for petition thresholds. However, lowering the threshold generally may not address the wider practical issues faced by petition organisers in council areas serving a large number of local government electors. It is possible that, in order to make the practical task achievable for petition organisers in such areas, the threshold would need to be set at such a level as to be inappropriately low for the purposes of demonstrating significant support for change.
- 3.7 The Government is therefore interested in your views on whether the threshold should be reduced from the current five per cent and if so to what level.

Consultation Question 3: Should the threshold for a petition to trigger a governance referendum be reduced across the board? If yes, to what level should the threshold be reduced, bearing in mind the considerations about the balance between the practicalities of collecting signatures and the demonstration of a significant level of interest in change.

Introduce a range of numerical thresholds

- 3.8 An alternative option would be to introduce numerical thresholds to be set for various electorate ranges. The size of the numerical threshold could then be set so as to ensure a petition carries sufficient weight but is not a barrier to the demonstration of local support for a change.
- 3.9 Table 2 provides an illustration of how such numerical thresholds might be set in practice. For the purposes of the illustration, the numerical thresholds are based upon the median of five per cent of local government electors for each council in England within the corresponding electorate band on the left. The result is an achievable, yet significant level of signatures across all electorate bands.³

Number of local government electors	Threshold Figure
50,000 – 100,000	3,750
100,000 – 200,000	6,500
200,000 – 300,000	11,500
Above 300,000	18,000

Consultation Question 4: Should numerical thresholds be set? If so, what should the basis and bands for these thresholds be?

Apply a percentage threshold as set out in option 1, but subject to set minimum and maximum numerical thresholds,

- 3.10 Finally, a further option for change to the existing arrangements would be to retain the existing percentage threshold, but making that threshold subject to a minimum and maximum numerical threshold for signatures. Petition organisers would be required to obtain the percentage threshold in all cases except where the percentage threshold would be above or below the set maximum or minimum numerical thresholds. In such cases, the maximum or minimum numerical threshold would apply as appropriate.

³ The figures in table 2 were calculated using Office of National Statistics figures for local government electors in England (December 2007)

3.11 We are therefore seeking views on whether to introduce a numerical threshold as to the minimum and maximum number of signatures that would be required to meet the petition threshold to trigger a governance referendum in councils across England, to work in combination with a simple percentage threshold.

Introducing a minimum figure

3.12 Introducing a minimum figure for a petition threshold, would mean that there would need to be sufficient support in small council areas to meet the required level of signatures. An example would be to set the minimum level of signatures at 1,000. In areas where fewer than 1,000 signatures are required to trigger a governance referendum using the percentage system, the minimum figure would apply. This would mean that the petition would need to meet the threshold of 1,000 signatures in order to trigger a governance referendum. 1,000 signatures would show that there is significant support for a change in governance in that area, rather than a set percentage that is below 1,000.

Introducing a maximum figure

3.13 Introducing a maximum figure would mean that in council areas with a large amount of local government electors, petition organisers would be able to meet the threshold with less signatures than using a simple percentage threshold. An example would be to set the maximum level of signatures at 10,000, a significant undertaking for petition organisers. In areas where the percentage system alone would require more than 10,000 signatures, petition organisers would need to meet this maximum level to trigger a governance referendum.

Consultation Question 5: Should the threshold be a percentage, but subject to certain minimum and maximum numerical thresholds? What should those percentage and numerical thresholds be?

Chapter 4

The use of e-petitioning

- 4.1 The Government proposes to introduce electronic petitioning (e-petitions) alongside paper petitions, to trigger a governance referendum on governance arrangements. This will make it easier for people to become involved in local democracy, and provide another means for communities to add their support to a petition.
- 4.2 We realise that some members of the public may not have access to computers, and some will have no experience of using a computer. We therefore propose that e-petitioning should be an addition, where a petition organiser so wishes, to the current paper petitioning system. Local government electors that do not have access to, or do not want to use a computer, would still be able to sign a paper petition to show their support. Signatures from both types of petition could be combined for the purposes of meeting the petition threshold.

Consultation Question 6: Do you agree that a traditional paper based petition calling for a governance referendum may be supplemented, if the petition organiser so wishes, by e-petitioning?

Key current requirements for a governance petition

- 4.3. Currently petitions are only permitted in paper format. A valid petition must include the signatures of at least five per cent of the local electorate. Each signature must be accompanied by:
1. the person's first name and surname
 2. the person's address and
 3. date of the signature
- 4.4 A signature is not valid if it is dated more than 12 months before the petition date (usually the date the petition is received by the council), or the signatory is not registered to vote in the area of the council on the day the petition is submitted.

4.5 We propose that all of the requirements that are currently in place with regard to paper petitions would remain and apply to e-petitions. E-petitioning would give local people another convenient means in which they can register their support for a governance referendum. Some councils are already using e-petitioning for broader issues that are of interest to local people.

Receiving e-petitions

4.6 The process for submitting an e-petition will differ from submitting a paper petition. We want to make verification of signatures as easy as possible, to minimise the administrative costs to councils. The system that is used to register the details of those supporting the petition will also need to be secure.

4.7 We therefore propose that a request to start an e-petition should be submitted to the council before any signatures are gathered. The council would check the petition meets the requirements, and upload all qualifying petitions on an e-petitions facility for local people to sign electronically.

4.8 Councils will be required to provide a facility for e-petitions as part of the proposed duty to respond to petitions set out in the *Government Response to the Petitions and Calls for Action Consultation*, and we envisage this facility incorporating governance petitions. The Government will support councils to share best practice and develop processes to respond to electronic petitions.

Consultation Question 7: Do you agree that e-petitioning for a governance referendum must be through a secure e-petitioning facility provided by the council concerned?

Verification of petitions

4.9 The 'petition date' is usually the date that the council receives the petition. As soon as reasonably practicable after receiving a petition the council must notify the petition organiser of the petition date. The person who does this is known as the 'proper officer' – usually the officer of the council who is responsible for electoral matters. As soon as reasonably practicable after the petition date, and within one month of that date, the proper officer must confirm whether the petition is valid or not.

- 4.10 If the council adds two or more petitions together then the petition date is the date on which it received the last petition. The petition date dictates the timetable within which the council must check if the petition is valid, and the timeframe for holding the governance referendum. For electronic petitions, the petition date will be the date the petition closes on the e-petitions facility. There are rules governing when a petition is submitted after a previous governance referendum. The petition date and more information can be found in the 'petitioning for an elected mayor' information pack at: <http://www.communities.gov.uk/publications/localgovernment/petitioning>.
- 4.11 The petition will be verified against the electoral register that is current when the petition is received by the council. The number of signatures required to reach the petition threshold is called the verification number. Each year in the second half of February councils publish a figure that is equal to the petition threshold (currently set at five per cent of the number of local electors in the area). The verification requirements for paper petitions and electronic petitions would be the same.

Issues that might arise from permitting e-petitions

- 4.12 As with paper petitions, signatures on an e-petition will need to be verified. The e-petition facility provided by the council could recognise large scale duplicate signatures, or whether there is any interference in the process from hackers. For instance, existing council e-petition systems recognise duplicate signatures and compare the Internet Protocol (IP) addresses of those that have signed. An IP address is the address which identifies your computer on the Internet. If there is a lot of support for a petition emanating from one IP address, council staff are alerted that there may be a case of invalid signatures being registered.

Annex A

List of consultation questions

- Question 1** Should we remove the special requirements that a proposal to move from a mayor and cabinet executive must include a statement setting out the arguments for and against the change and the council's reasons for wanting to make that change?
- Question 2** Do you agree with the proposal that the moratorium period should be reduced from ten years to four years where a governance referendum does not result in a change?
- Question 3** Should the threshold for a petition to trigger a governance referendum be reduced across the board? If yes, to what level should the threshold be reduced, bearing in mind the considerations about the balance between the practicalities of collecting signatures and the demonstration of a significant level of interest in change.
- Question 4** Should numerical thresholds be set? If so, what should the basis and bands for these thresholds be?
- Question 5** Should the threshold be a percentage, but subject to certain minimum and maximum numerical thresholds? What should those percentage and numerical thresholds be?
- Question 6** Do you agree that a traditional paper based petition calling for a governance referendum may be supplemented, if the petition organiser so wishes, by e-petitioning?
- Question 7** Do you agree that e-petitioning for a governance referendum must be through a secure e-petitioning facility provided by the council concerned?

Annex B

Consultation Code of Practice

About this consultation

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business Enterprise and Regulatory Reform and is in line with the seven consultation criteria, which are:

1. Formal consultation should take place at a stage when there is scope to influence the policy outcome;
2. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible;
3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals;
4. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach;
5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained;
6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation; and
7. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact:

Communities and Local Government Consultation Co-ordinator
Zone 6/H10
Eland House
London SW1E 5 DU

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact:

Consultation Co-ordinator
Communities and Local Government
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Eland House
Bressenden Place
London
SW1E 5DU

email: consultationcoordinator@communities.gsi.gov.uk

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Subject: Code of recommended practice on local authority publicity

Date of Meeting: 10 March 2009

Report of: Director of Strategy & Governance

Contact Officer: Name: *John Shewell* Tel: 29-1039
E-mail: john.shewell@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report brings to the Committee's attention a recent consultation paper, "Communities in control: Real people, real power Code of recommended practice on local authority publicity" issued by CLG, inviting comments on the future of the Code of Recommended Practice on Local Authority Publicity.

2. RECOMMENDATIONS:

- 2.1 That Members comment on the paper.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The White Paper, "Communities in control: Real people, real power" was about passing power into the hands of local communities. The paper, "Communities in control: Real people, real power Code of recommended practice on local authority publicity" is the next in a series consulting on a number of policy commitments. It invites views on the content of the Publicity Code as an instrument for protecting public money while allowing councils to issue effective publicity.
- 3.2 The paper, which was published on 17 December 2008, is attached as Appendix 1 to the report. The deadline for responding to the paper is 12 March 2009. It is to be considered by the Council's Governance Committee at its meeting on 10 March 2009. Any comments made by the Standards Committee will be forwarded to that Committee, which will be responsible for making the council's formal response to the consultation paper.

- 3.3 Communities and Local Government Department has indicated that it will take account of the responses received to the consultation before taking decisions on possible changes to the Code. A summary of the responses will be produced within 3 months of the close of the consultation period.
- 3.4 The paper does not make specific proposals for change but asks a series of open questions. It is proposed that Members of Standards Committee could discuss and agree their response to the consultation.

4. CONSULTATION

- 4.1 There has been no consultation on this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are none.

Finance Officer Consulted: Anne Silley Date: 18 February 2009

Legal Implications:

- 5.2 The Publicity Code is issued under powers conferred by the Secretary of State under section 4(1) of the Local Government Act 1986. Local authorities are required by section 4(1) of that Act to have regard to the Publicity Code in coming to any decision on publicity.

Lawyer Consulted: Liz Woodley Date: 18 February 2009

Equalities Implications:

- 5.3 There are none.

Sustainability Implications:

- 5.4 There are none.

Crime & Disorder Implications:

- 5.5 There are none.

Risk and Opportunity Management Implications:

- 5.6 There are none.

Corporate / Citywide Implications:

- 5.7 There are none.

SUPPORTING DOCUMENTATION

Appendices:

1. Communities and Local Government Paper. "Communities in control: Real people, real power Code of recommended practice on local authority publicity".

Documents in Members' Rooms:

1. None.

Background Documents:

1. None.

Summary

Code of Recommended Practice on Local Authority Publicity is currently being consulted on and responses are due on 12 March 2009.

The code, which was first introduced in 1986, needs to be refreshed to bring it in line with today's changing communications environment. It needs to reflect the current and evolving societal, political and technological landscapes if it is to be relevant.

The Government is carrying out a consultation on its '*Communities in Control: Real people, real power*' white paper, and within this document it proposes to amend the existing Code. The consultation is seeking views from local Councils and other agencies about the application of the Code and whether it should be revised to reflect and promote the needs of local communities. In short, it is asking whether local authority communications should reflect the status of Councils as political bodies led by democratically elected politicians who make decisions about local priorities.

The existing Code does not take into account best practice standards for communications and nor does it recognise that these standards are likely to change as communities, organisations and technology changes. Any proposed guideline should be aimed at encouraging effective communications based on modern, up-to-date best practice.

The council proposes to submit the following responses to the consultation which take in to account.

It is also worth including, as part of the formal response, the importance of the changing nature of technology and its impact on communications. When the Code was first proposed social media sites such as facebook, bebo, myspace, twitter etc, mobile phone technology, broadband technology that now creates integrated communications platforms (television, internet, radio and phone), were not in existence. Furthermore, the changes in technology have meant advertising has become cheaper if targeted through the correct channels and has opened up more avenues to engage with audiences.

Responses to:

Communities in Control: Real people, real power
Code of recommended practice on local authority publicity

Question 1: *Is there other guidance, (additional to the Publicity Code), that councils consider creates a barrier to the provision of publicity or support, or that needs clarifying?*

Yes. The Local Government Act 1986 (section 2) (amended in 1988 and 2001) states that:

A Council must not publish any material which in whole or in part appears designed to affect support for a political party. It cannot give financial or other assistance to any other organisation to publish such political material.

This would seem counterintuitive in today's changing political environment. While it is accepted that councils should not be party political it ignores the fact that councils are governed by democratically elected representatives with a mandate to represent the views of their electorates. A strict interpretation of the legal position would suggest that councils would not be permitted to promote any policy of the elected representatives of the community.

Therefore, the legal position should be amended to reflect the political nature of local councils and provisions made to give councils the opportunity to promote policies that represent the views of the community. However, it is still important to make it clear that council should not promote one party over another.

Furthermore, the law should clarify the second paragraph where it states: *"It cannot give financial or other assistance to any other organisation to publish such political material."*

Many political parties are affiliated with a number of organisations that councils also work with; for example, some housing associations only house people of certain religious faiths and may hold a particular political view or even have local politicians representing the organisation on their boards. What is the threshold for deciding whether providing financial assistance to an organisation for promoting the council's policies is not in breach of this legal requirement? To illustrate the point further, take the equalities legislation. If an organisation were to promote this policy does it then breach this section of the Act?

Councils should be given greater powers to support organisations that will take forward their policies if it (a) is legal; (b) represents the views of the local community; (c) and is consistent with in its support to other organisations ie not showing favouritism for particular organisations.

Question 2: *Is there a requirement for different codes to apply to different types of authority?*

No. However, there should be a set of 'guiding principles' in place to help local authorities devise a local code of practice.

Question 3: *Should the Publicity Code specifically address the presentation of publicity on an authority's website?*

No. The public are unlikely to be interested in this sort of information but councils should, as a matter of good practice, publish the information on their website so citizens can access it if they want to. But it should not be made mandatory and possibly included in a set of 'guiding principles'.

Question 4: *Does anything need to be added to or removed from the list of matters an authority should consider in determining whether or not to issue publicity on a certain subject?*

The following sections should be amended:

Point 4, part (iii):

Councils should be given greater flexibility to be able to challenge central government, other tiers of local government, or other public authorities, even if they have the primary service or policy responsibility, on the basis that it runs contrary to local views. Local councils are also evolving into strategic commissioners of services and they should be given greater flexibility to voice the concerns of their communities if policies from other organisations, including central government, are not relevant, impractical or not welcomed by the local community.

Therefore, the existing Code would need to be amended to reflect the changing nature of local government.

Points 12, 13, 14, 15, 16 & 19:

Councils should be granted the freedom to campaign on issues of policy and be allowed to persuade the public to hold a particular view on a policy. For example, councils should be allowed to persuade the public about the importance of supporting measures to tackle climate change by adopting different attitudes and behaviours. Councils should also be granted greater flexibility to campaign on issues that are outside their direct influence but reflect local residents' views. For example, councils should be allowed to lobby supermarkets to reduce the amount of plastic bags they hand out if the public are opposed to plastic bags.

Point 20:

This should be amended. The level of local resident dissatisfaction with their councils is increasing and this is partly due to councils treating residents as 'passive recipients' rather than 'active participants'. The wording should be changed to encourage councils to inform and involve residents in an effort to build understanding and participate in the decision-making process.

Point 29:

This should be amended to reflect the changing demands of audiences and the media landscape. Councils are competing in a congested media environment and they need to be more dynamic and responsive to their residents' needs and how the media operates. A decision to use advertising based on its cost-effectiveness should not be the sole criteria. Other factors such as the complexity of the issue, the demographics and psychographics of the intended audience should also be taken in to consideration when deciding which media to use.

Points 33 & 34:

This needs to be clarified. Councils work with many partners for the benefit of the community and from time to time it is appropriate that they deliver joint-communications, which might mean jointly purchasing advertising space to promote an initiative or run a joint campaign highlighting their work for the local community.

Points 39-42:

Councils should be allowed to promote the democratically elected representatives of their community. Suggest deleting point 39.

Points 44-45:

Councils should be given greater flexibility to support local partners and community organisations in promoting their services particularly when funded by the council.

Finally, the evolving communications environment needs to be taken in to account to include the emergence of new technology such as social media (Facebook, Twitter, Bebo etc), internet, blogging, mobile phones and PDAs etc.

Question 5: *Should the Publicity Code specify the different criteria local authorities should use to determine whether or not publicity can be judged to be cost effective?*

Councils should be able to decide what criteria they should apply to assess the cost effectiveness of publicity. However, a set of 'guiding principles' could be useful in helping councils determine the cost effectiveness of publicity and this could be in relation to the size of the council and the community they serve.

Question 6: *Is there any aspect of the cost section that is not required or anything which should be added?*

No.

Question 7: *Should the Publicity Code contain advice about ethical standards in publicity, or should this be left to local authorities to judge for themselves?*

A set of 'guiding principles' might be useful, but it is our view that this should be left to local authorities to judge for themselves.

Question 8: *Is there any aspect of the content section that is not required or anything which should be added?*

Points 11-19:

Councils should be granted the freedom to campaign on issues of policy and be allowed to persuade the public to hold a particular view on a policy. For example, councils should be allowed to persuade the public about the importance of supporting measures to tackle climate change by adopting different attitudes and behaviours. Councils should also be granted greater flexibility to campaign on issues that are outside their direct influence but reflect local residents' views. For example, councils should be allowed to lobby supermarkets to reduce the amount of plastic bags they hand out if the public are opposed to plastic bags.

Finally, the evolving communications environment needs to be taken in to account to include the emergence of new technology such as social media (Facebook, Twitter, Bebo etc), internet, emails, blogging, mobile phones and PDAs etc.

Question 9: *Should the Publicity Code be modified to specifically address the issue of privacy and the dissemination of unsolicited material?*

Councils should be encouraged to ask their residents whether they wish to receive information or not and if so what sort of information would they like. Only by asking will they be able to identify who wants information and who doesn't. Furthermore, the legal definition surrounding UK privacy laws is quite complex. The UK is party to various international human rights treaties which recognise the existence of a right to privacy, yet UK law does not contain a single enshrined right to privacy. No Act of Parliament creates such a right, and the common law only allows a limited recognition of privacy rights in specific situations.

Therefore, it should be down to the local authority to respect an individuals' right to privacy, which is already contained in the Human Rights Act (article 8), and this could be included in the council's local code on publicity/communications.

Question 10: *Is there any aspect of the dissemination section that is not required or anything which should be added?*

Point 20:

This should be amended. The number of residents that are dissatisfied with their councils is increasing and this is partly due to councils treating residents as 'passive recipients' rather than 'active participants'. The wording should be changed to encourage councils to inform and involve residents in an effort to build understanding and participate in the decision-making process.

Point 22:

This should be amended to include communities where English is a second language, visually impaired and those with learning disabilities. Communications need to be devised in the appropriate format and disseminated through the relevant channels.

The evolving nature of communications and technology should also be acknowledged eg the emergence of new channels such as social media (Facebook, Twitter, Bebo etc), internet, emails, blogging, mobile phones and PDAs etc which were not around when the code was first drafted.

Question 11: *Is there any aspect of the advertising section that is not required or anything which should be added?*

Point 29:

This should be amended to reflect the changing demands of audiences and the media landscape. Councils are competing in a congested media environment and they need to be more dynamic and responsive to their residents' needs and how the media operates. A decision to use advertising based on its cost-effectiveness should not be the sole criteria. Other factors such as the complexity of the issue, the demographics and psychographics of the intended audience should also be taken in to consideration when deciding which media to use.

Point 31:

This should be revised. For example, councils should be able to use media that reach audiences outside the local area to promote the place as a destination to visit.

Points 33 & 34:

This needs to be clarified. Councils work with many partners for the benefit of the community and from time to time it is appropriate that they deliver joint-communications, which might mean jointly purchasing advertising space to promote an initiative or run a joint campaign highlighting their work for the local community.

Question 12: *Should adverts for local authority political assistants appear in political publications and websites?*

Yes.

Question 13: *Is there any aspect of the recruitment advertising section that is not required or anything which should be added?*

No.

Question 14: *Given the emphasis given to supporting and raising awareness of the role of the councillor in the white paper, is there any aspect of the section on councillors that is not required, or anything which should be added?*

No.

Question 15: *Is there any aspect of the timing of publicity section that is not required, or anything which should be added?*

This section should remain.

Question 16: *Is there any aspect of the assistance to others for publicity section that is not required, or anything which should be added?*

Points 44-45:

Councils should be given greater flexibility to support local partners and community organisations in promoting their services particularly when funded by the council.

Finally, the evolving communications environment needs to be taken in to account to include the emergence of new technology such as social media (Facebook, Twitter, Bebo etc), internet, blogging, mobile phones and PDAs etc.

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