





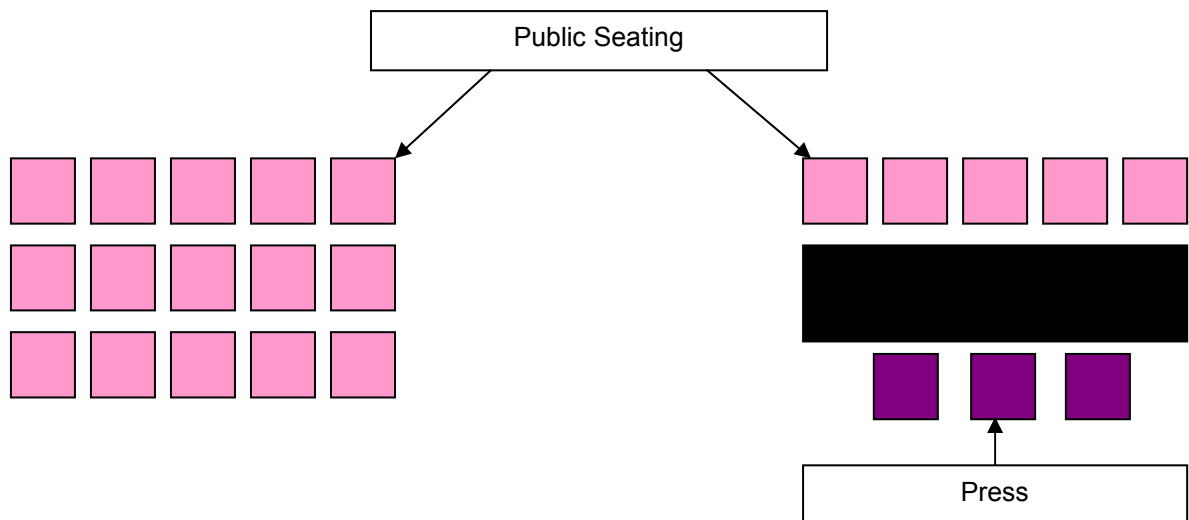
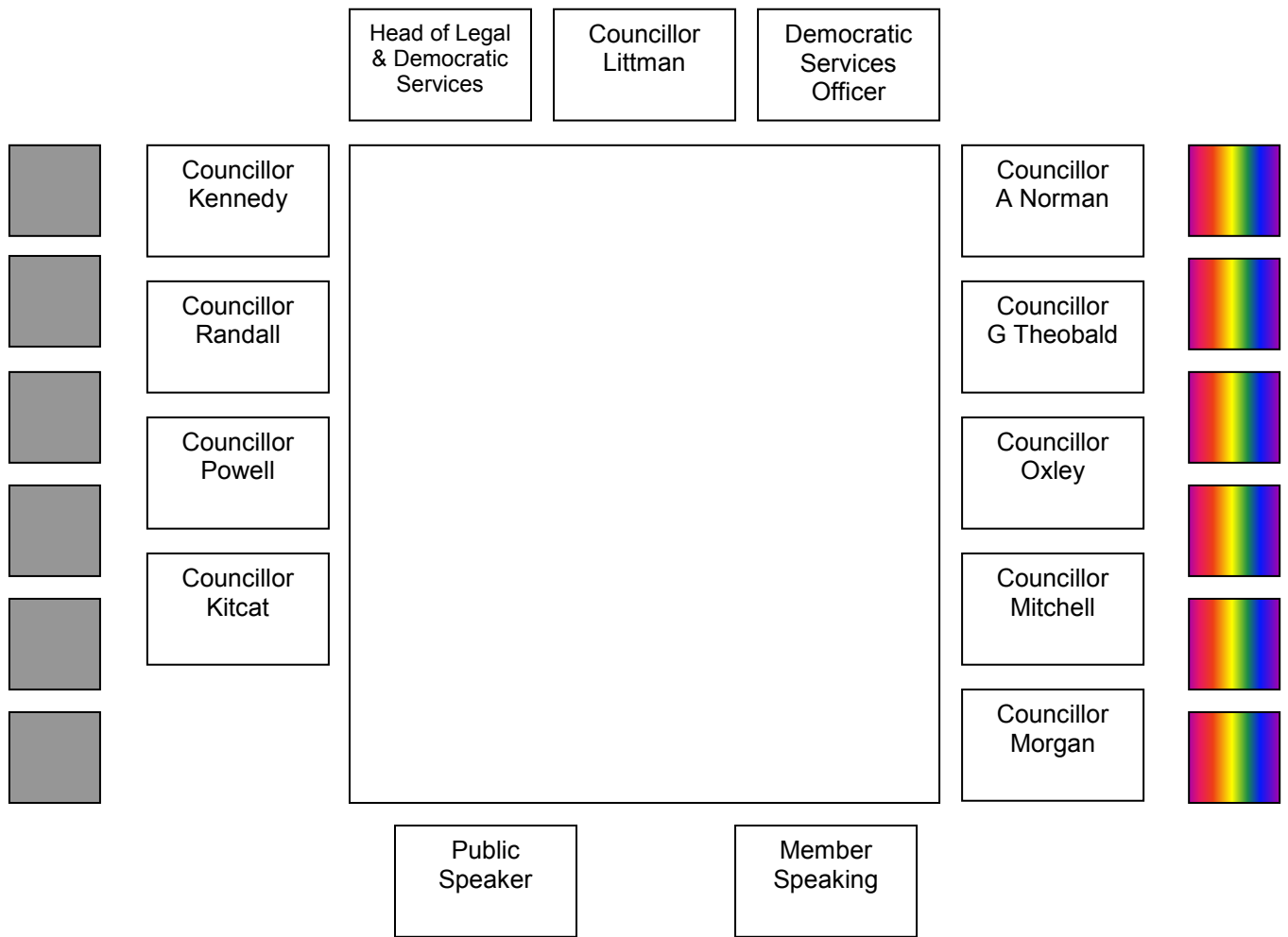
Brighton & Hove
City Council

Governance Committee

Title:	Governance Committee
Date:	20 September 2011
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Littman (Chair), A Norman (Deputy Chair), Kennedy, J Kitcat, Mitchell, Morgan, Oxley, Powell, Randall and G Theobald
Contact:	Tanya Davies Acting Democratic Services Manager 29-1227 tanya.davies@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	FIRE / EMERGENCY EVACUATION PROCEDURE If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions: <ul style="list-style-type: none">• You should proceed calmly; do not run and do not use the lifts;• Do not stop to collect personal belongings;• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and• Do not re-enter the building until told that it is safe to do so.

Democratic Services: Meeting Layout



AGENDA

17. 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.

18. MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 26 July 2011 (copy attached).

19. CHAIR'S COMMUNICATIONS

20. CALLOVER

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

21. PETITIONS

No petitions have been received.

22. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 13 September 2011)

No public questions received by date of publication.

GOVERNANCE COMMITTEE

23. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 13 September 2011)

No deputations received by date of publication.

24. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

No written questions, letters or Notices of Motion were submitted by Councillors for the meeting.

25. REVIEW OF MEMBERS' ALLOWANCES 11 - 46

Report of the Independent Remuneration Panel (copy attached).

Contact Officer: Angela Woodall *Tel:* 29-1354
Ward Affected: All Wards

26. POLICE REFORM AND SOCIAL RESPONSIBILITY BILL - CONDUCT OF ELECTIONS 47 - 50

Report of the Strategic Director, Resources (copy attached).

Contact Officer: Paul Holloway *Tel:* 29-2005
Ward Affected: All Wards

27. POLLING PLACE REVIEW 51 - 60

Report of the Strategic Director, Resources (copy attached).

Contact Officer: Paul Holloway *Tel:* 29-2005
Ward Affected: East Brighton; Withdean

28. REVIEW OF POLICY FRAMEWORK 61 - 66

Report of the Monitoring Officer (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis *Tel:* 29-1500
Ward Affected: All Wards

29. AMENDMENTS TO CONTRACT STANDING ORDERS 67 - 84

Report of the Monitoring Officer (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis *Tel:* 29-1500
Ward Affected: All Wards

GOVERNANCE COMMITTEE

30. USE OF MOBILE PHONES, AUDIO RECORDING AND FILMING AT COUNCIL MEETINGS 85 - 92

Report of the Monitoring Officer (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis Tel: 29-1500

Ward Affected: All Wards

31. AWARD OF WEB CASTING CONTRACT 93 - 96

Report of the Strategic Director, Resources (copy attached).

Contact Officer: Mark Wall Tel: 29-1006

Ward Affected: All Wards

32. LIVING WAGE 97 - 100

Report of the Strategic Director, Resources (copy attached).

Contact Officer: Charlotte Thomas Tel: 29-1290

Ward Affected: All Wards

33. GOVERNANCE COMMITTEE WORK PLAN 101 - 102

To note the work plan and identify potential items for consideration at future meetings.

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 Tanya Davies, (29-1227, email tanya.davies@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 12 September 2011

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

5.00PM 26 JULY 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Kennedy, J Kitcat, Morgan, A Norman (Deputy Chair), Oxley, Powell, Mitchell, Randall and G Theobald

PART ONE

1. PROCEDURAL BUSINESS

1a Declaration of Substitutes

1a.1 There were none.

1b Declarations of Interest

1b.1 There were none.

1c Exclusion of Press and Public

1c.1 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).

1c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of item 15 onwards.

2. MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED** – That the minutes of the meeting held on 1 February 2011 be approved as a correct record.

3. APPOINTMENT OF URGENCY SUB-COMMITTEE

- 3.1 **RESOLVED** – That Councillors Littman, A Norman and Mitchell be appointed to the Governance Committee Urgency Sub-Committee.

4. CHAIR'S COMMUNICATIONS

- 4.1 The Chair welcomed everyone to the first meeting of the Governance Committee since the local elections. He stated that good governance was vital to the council and that he hoped to build on the successes of the previous committee with increased openness.
- 4.2 The Chair advised that Members were welcome to submit items that they would like the Committee to consider to the Head of Law or Democratic Services Officer and consideration would be given to adding them to the work programme.

5. CALLOVER

- 5.1 **RESOLVED** – That all the items be reserved for discussion.

6. PETITIONS

- 6.1 There were none.

7. PUBLIC QUESTIONS

- 7.1 There were none.

8. DEPUTATIONS

- 8.1 There were none.

9. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

- 9.1 There were none.

10. LOCAL GOVERNMENT BOUNDARY REVIEW AT SALTDEAN

- 10.1 The Committee considered a report of the Strategic Director, Resources concerning the latest situation regarding a potential review of the local government boundary at Saltdean.
- 10.2 The Senior Lawyer working on this matter explained that the Local Government Boundary Commission (LGBC) had produced a complex set of guidelines on how they would approach a request for a boundary review since the Committee's last meeting. He outlined the stages which included all affected local authorities (LAs) being in agreement, carrying out a survey, identifying a preferred option and submitting a business case. The business case must demonstrate how the change would represent value for money, how it would result in more effective and convenient local government,

how it reflected community identities and interest, and must also consider the electoral impact of the change.

The Senior Lawyer advised that the LGBC would only consider undertaking a review if all affected LAs had endorsed the change. East Sussex County Council (ESCC) remained supportive of a review, however Lewes District Council (LDC), which had undergone a change of Administration, had not yet declared its position. He suggested that the Committee may want to consider giving in principle support for a review and survey, conditional on the agreement of ESCC and LDC.

- 10.3 The Chair invited Mr Laurence O'Connor, Chair of Saltdean Residents' Association (SRA), to address the Committee.
- 10.4 Mr O'Connor reported that the matter had been raised with ESCC and LDC, as well Telscombe and Peacehaven Town Councils and that none had objected to considering a review at the time of asking; however. Telscombe Town Council had raised concerns that, depending on the preferred option, the viability of the Town Council could be jeopardised, but that they may be interested in the savings to be gained from merging with the neighbouring Town Council. He urged the Committee to support a boundary review and a survey and noted that the LAs may benefit financially from any change to the boundary. He stated that a unified approach to the needs of the community would strengthen Saltdean's voice and enable residents to have an impact on whichever LA they became a part of.
- 10.5 Councillor Mitchell stated that she supported the aims of the SRA and hoped progress could be made. She sought clarity on what the Committee would be referring to the Cabinet and asked what the survey would contain and who would design it.
- 10.6 Councillor A Norman stated that a solution for the residents of Saltdean was long overdue and asked whether LDC were considering the issue with any urgency.
- 10.7 Councillor Randall stated that he supported a review in principle, but that consideration must be given to the costs and benefits, and that the position of LDC must be ascertained.
- 10.8 Councillor Oxley advised that cost had not been considered previously because the LGBC guidance had not yet been issued. He stated that clarity of language would be key in dealing with the matter as it could result in major changes and asked how the affected Town Councils would be included in the consultation exercise.
- 10.9 In response to comments from the Committee, the Senior Lawyer made the following points:
 - All three LAs would work with the SRA to devise a questionnaire containing a number of options. The LGBC would have sight of the questionnaire prior to circulation to ensure that the answers could successfully form part of the subsequent business case.
 - As the business case would have to include consideration of the electoral impact, it was anticipated that the survey would contain suggested boundaries.

- The Head of Law at LDC had discussed the matter with the new Leader been made aware that it would need to be timetabled for consideration by Members, but more details on timescales had been not been offered.
- The affected Town Councils would be included in the consultation exercise.

10.10 Councillor G Theobald stated that obtaining LDC's view was essential as the review could not take place without their agreement. He suggested that the council may benefit if the whole of Saltdean became part of Brighton & Hove because the majority of the facilities were situated on the city's side of the boundary and therefore maintained by the council.

10.11 The Head of Law advised that the recommendations asked the Committee to consider whether to support a review and a survey; in light of the comments made, the recommendations would be amended to reflect the Committee's views. He read out the amended recommendations, which were then circulated to the Committee.

10.12 **RESOLVED** - That Governance Committee:

- (a) Notes the latest advice and guidance from the Local Government Boundary Commission for England on the policy and procedures for principal area boundary reviews in general, and for Saltdean in particular.
- ~~(b) Considers whether to support a boundary review at Saltdean and, if so, whether to recommend a survey of the residents of Saltdean to gauge local support.~~
- ~~(c) Refers the matter to Cabinet with recommendations.~~
- (b) Supports in principle the carrying out of a survey and review of the boundary at Saltdean.**
- (c) Recommends to the Cabinet that the council agrees to support a boundary review and undertake a survey of local people on condition that:**
 - (i) the proposal is agreed by East Sussex County Council and Lewes District Council;**
 - (ii) the cost of the survey and associated tasks is identified and agreed between the three authorities (including the sharing of the costs).**
- (d) Officers are given delegated powers, subject to conditions in (c) (i) and (ii) above, to agree the survey questions after consulting Group Leaders.**

11. LOCALISM BILL - UPDATE

11.1 The Committee considered a report of the Strategic Director, Resources concerning progress of the Localism Bill and highlighting the key amendments that have been made to the Bill.

11.2 Councillor Oxley asked whether any more information was available regarding the provisions that would allow the council to move back to a 'committee system' of governance and suggested that the Members of the Committee receive regular updates in relation to this.

- 11.3 Councillor Morgan welcomed the increase in the number of members required to establish a Neighbourhood Forum (NF), but raised a number of concerns about the Bill, including the impact of reverting back to the committee system on effective scrutiny, the abolition of the Standards Board, and powers for individual LAs to develop their own social housing allocations policies with no national or regional guidelines.
- 11.4 Councillor Kennedy welcomed with caution the commitment to financial assistance for neighbourhood planning as council's would be unable to bear the cost on their own. She reported that residents were in favour of the neighbourhood planning provisions, but was concerned that they were not aware of the full facts. She suggested that Group Leaders write to the Department for Communities and Local Government to request that robust guidance be produced for Members when dealing with queries from residents.
- 11.5 Councillor G Theobald stated that he was supportive of the proposal to abolish the Standards Board. He requested more information of how NFs would be established.
- 11.6 Councillor A Norman reported that residents had begun asking about the implications of the Bill and welcomed further updates as it progressed. She noted that, although the Standards Board would be abolished, the council kept the Code of Conduct for Members under review and that checks and balances would be maintained through the Standards Committee.
- 11.7 Councillor Randall announced that work had begun in relation to NFs, but acknowledged that not all areas would welcome such an approach. He raised concerns about the provisions relating to homelessness and stated that people wanted access to registered social housing, rather than allowing LAs to rely on the private rented sector.
- 11.8 Councillor Mitchell stated that the Bill would make it difficult for the city to tackle its housing needs. She asked whether NFs would set up neighbourhood planning frameworks and whether the council could offer support in areas that were unlikely to take advantage of the opportunities without assistance.
- 11.9 In response to comments from the Committee, the Acting Assistant Head of Law made the following points:
- No changes had been made to the provisions relating to changing governance arrangements, and she was not aware of any particular lobby in respect of this.
 - LAs would have to consider applications for NFs based on specific criteria, which was outline in paragraph 3.12 of the report; if a proposal did not reflect the character of the area, the LA would have the power to refuse an application.
 - There was nothing to prevent the council from promoting the idea of NFs or providing assistance in areas that required support.
- 11.10 The Head of Planning Strategy explained that it would be for the council to decide whether the NF approach was appropriate in part of an area; it was necessary for designated areas to be adjoining, but there would be significant resource implications if NFs were established across the whole of the city.

- 11.11 Councillor Oxley noted the wide scope of the Bill and suggested that a range of comprehensive guides would be required.
- 11.12 Councillor J Kitcat reported that he had been contacted by residents in relation to the planning provisions, but noted that many residents' association would not fit the criteria for a NF. He suggested that one option could be to use ward boundaries, but acknowledged that the Bill could change further prior to enactment.
- 11.13 The Chair noted that two amendments to the recommendations had been suggested, and that the Committee was supportive of receiving further updates about the timing of changes to governance arrangement, and also to asking DCLG to produce guidance on the Bill for Members.
- 11.14 **RESOLVED -**
- (1) That the Committee notes the report and requests further updates as the Bill progresses, including proposals for implementation for Brighton & Hove.
 - (2) **That Members of the Committee receive an update on the latest position regarding the timing of changes to governance arrangements.**
 - (3) **That DCLG be requested to produce guidance to the Bill for use by Members in dealing with enquiries from constituents and that a letter requesting this be signed by the three Group Leaders.**

12. REVIEW OF PETITIONS SCHEME

- 12.1 The Committee considered a report of the Strategic Director, Resources reviewing the council's petitions scheme following 12 months' of operation and in the context of the Localism Bill, including the thresholds for triggering a Full Council debate on a petition and for holding a senior officer to account.
- 12.2 Councillor Kennedy stated that the threshold for triggering a council debate was set at the correct level and that the proportion of petitions resulting in a debate was acceptable; raising the threshold would send the wrong message to members of the public, whose participation the council welcomed. She raised concerns about the facility to hold senior officers to account, as officers primarily acting on the basis of direction from councillors.
- 12.3 Councillor A Norman advised that it was important to retain the existing threshold for triggering a council debate if the council was committed to engaging with communities; 1250 signatures represented a challenge, but had been shown to be achievable. She added that members of the public had reported difficulties in accessing the petitions facility on the council website and that it should be more clearly signposted.
- 12.4 Councillor Powell advised that an increase in the number of petitions was likely given the cuts made to budgets and services. Having been involved with a petition prior to being elected, she stated that it meant a significant amount to members of the public to be able to have their say.

- 12.5 Councillor Oxley stated that the threshold for triggering a council debate was set at the correct level and that the public were making use of it to have make their views known. He welcomed the approach at Full Council to take petition debates and related Notices of Motion together to allow members of the public to see the full debate on an issue.
- 12.6 Councillor Mitchell stated that she supported retention of the threshold at the existing levels and also reported residents did not find it easy to access the e-petitions facility.
- 12.7 Councillor Randall echoed the website access issues raised, but was encouraged by the number of people using the e-petitions facility.
- 12.8 Councillor J Kitcat noted that no significant changes could be made to the scheme until the enactment of the Localism Bill. He advised that work was being done on the council's website and that he would make the Committee's views known.
- 12.9 **RESOLVED** - That Governance Committee:
- (a) Notes the review of the operation of the petitions scheme and e-petitions facility;
 - ~~(b) Considers whether changes to the petitions scheme are required and, if so, makes recommendations for the implementation of such changes to Full Council;~~
 - (b) Agrees that no changes be made to the petitions scheme.**
 - ~~(c) Considers whether~~ **Agrees that** a further review of the petitions scheme ~~is~~ **be** required once the Localism Bill is enacted and the legal requirement to have a petitions scheme is repealed.

13. WEBCASTING PROTOCOL

- 13.1 The Committee considered a report of the Strategic Director, Resources concerning a proposed amendment to the council's Webcasting Protocol following consideration by the Standards Committee.
- 13.2 The Head of Law explained that the recommendation before the Committee was to agree the amendment proposed by the Standards Committee.
- 13.3 In response to a question from Councillor Morgan, the Head of Law confirmed that a report dealing with a review of the Webcasting Protocol in its entirety would be brought to the Committee in the autumn and that it would include the potential for extending webcasting to other council meetings.
- 13.4 Councillor J Kitcat noted that the link on the public notice displayed at meetings was broken. He stated that he supported the recommendations of the Standards Committee and explained that a protocol would be retained, but that the unenforceable elements of paragraph 4.5 would be deleted. He advised that any misuse of webcasting images and video would be covered by the Code of Conduct for Members. He noted that the amendment was consistent with the council's move towards implementing the Open Government Licence.

- 13.5 In response to concerns from Councillor G Theobald, the Head of Law confirmed that there was no mechanism by which the council could tackle Members who used the footage elsewhere and that, on balance, it was appropriate to reduce the restrictions. He added that the council would retain the copyright to the material and that, by agreeing the amendment, the council would move back into line with other local authorities.
- 13.6 Councillor A Norman stated that she had concerns, but recognised that technology had moved on since the protocol was drawn up and acknowledge that it was pointless to have a protocol that could not be enforced.
- 13.7 Councillor G Theobald moved an amendment to the recommendations, which would ensure that all Members would be aware that the Code of Conduct would continue to apply to use of webcast material.
- 13.8 Councillor Mitchell formally seconded the amendment.
- 13.9 The Chair put the amendment to the vote, which was passed.

13.10 **RESOLVED –**

- (1) That paragraph 4.5 of the Webcasting Protocol be amended to read as follows:

“The actual webcasts and archived material, and copyright therein, remain the property of the Council. A DVD copy of a webcast can be obtained for a fee of £75 from Democratic Services.”

- (2) **That an additional paragraph be inserted in to the Webcasting Protocol that reads as follows:**

“Members are reminded that the Code of Conduct for Members applies to the use of webcast material by Members of the Council.”

14. CABINET PORTFOLIOS AND WAYS OF WORKING

- 14.1 The Committee considered a report of the Strategic Director, Resources concerning changes to the Cabinet portfolios as agreed by the Leader of the Council on 19th May 2011 and the arrangements for the Cabinet Member Meetings that would support the new portfolios, as agreed by the Cabinet on 9 June.
- 14.2 The Head of Law explained that such changes would normally be considered by the Governance Committee prior to approval, but that in light of local elections and resulting change of Administration it had not been practical to delay implementation until after the Committee had met.
- 14.3 Councillor G Theobald stated that it was disappointing that the Committee had not been given the opportunity to comment on the proposals before they were approved.
- 14.4 **RESOLVED** - That the Committee notes the changes to the Cabinet portfolios and ways of working.

PART TWO

15. PART TWO MINUTES OF THE PREVIOUS MEETING

15.1 **RESOLVED** – That the Part Two minutes of the meeting held on 1 February 2011 be approved as a correct record.

16. PART TWO ITEMS

16.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.

16.2 **RESOLVED** – That item 15, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 7.00pm

Signed

Chair

Dated this

day of

Subject:	Review of Members' Allowances	
Date of Meeting:	20 September	Governance Committee
	20 October	Council
Report of:	Independent Remuneration Panel	
Contact Officer:	Name: Angela Woodall	Tel: 29-1354
	Email: angela.woodall@brighton-hove.gov.uk	
Ward(s) affected:	All	

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Full Council at its meeting on 26 May 2011 retained and adopted the current Members' Allowances Scheme and asked the Independent Remuneration Panel to undertake a short focused review, reporting again later in 2011.
- 1.2 The Panel has been asked to consider:
 - (a) Methodology and levels of the Leaders' Allowances
 - (b) Special Responsibility Allowances for Deputy Chairs
 - (c) Dependants' Carers' Allowance (childcare)
 - (d) Dependants' Carers' Allowance (other dependants)

2. RECOMMENDATIONS:

- 2.1 That the Special Responsibility Allowances for the Leaders' positions be payable as outlined in paragraphs 3.1 – 3.8 and Appendix 1 to this report.
- 2.2 That the Special Responsibility Allowances for the Deputy Chairs of Planning and Licensing Committees be payable as outlined in paragraphs 3.9 – 3.15 and Appendix 2 to this report.
- 2.3 That the Dependants' Carers' Allowance be payable as outlined in paragraphs 3.16 – 3.32 and Appendices 3 and 4 (childcare), and 3.33 – 3.37 and Appendix 5 (dependant care).
- 2.4 That the 26 Special Responsibility Allowances set out at Appendix 6 to this report be approved as the full list of duties which constitutes Schedule 1 to the new Members' Allowances Scheme.
- 2.5 That it be noted the Basic Allowance of £11,463 has been retained and that all other allowances listed in the Scheme, other than those detailed in 2.1 – 2.4 above remain unchanged.
- 2.6 That the Members' Allowances Scheme 2011 set out at Appendix 7 be recommended to full Council for approval on 20th October 2011 with a proposal that the new scheme should take effect from 21st October 2011.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Leaders' Allowances:

- 3.1 In our last report we proposed a radical change to the way in which the Leaders' Allowances were calculated. Although the Leader of the Council's Allowance was still to be used as a basis for setting the other Special Responsibility Allowances in the Scheme, we suggested introducing a new rationale in which Opposition Group Leaders' allowances were to be set at levels which reflected the number of councillors in their groups, as well as their "liaison" roles. It was our intention that these allowances should reflect the dual-aspect of these positions. However, Council did not approve this recommendation at its meeting on 26 May 2011 and they asked us to look into the matter again.
- 3.2 With this in mind, we have worked with Leaders and Deputies from each of the political groups to find a solution which we feel will work well and which provides a fair and equitable allowance for the positions held. On reflection we feel that the formula we suggested earlier may not necessarily have resulted in an allowance that demonstrated the true level of responsibility undertaken in these positions, nor the amount of work undertaken by each of the post-holders. We are keen to address this issue and to recommend an appropriate methodology for these important functions.
- 3.3 Having considered the matter in some detail, we wish to retain the formula identified by the Institute of Local Government Studies at the University of Birmingham (INLOGOV) which has been approved and used at Brighton and Hove since 2003. This takes into account the number of additional hours worked by the Leader of the Council each week, the hourly rate of pay for corporate managers in the south-east and incorporates a public service discount.
- 3.4 In some of our past reviews salary/wage inflation has also been added as a way of keeping the allowances at a realistic level and in line with other comparable authorities. The INLOGOV methodology has been recognised by other local councils across England.
- 3.5 Having looked at all this information and the levels of allowances paid for the same position in other authorities (Appendix 1), we feel that the Leader of the Council's allowance is set at an appropriate level and we wish to recommend the retention of the Leader's allowance at £28,758 pa.
- 3.6 If the council approves the Panel's recommendation to retain this formula for calculating the allowance for the Leader of the Council, we remain of the view that the role of the Minority Group Leader should receive greater recognition. At the close of the 2008/10 review we expressed our concern about this issue and sought a suitable solution. With the retention of this methodology, we propose that the Minority Group Leader's allowance should be increased to 25% of the Leader of the Council's allowance, bringing it in line with the allowance paid to the Deputy Leaders of the Opposition, at £7,188 pa.
- 3.7 We feel that the allowances paid to the Leader of the Opposition and the Deputy Leaders of the Opposition should remain unchanged at the current time.

3.8 Over the summer we have studied regional employment statistics from the Office of National Statistics (ONS) as we wish to recommend earnings figures which have been based on latest trends and we have looked again at the level of public service discount applied (PSD). Each of these components makes up a part of the INLOGOV formula and it continues to be a statutory requirement for local authorities to recognise the concept of public service by applying a discount to their allowances.

Deputy Chairs:

3.9 As part of our last review the Panel considered the roles of each of the Deputy Chairs of Regulatory and Overview & Scrutiny Committees and their specific duties and responsibilities. At that time, we met with the majority of the Deputy Chairs and also made comparisons with the same positions in other local authorities in order to gather the widest possible evidence. Having looked at the matter in detail, we were of the view that there was insufficient data to support the payment of a Special Responsibility Allowance for any of these roles, and we made our recommendation to that effect.

3.10 Councillors from different Groups made it clear at full Council on 26 May they felt that the Deputy Chairs fulfilled a number of additional duties as well as chairing meetings in the absence of the Chairman. These positions were also seen by some as functions which could usefully be used by the political groups for training and development purposes. In the light of these comments, the Panel was asked to reconsider its recommendation.

3.11 In June this year we invited councillors to meet informally with us and to talk about their roles and responsibilities. Whilst Deputy Chairs' positions continue to be viewed by some as mentoring and supporting roles, the Panel remains of the opinion that mentoring, training and development are not valid reasons for the payment of a Special Responsibility Allowance.

3.12 The Panel is always keen to ensure that its recommendations are sound, that these are in line with other authorities and that they can be justified in the face of public scrutiny. We have not received evidence to demonstrate significant responsibilities for some of these roles.

3.13 In order to expand on what we have learnt, we have sought role descriptions for individual Deputy Chair's positions from other local authorities and we have used these to tease out anything we might have missed. We have also looked to a number of different authorities to see if there is significant evidence of other councils paying allowances for these positions. We have learnt that 55% of all the authorities which completed the South-East Employers (SEE) survey in 2010/11 pay an allowance to the Deputy Chair of Planning and 44% do so for Licensing Committee. A sample from the full SEE survey is shown at Appendix 2.

3.14 With regard to these two committees, we are of the opinion that Special Responsibility Allowances should continue to be paid to these Deputy Chairs. We feel there should be proper recompense for the work they do, recognising their heavier remit and the complexities they face in carrying out their duties.

- 3.15 However, there is a lack of evidence of significant duties for the Deputy Chairs of the Overview & Scrutiny Committees and the Governance and Audit Committees and we have struggled to find anything tangible for which an additional allowance should be paid. In view of this position we are not recommending a Special Responsibility Allowance for these posts at the current time but we will reconsider the responsibilities of the new post-holders at a future review and therefore the matter will remain open to discussion and debate.

Dependants' Carers' Allowance (childcare):

- 3.16 Councillors have made it known to us that they felt the childcare element of the Members' Allowances Scheme did not work well for them. They felt it was inflexible and outdated. Despite having carried out extensive work throughout our 2008/10 review, they expressed the opinion that it did not provide the robust support necessary to enable councillors with young children to carry out their duties without detriment or discrimination. They asked the Panel to look for ways in which it could be improved. In addition, newer councillors raised concerns over the provision of maternity/paternity pay and maternity/paternity leave for councillors and sought clarification. They were referred to paragraph 3.6.2(d) of our report to Governance Committee dated 1 February 2011 which set out the advice we have received on these matters.
- 3.17 Tasked with looking at these issues again, the Panel invited individual councillors with parental responsibilities, as well as those with a wider interest in the matter, to meet informally with them. Since the Spring, seven of them have done so. In addition to those meetings, six councillors met with officers from the council's Family Information Service to learn more about the At Home Childcare Scheme and other forms of childcare available to them across the city. The Chair of the Panel also met with these officers so that he too had an understanding of what the issues were, the availability of different services and the likely costs of care provision.
- 3.18 From our discussions with individual councillors, we are aware that councillors' childcare needs differ depending largely on their personal circumstances, the number and ages of their children and the meetings they attend. We recognise too that over a period of time their circumstances will change and so will their childcare requirements. Whilst there is no such thing as "one size fits all", the scheme should embrace as many of these matters as possible and be effective for use by those with children of all ages.
- 3.19 We have spent some time looking into the difficulties faced by councillors wishing to make childcare claims and we have sought advice from HM Revenue & Customs (HMRC), the Department for Communities and Local Government (DCLG), SEE, SW Councils (SEE equivalent in the south-west) and national experts in order to pull together a childcare scheme that is open and transparent but which offers greater flexibility to its claimants. National childcare vouchers (also known as salary sacrifice) are one such matter but it has been agreed by everyone consulted that no form of salary sacrifice can be applied to councillors whether it be for childcare, cycle2work schemes or any other benefit.

- 3.20 The Panel is aware that the penalties HMRC may levy for non-compliance are the tax and national insurance that should have been collected plus penalties of up to £3,000 for each error or omission. In effect this could render both the council and councillor/s liable to financial penalty.
- 3.21 We are able to report that officers have written to HMRC outlining the difficulties councillors face and asking them to reconsider the matter. That response is still awaited, but the Panel intends to report to Council again should the position change at any point in the future. We suggest also that the council adds weight to the matter by requesting a meeting with the appropriate Government office emphasising the support that is necessary to enable them to carry out their various roles. In the meantime we wish to place on record our support for the Councillors' Commission in its 2007 report which stated that "councillors should be offered access to the national childcare salary sacrifice scheme".
- 3.22 We remain of the view that the council should continue with a claims-based scheme because this is open, transparent and accountable and claims can be submitted for the approved duties laid down in Schedule 2 to the Members' Allowances Scheme. It is also in line with the majority of other local authorities that operate childcare schemes in England. However, we have recognised a need for greater flexibility in the way the scheme works currently, its accessibility and application, as we have worked to find suitable solutions. The Panel's proposals are set out in paragraph 2.3 of this report, in more detail below and at Appendices 3 and 4.
- 3.23 We are pleased to recommend some positive changes to the childcare arrangements, although it is for the council to decide whether it wishes to explore other avenues which could help support councillors with caring responsibilities. We feel there are several ways these could be achieved such as adopting a flexible approach to meeting times and reconsidering the venues used. However, as these matters are outside our remit, we leave those decisions to the council and make our own recommendations in line with current legislation and by having regard to good practice.
- 3.24 In a move towards greater flexibility and in line with our 2008/10 report, we recommend that when councillors attend approved duties, they be reimbursed for their childcare costs up to the maximum rate/s set out in the Scheme. We recognise that this may make it administratively easier for councillors and that it could go some way towards breaking down the barriers they currently face. However, by making this change councillors will face a disincentive as tax and national insurance will be deducted by the council at source.
- 3.25 Councillors will need to decide for themselves whether they wish to retain that part of the current scheme in which the carer they employ is paid retrospectively for the childcare provision, or whether they consider they have greater flexibility by directly claiming and receiving reimbursement themselves. Councillors should also decide whether the greater flexibility of receiving the payment direct outweighs any financial disadvantage.
- 3.26 In our 2008/10 report we also recommended that childcare be reimbursed at an hourly rate of £7.00 per hour, an increase from the national minimum wage. As part of the latest review we have consulted other local authorities, particularly

those from the south-east. We have had regard to the cost of childcare provision within the city and we understand that £7.00 per hour remains an average figure for childcare in Brighton and Hove. We recommend therefore that actual childcare costs be reimbursed up to a maximum of £7.00 per hour for a single child.

- 3.27 Where two or more children are being cared for, we recognise that additional costs may be incurred and we would like to go some way towards meeting that additional burden. We recommend a total supplement of up to £2.00 per hour be applied in respect of all children where additional costs have been incurred and can be proven. This will result in a total maximum hourly rate of £9.00.
- 3.28 Being mindful of the difficult financial climate facing all local authorities at the current time, yet balancing that with the need to encourage councillors to stand for election from all walks of life, we have considered the annual cap which is currently set at £1,200 pa per councillor and we have decided to leave it unchanged. We feel it would give the wrong impression if we were to recommend raising the overall platform, preferring instead to provide greater flexibility within the scheme itself. We continue to recommend setting the cap for childcare at £1,200 pa per councillor.
- 3.29 To be sure that this is a fair approach, we have calculated that a Cabinet Member will use approximately 50% of their annual childcare allowance for attending Cabinet Meetings and full Council. The balance is available for attendance at ad hoc approved duties undertaken either in their position of additional responsibility, or as part of their wider councillor remit.
- 3.30 Whilst we are not recommending the use of registered childcare be compulsory as we feel that should be a matter for personal choice, we note that Working Tax Credit may be claimable where Ofsted registered childcare is used.
- 3.31 The Panel feels that the minimum age for any carer should be 18 years and that restriction on councillors' family and other household members should continue to apply as a matter of good practice and in line with other local authority schemes such as Bracknell Forest and Southampton City Council.
- 3.32 Throughout this part of our review we have consulted Family Information Service officers who have acted as a check and balance on our proposals. Bearing in mind their comments, we are proposing raising the age for cared-for children to the Saturday following the 1 September after their 15th birthday. This is in line with the Government's eligibility requirements for the childcare element of Working Tax Credit.

Care of Dependants:

- 3.33 Historically, the Panel has refrained from recommending alterations to this part of the scheme as there have been no claims made from it, nor any expressions of interest in doing so. We have preferred to recognise that should they be necessary, changes will be introduced as and when they are required and needs can be more accurately quantified. Instead, we recommended a basic package only.

- 3.34 Since the new council formed in May this year, the council has considered the needs of its new and ongoing councillors and asked us to look again at the allowances paid for dependent care for adults and children with additional needs and to report back to them in the autumn. We understand there are a small number of councillors with responsibility for adult dependent relatives and we feel that this is an appropriate time to review and update the scheme if necessary.
- 3.35 The Panel invited councillors to come forward to talk about their individual needs, responsibilities and concerns, or alternatively to let them know of anything they felt relevant to the care package that was available to them as councillors.
- 3.36 It is apparent from our meetings and the discussions that have taken place throughout our review that everyone's situation is different, caring needs vary and state benefits apply in some if not all instances. We recognise also that there may be many sensitivities to consider, and in the current climate we believe there are additional or alternative ways in which the council can provide practical support to its councillors who have caring responsibilities. This may not necessarily be in the form of financial recompense. We suggest that adopting a "care for the carer" approach might be a useful mechanism which the council and councillor colleagues can introduce to support one another. As this is an area outside our remit, we leave the council to decide whether this is an acceptable option and how this should be implemented.
- 3.37 We recommend retaining the care package at current rates - £7.50 per hour, capped at £1,200.00 pa – and to bring this in line with the administration of childcare allowances. We consider that councillors should be reimbursed for their caring costs, rather than the care providers although we leave councillors to make the final choice. In the same way also, a tax disincentive will apply, however we feel that the flexibility this offers outweighs any financial disadvantage. A summary of this element of the Scheme is set out at Appendix 5.

The proposed Members' Allowances Scheme

- 3.38 For ease of reference, we have set out the Special Responsibility Allowances we are recommending at Appendix 6, together with the financial implications of our proposals and the savings that are likely to result. Whilst not strictly within our remit, we remain mindful that the council has set the Members' Allowances budget at £1,059,610 for 2011/12 and we consider that any recommendations we make as an independent panel should be sound, and that they should remain within this budget.
- 3.39 Taking into account the elements of the Scheme detailed in section 3.1 – 3.37 above, the proposed new Members' Allowances Scheme is set out in full at Appendix 7 to this report.
- 3.40 The proposed new Scheme has a total of 26 Special Responsibility Allowances in line with Members' Allowances guidance which stipulates that the number of SRA's should not exceed 50% of the number of councillors on the authority.
- 3.41 We propose that these recommendations be implemented from 21 October 2011, the day after the full Council meeting, which is in line with previous changes to the Members' Allowances Scheme.

3.42 Having undertaken this review we expect the Members' Allowances Scheme to continue until 2015 subject to any future changes which may result from the Localism Bill when its outcome is known in the autumn of 2012.

4. CONSULTATION

4.1 As part of this latest review the Panel has met with the Leaders, councillors and consulted regional organisations, government offices and other public bodies as well as experts in the field of Members' Allowances. We have also spoken with the council's own officers on matters such as childcare. In particular we have consulted HMRC and the DCLG.

4.2 Statistics have been obtained from the Office for National Statistics (ONS) and comparisons have been made with a number of other local authorities across the region.

4.3 The recommendations of the Independent Remuneration Panel are being reported to the Governance Committee where all party groups are represented, before being submitted to full Council on 20 October 2011.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The Members' Allowances revenue budget for 2011/12 is £1,059,610.

5.2 The recommendations of the Independent Remuneration Panel can be accommodated within the existing budget and the financial implications and scheme details are set out in Appendix 6 and 7 of the report respectively.

Finance Officer Consulted: Mike Bentley Date: 07/09/11

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.

Lawyer Consulted: Elizabeth Culbert Date: 07/09/11

Equalities Implications:

5.4 The recommendations explicitly seek to encourage a wider cross-section of the community to become councillors and to continue in office by breaking down the barriers and financial disincentives which deter people from serving as elected members.

Sustainability Implications:

5.5 None arising directly from this report.

Crime & Disorder Implications:

5.6 None arising directly from this report.

Risk and Opportunity Management Implications:

5.7 None arising directly from this report.

Corporate / Citywide Implications:

5.8 None arising directly from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Leaders' Allowances
2. Deputy Chairs of Planning and Licensing
3. Childcare costs
4. Dependants' Carers' Allowance (childcare)
5. Dependants' Carers' Allowance (dependants)
6. Proposed Special Responsibility Allowances
7. Proposed Members' Allowances Scheme 2011

Documents in Members' Rooms

None

Background Documents

1. The Local Authorities (Members' Allowances) Regulations 2003
2. Councillors' Tax and Benefits 2009 (Local Government Information Unit)
3. The Report of the Councillors' Commission, December 2007
4. South-East Employers' Survey of Members' Allowances 2010/11
5. Office for National Statistic earnings tables
6. Evidence provided by the Daycare Trust of childcare costs nationally, regionally and locally
7. Your childcare options (Family Information Service)

Sample from the South East Employers
Members' Allowances Survey 2010-11:
Allowances paid to the Leader of the Council
(in descending order)

Local Authority in the SEE area	Leader of the Council	
Kent County Council	44,300.00	Highest CC
West Sussex County Council	30,744.00	
Milton Keynes Council	29,332.00	Highest UA
Hampshire County Council	28,967.00	
Bracknell Forest Council	28,954.00	
Brighton & Hove City Council	28,758.00	B&H
Surrey County Council	27,000.00	
Medway Council	26,507.36	
Oxfordshire County Council	24,884.64	
East Sussex County Council	24,087.00	
Isle of Wight Council	23,709.00	
Southampton City Council	22,318.00	
Mid Sussex District Council	21,680.00	Highest DC
Wokingham Borough Council	20,000.00	
Royal Borough of Windsor and Maidenhead	18,596.00	
Slough Borough Council	18,460.00	
Portsmouth City Council	18,360.00	
West Berkshire Council	16,396.05	
Rother District Council	12,376.00	
Wealden District Council	12,330.00	
Worthing Borough Council	7,467.00	
Reading Borough Council	7,004.00	
Adur District Council	4,905.00	
Eastbourne Borough Council	3,840.00	

Sep-11

Sample from the South-East Employers
Members' Allowances Survey 2010-11:
Allowances paid to the Deputy Chairs
of Planning and Licensing

Local Authority in the SEE area	Deputy Chair Planning Committee	Deputy Chair Licensing Committee
Kent County Council	0	n/a
West Sussex County Council	0	n/a
Milton Keynes Council	0	0
Hampshire County Council	2901	n/a
Bracknell Forest Council	1276	638
Brighton & Hove City Council	7188	2156
Surrey County Council	3000	n/a
Medway Council	3787	0
Oxfordshire County Council	1352	n/a
East Sussex County Council	0	n/a
Isle of Wight Council	1580	0
Southampton City Council	0	0
Mid Sussex District Council	1579	343
Wokingham Borough Council	0	0
Royal Borough of Windsor and Maidenhead	0	0
Slough Borough Council	1538	1231
Portsmouth City Council	0	0
West Berkshire Council	0	0
Rother District Council	0	0
Wealden District Council	1285	0
Worthing Borough Council	1653	747
Reading Borough Council	1074	1074
Adur District Council	818	818
Eastbourne Borough Council	1278	0

Note: n/a indicates that licensing matters are not dealt with by the county councils

Sep-11

**Average hourly national, regional and local childcare costs in 2010
as published by the Daycare Trust**

Nurseries					
England		South-East		Brighton and Hove	
	£		£		£
Under 2	3.88	Under 2	4.64	Under 2	4.37
2 and over	3.76	2 and over	4.56	2 and over	4.01

Childminding					
England		South-East		Brighton and Hove	
	£		£		£
Under 2	3.60	Under 2	3.84	Under 2	<i>No data</i>
2 and over	3.52	2 and over	3.84	2 and over	4.40

At Home Childcare	
Brighton and Hove	
	£
Average	7.21

The Daycare Trust is a registered charity and this information has been sourced by the council's Family Information Service.

Sept 2011

Dependants' Carers Allowance (Childcare)

- Childcare may be claimed for all approved duties identified in Schedule 2 to the Members' Allowances Scheme (Appendix 7)
- Payments will be made retrospectively to either care provider or councillor, providing they are supported by the appropriate claim form and receipts.
- Payments to carers will be made by BACS and processed on the first available appropriate payroll run.
- Reimbursements to councillors will be made by BACS together with the usual monthly Members' Allowances payments.
- Payments will be no more than the actual amount paid for childcare provision up to a maximum hourly rate of £7.00 per hour for a single child or up to a total of £9.00 per hour for two or more children.
- This claims-based scheme is subject to tax and national insurance deductions at personal rates (the liability falling to whomever receives the payment).
- Up to one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to/ from meetings, provided the child/children remain with the carer for the duration.
- Ofsted registered childcare is not compulsory but Working Tax Credit may be claimable where registered care is used.
- The council's At Home Childcare Scheme may provide a flexible solution to childcare provision. (Full details are available from the council's Family Information Service.)
- Childcare costs may be claimed for children until the Saturday following the 1 September after their 15th birthday.
- The minimum age for any carer should be 18 years.
- The restriction on councillors' family and other household members continues to apply as a matter of good practice.
- The annual cap for childcare is set at £1,200 pa per councillor.

NOTE:

1. Revenue & Customs (HMRC) advise that councillors are not eligible for salary sacrifice schemes such as national childcare vouchers.
2. Maternity/paternity entitlements generally apply to paid employees and they are not the responsibility of the city council, we feel councillors should provide appropriate support for one another in their councillor role.
3. The annual cap for childcare has been set at £1,200 pa per councillor.
As an example, a Cabinet Member will use approximately 50% of their annual childcare allowance for attending Cabinet Meetings and full Council. The balance is available for attendance at ad hoc approved duties.

Dependants' Carers Allowance (Dependants)

- Any Brighton & Hove city councillor with a dependant, who has incurred expenses for the care of that dependant whilst carrying out their approved duties, is eligible to claim the Dependants' Carers Allowance.
- This allowance may be claimed for any of the approved duties identified in Schedule 2 to the Members' Allowances Scheme (Appendix 7).
- It applies to care for dependants on social or medical grounds, be they elderly parents, disabled children etc who live in the same house and who are dependant on the councillor.
- Payments will be made retrospectively to either care provider or councillor, providing they are supported by the appropriate claim form and receipts.
- Payments to carers will be made by BACS and processed on the first available appropriate payroll run.
- Reimbursements to councillors will be made by BACS together with the usual monthly Members' Allowances payments.
- Payments will be no more than the actual amount paid for Dependant care provision up to a maximum hourly rate of £7.50 per hour.
- This claims-based scheme is subject to tax and national insurance deductions at personal rates (the liability falling to whoever receives the payment).
- Up to one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to/ from meetings, provided the Dependant remains with the carer for the duration.
- The annual cap for Dependant care is set at £1,200 pa per councillor.

Special Responsibility Allowances in the proposed Scheme

	Position	% of Leader's Allowance	SRA £	Full Cost £
1	Leader of the Council	100%	28,758	28,758
2-3	Deputy Leader of the Council	60%	17,254	34,508
4-10	Cabinet Member with portfolio	38%	10,927	76,489
	Chairmen of Regulatory Committees			
11	Planning	38%	10,927	10,927
12	Licensing (dual role)	30%	8,626	8,626
13	Governance	30%	8,626	8,626
14	Audit	30%	8,626	8,626
	Chairmen of Overview & Scrutiny Committees			
15*	Overview & Scrutiny Commission	25%	7,188	7,188
16	Adult Social Care & Housing OSC	25%	7,188	7,188
17	Children & Young People OSC	25%	7,188	7,188
18	Culture, Tourism & Enterprise OSC	25%	7,188	7,188
19	Environment & Community Safety OSC	25%	7,188	7,188
20	Health OSC	25%	7,188	7,188
	Deputy Chairmen of Regulatory Committees			
21	Planning	25%	7,188	7,188
22	Licensing (dual role)	7.5%	2,156	2,156
	Other positions of additional responsibility			
23	Leader of the Opposition	48%	13,803	13,803
24-25	Deputy Leader of the Opposition Group	25%	7,188	14,376
26*	Convener/Leader of Minority Groups (minimum of 10% of the seats on the council)	25%	7,188	7,188 (proposed increase)
	Cost of 26 Special Responsibility Allowances proposed			£264,399
	Less unpaid allowance due to double-up*			7,188
	Total full year cost of proposed SRAs			<u>£257,211</u>

Possible Savings	% of Leader's Allowance	SRA £	Full Cost £
Deputy Chairs of Regulatory Committees			
Governance	7.5%	2,156	2,156
Audit	7.5%	2,156	2,156
Deputy Chairs of Overview & Scrutiny Committees			
Overview & Scrutiny Commission	7.5%	2,156	2,156
Adult Social Care & Housing OSC	7.5%	2,156	2,156
Children & Young People OSC	7.5%	2,156	2,156
Culture, Tourism & Enterprise OSC	7.5%	2,156	2,156
Environment & Community Safety OSC	7.5%	2,156	2,156
Health OSC	7.5%	2,156	2,156
Representative on the Arts Commission	7.5%	2,156	2,156
Savings from the proposed Scheme			£19,404
Plus unpaid allowance due to double-up*			7,188
Total full year savings			<u>£26,592</u>
NOTE:			£1,059,610
The Members' Allowances budget for 2011/12 =			£304,219
If the council chooses to retain all 36 SRAs in the current Members' Allowances Scheme and make no amendment to them, the full cost of these allowances will be			
Based on the 32 SRAs currently paid in the Scheme, the cost of these allowances is			
			£287,397

NB The full Scheme also includes the Basic Allowance (£11,463 pa per councillor) and other allowances. All allowances and expenses are met from the budget of £1,059,610.

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 2011 and shall have effect on and from 21 October 2011 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 £11,463 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 came into effect on and from 21 October 2011.
 - 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 and Dependants' Carers Allowances

6.1 Travel, Subsistence and Dependants' 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 20 October 2011 and takes effect from 21 October 2011 unless stated otherwise.

SCHEDULE 1

Special Responsibility Allowances

Responsibility	SRA (£)
Cabinet	
Leader of the Council	28,758
Deputy Leader of the Council	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 Chairs of Regulatory Committees	
Planning	7,188
Licensing (dual role)	2,156
Other positions of additional responsibility	
Leader of the Opposition Group	13,803
Deputy Leader of the Opposition Group	7,188

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 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-optee's 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 21 October 2011.

SCHEDULE 2

Approved Duties

Brighton & Hove City Council specifies the following as approved duties for the purpose of the payment of Travel, Subsistence and Dependants' 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	45p 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. Where the cost of meals taken on trains is reimbursed, the rate of day subsistence allowance 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 four hours in respect of each meal taken.

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.

Car mileage rates were revised from 1 April 2011. All other travel and subsistence rates apply from 28 November 2003 and these have been re-affirmed by Full Council on 21 October 2011.

B. Dependants' Carers' Allowance

Dependants' Carers' Allowance (for children and adult dependants) may be paid retrospectively to either councillor or care provider when a councillor

attends any of the approved duties identified in Schedule 2 to this Scheme and incurs costs for care provision.

This claims-based scheme is subject to tax and national insurance deductions at personal rates (liability falling to whoever receives the payment).

Childcare

Eligible councillors may claim no more than the actual amount paid for childcare provision, up to a maximum of £7.00 per hour for a single child, or up to a total of £9.00 per hour for two or more children, provided the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the child/children remain with the carer for the duration.

Childcare costs may be claimed for children until the Saturday following the 1 September after their 15th birthday in line with the government's eligibility criteria for Working Tax Credits.

The restriction on the use of household members for caring (family and otherwise) applies as a matter of good practice in line with other local authorities.

The minimum age for any carer should be 18 years.

The annual cap for childcare is set at £1,200 pa per councillor.

Dependant Care

This allowance is payable for both children with severe disabilities and also dependent adult relatives living in the councillor's home and for whom the councillor is directly responsible. It applies to the care of dependants on social or medical grounds.

Eligible councillors may claim no more than the actual amount paid for specialist dependant care up to a maximum of £7.50 per hour, provided the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the dependant remains with the carer for the duration.

The minimum age for any carer should be 18 years.

The annual cap for dependant care is set at £1,200 pa per councillor.

The Dependants' Carers' Allowance was revised at Full Council on 20 October 2011.

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 2011/12	£12,572 pa
-------------------------------	------------

Deputy Mayor's Allowance for 2011/12 pa	£3,518
--	--------

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 duty	£35 per
-----------------------------------	---------

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.

Independent Remuneration Panel

Members of the Independent Remuneration Panel (5) each	£528 pa
---	---------

Subject:	Police Reform and Social Responsibility Bill – conduct of elections		
Date of Meeting:	20 September 2011		
Report of:	Strategic Director, Resources		
Contact Officer:	Name:	Paul Holloway	Tel: 29-2005
	Email:	paul.holloway@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Police Reform and Social Responsibility Bill was introduced on 30 November 2010 and is currently progressing through Parliament. The Bill covers five distinct policy areas: police accountability and governance; alcohol licensing; the regulation of protests around Parliament Square; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction offences.
- 1.2 A key area of the Bill is the provision for elections of Police and Crime Commissioners, which would replace police authorities. Despite the Lords' objections, the government are committed to the introduction of these elections, and is planning to introduce them nationally without pilot exercises beforehand.
- 1.3 The Bill has been scrutinised in the House of Commons and the House of Lords, and has been subject to a number of amendments. Because of parliamentary recess and the amount of other legislation to pass, it is now unlikely that the Bill will receive Royal Assent until early October.
- 1.4 It is proposed that the first Police and Crime Commissioner elections will take place on 3 May 2012. A brand new framework will be required to conduct these elections, which will be run on a different electoral system and on new boundaries. This report considers these issues in more detail.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee notes the content and implications of the Police Reform and Social Responsibility Bill.
- 2.2 That the Governance Committee requests further reports once the Bill is enacted, including specific implications for Brighton & Hove.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The proposed replacement of police authorities with directly elected Police and Crime Commissioners is aimed at improving police accountability. Police and Crime Commissioners will be responsible for appointing the chief constable of their police force and holding them to account.
- 3.2 Police and Crime Panels will also be established, to advise and scrutinise the Police and Crime Commissioner. The Panel will comprise at least ten members appointed from the local authorities in the police area. As there will be more than ten local authorities in the Sussex police area, it is likely that Brighton & Hove City Council will be represented on the Panel by one of its councillors.
- 3.3 The first elections are proposed to take place on 3 May 2012. The Commissioner will be elected for a four year term and the franchise will be the same as for local elections.
- 3.4 Candidates for the Commissioner elections must be resident in the police area, and be nominated by 100 electors. The following people are included in the list of people who may not stand for election: Members of Parliament, Members of European Parliament, police officers or members of police staff, civil servants, and council employees.
- 3.5 The voting area for the Sussex Police and Crime Commissioner election will include all East Sussex, West Sussex and Brighton & Hove. This is a new electoral boundary, which will require a high level of co-ordination to ensure the success of the elections.
- 3.6 A new electoral system will also be used at the election – the Supplementary Vote system. This is where voters indicate a first preference and second preference against the candidates. How the votes will be counted under this system, considering the breadth of the electoral boundary, will need to be carefully considered and managed.
- 3.7 The framework for delivering these elections is unclear, and Returning Officers for the police areas have yet to be appointed. A Police and Crime Commissioner Elections Panel has now been established including members from the Home Office, Cabinet Office and the Electoral Commission. But the Electoral Commission have argued that there is an urgent need for a framework which will provide overall coordination of the elections. There is also concern about the limited time available to finalise the legislation governing how the elections will be run.
- 3.8 While there is a continuing dialogue between the Home Office and Electoral Commission regarding a national structure for the conduct of the elections, initial discussions are beginning to take place at the local level with the Sussex Police Authority and other Electoral Services in East and West Sussex.

- 3.9 The Returning Officer and his team will make every effort to meet the challenges of this election. As soon as the Bill receives Royal Assent, a project plan will be developed and regularly monitored and reviewed. Resources and support from across the organisation will be necessary, as well as good working relationships with the police authority and other local authorities.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The Returning Officer and his team will participate in any public awareness activities promoted by central government.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the recommendation made in this report. It has been confirmed that the election costs will be funded by Central Government, but precise allocations have not yet been provided. A further report, containing detailed financial implications will be reported back at a later date.

Finance Officer Consulted: Mike Bentley Date: 22/08/11

Legal Implications:

- 5.2 Provisions relating to the holding and conduct of elections for police and crime commissioners are set out in chapter 6 of the Bill. Included in these provisions is a power given to the Secretary of State to make regulations conferring functions on police area returning officers and on local returning officers, and to make an order in relation to specific aspects of conducting an election for commissioners. Hence, more detailed provisions affecting the management of these elections can be expected via secondary legislation once the Bill is enacted.
- 5.3 The Bill also provides that each local authority must place the services of its officers at the disposal of the police area of local returning officer.
- 5.4 This report comes before Governance Committee in its capacity as general purposes committee for non-executive functions not delegated to another committee; and is for noting only.

Lawyer Consulted: Oliver Dixon Date: 19/08/11

Equalities Implications:

- 5.5 The project plan will consider how to ensure all electors can participate.

Sustainability Implications:

- 5.6 Project planning will also consider sustainability issues regarding the procurement and use of materials needed for the poll.

Crime & Disorder Implications:

- 5.7 The election will be planned so as to minimise the risk of any disorder at polling places.

Risk and Opportunity Management Implications:

- 5.8 At this stage, there are no implications

Public Health Implications:

- 5.9 There are no implications

Corporate / Citywide Implications:

- 5.10 At this stage, there are no implications

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

1. Latest version of Bill - <http://services.parliament.uk/bills/2010-11/policereformandsocialresponsibility.html>

Subject:	Polling Place Review		
Date of Meeting:	20 September 2011		
Report of:	Strategic Director, Resources		
Contact Officer:	Name:	Paul Holloway	Tel: 29-2005
	Email:	paul.holloway@brighton-hove.gov.uk	
Ward(s) affected:	East Brighton; Withdean		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 A full review of polling districts and polling places, which comprised a formalised series of measures involving consultation, representations and publishing of information, was carried out in the autumn of 2010. Under the Electoral Administration Act 2006, the Council must carry out such a review at least every four years, and the review was timetabled so that any changes took effect for the City Council elections in May 2011.
- 1.2 Following the City Council elections, issues have arisen about two of the Council's designated polling stations.
- 1.3 Withdean Ward - Governors and parents have raised concerns about the use of Westdene Primary School, as the closure of the school on polling day is disruptive to children's education.
- 1.4 East Brighton Ward – The Whitehawk Youth Centre is being demolished, so alternative premises will need to be designated as a polling place.
- 1.5 The Returning Officer's staff have visited the areas concerned, in order to assess the suitability of alternative premises as polling places. Various options have been considered and it is proposed that the Whitehawk Inn Training Centre be put forward as a venue to replace the Whitehawk Youth Centre, and that the Ascension Church Hall and Westdene Library be put forward as options to replace Westdene Primary School.
- 1.6 At its meeting on 1 February 2011, the Governance Committee approved the recommendation to delegate to the Returning Officer (the Chief Executive), following consultation with the Group Leaders and respective ward councillors, the designation of alternative polling places in the event of any polling place not being available at any particular election.
- 1.7 As there is sufficient time before the next known elections, there is an opportunity to carry out a wider consultation on the proposals for these two wards.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee approves the attached consultation document and the consultation process outlined at section 4 of the report.
- 2.2 That the Governance Committee will consider a further report at its meeting on 15 November 2011, to approve recommendations for alternative polling places in the affected wards.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Under the Representation of the People Act 1983, the Council has a duty to divide its area into polling districts and to designate a polling place for each district for UK Parliamentary elections and other elections. It also has to keep these arrangements under review.
- 3.2 The principles underlying the Council's approach to polling districts and polling places are:
 - a) To try and identify new polling places in areas where the existing provision is inadequate or inconvenient.
 - b) To ensure, as far as practicable, that any new polling places are accessible to people with disabilities.
 - c) To ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
 - d) To try and minimise disruption to schools.
- 3.3 The procedure for conducting a review of polling places is governed by statute. The provisions include a duty on the council to:
 - a) publish a notice of the review
 - b) consult the returning officer for the parliamentary constituency affected
 - c) seek representations from persons with expertise on disabled access
 - d) publish representations made in response to (b) and (c) above
 - e) following the review, publish its decision as to any change of polling place and its reasons for that decision

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The consultation period for this review will run from 21 September to 12 October 2011. Public notice of the review will be given, and the consultation document will be sent to ward councillors, Members of Parliament, local political parties, the current polling station contacts and other interested groups or persons, including those who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
- 4.2 Ward councillors have been given prior notice of the consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The review of polling districts is not expected to have any financial implications other than a minimal change in hire costs which can be met within the agreed budget.

Finance Officer Consulted: Anne Silley Date: 18/08/11

Legal Implications:

- 5.2 The Governance Committee has power to agree the recommendations at paragraph 2 above in its capacity as a general purposes committee for non-executive functions.

The proposed methodology for conducting a review of the specified polling stations complies with the relevant legislation, namely:

- (i) sections 18A to 18 E and Schedule A1 of the Representation of the People Act 1983, as inserted by section 16 of the Electoral Administration Act 2006; and
- (ii) The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 (SI 2006/2965)

Lawyer Consulted: Oliver Dixon Date: 18/08/11

Equalities Implications:

- 5.3 The Council must ensure that so far as is reasonable and practical every polling place for which it is responsible is accessible to people who are disabled.

Sustainability Implications:

- 5.4 There are no implications.

Crime & Disorder Implications:

- 5.5 There are no implications.

Risk and Opportunity Management Implications:

- 5.6 There are no implications.

Corporate / Citywide Implications:

- 5.7 The recommendations are in line with council priorities, specifically for open and effective city leadership.

SUPPORTING DOCUMENTATION

Appendices:

1. Consultation document – review of polling places, autumn 2011

Documents in Members' Rooms

None

Background Documents

1. Review of Polling Districts and Polling Places Consultation Paper – 25 October 2010.
2. Electoral Commission Circular EC19/2010 – Review of polling districts, polling places and polling stations.

Partial Review of Polling Districts and Polling Places

East Brighton and Withdean wards of
Brighton & Hove City Council

Consultation Document

Consultation Period runs from 21 September to 12 October 2011



1. Background to the Review

Under the Representation of the People Act 1983, the council has a duty to divide its area into polling districts and to designate a polling place for each district for UK Parliamentary elections. It also has to keep these arrangements under review. The arrangements made for parliamentary elections are also used at other elections.

The Electoral Administration Act 2006 introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every four years. A full review including wide consultation was carried out in autumn 2010, and changes took effect for the City Council elections in May 2011.

Following the City Council elections, issues have arisen about two of the Council's designated polling stations. A partial review is therefore necessary in the wards of East Brighton and Withdean.

2. Definitions

"Polling districts" are geographical electoral areas into which wards and constituencies may be sub-divided.

"Polling places" are the buildings or areas designated by the council where electors in a polling district go to vote in person.

The polling place should in normal circumstances be situated within the polling district for which it is designated, but in some circumstances, for example where no suitable polling place can be found, then the polling place may be designated outside the polling district.

"Polling stations" are the number of issuing desks in the building that is the designated polling place, which generally range from one to three. The Returning Officer determines the number of polling stations depending on the electorate at a particular election. Wherever possible there should be no more than 2,500 electors allotted to a polling station.

3. The Review Process

The Returning Officer's proposals have been included in this consultation paper.

The council invites comments on the proposals. Public notice about the consultation will be given. The consultation paper will be sent to councillors, Members of Parliament, local political parties, and any other interested groups or persons, including those who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

4. The Review Timetable

The timetable for the review is set out below:

Consultation document to be circulated	Wednesday 21 September 2011
Closing date for representations	Wednesday 12 October 2011
Final proposals published via Agenda papers and website	Monday 7 November 2011
Council's Governance Committee meeting – approval of polling place changes	Tuesday 15 November 2011
Completion of review and publication of electoral register	Thursday 1 December 2011
Possible PCC elections	Thursday 3 May 2012

5. The Proposals

This document sets out details of current polling district and polling places for the two wards in question, and details of issues and any proposed changes.

The principles behind these proposals are:

- a) To try and identify new polling places in areas where the existing provision is inadequate or inconvenient.
- b) To ensure, as far as practicable, that any new polling places are accessible to people with disabilities.
- c) To ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
- d) To try and minimise disruption to schools.

6. Making comments

Any elector may make representations. Representations must be received by **Wednesday 12 October 2011**, and should be addressed to:

Electoral Services
Brighton & Hove City Council
FREEPOST BR 2003
Town Hall
Brighton
BN1 1ZW

or emailed to: electors@brighton-hove.gov.uk

Polling station scheme and Returning Officer's Proposals

Electorates as at 1 July 2011

Kempton Constituency

East Brighton Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations
DS	1306	Valley Social Centre, Whitehawk Way	1
DT	1039	Valley Social Centre, Whitehawk Way	1
DU	2080	Whitehawk Youth Centre, Findon Road	1
DV	1532	St Mark's CE Primary School, Manor Road	1
DW	1163	TS Nautilus, 39a Chesham Road	1
DX	2054	Kemp Town Crypt Community Centre, St George's Road	1
DY	521	Craven Vale Resource Centre, Craven Road	1
DZ	621	Bristol Estate Community Centre, Donald Hall Road	1

Whitehawk Youth Centre has been used as a polling station for several years. It is in the process of being demolished, so alternative premises need to be found.

It is possible that Whitehawk Primary School could be used, but that may cause disruption to children's education.

Another possibility would be the new Whitehawk Library, which will be ready to view in September. However, the geography of the area could mean that the Library would not be convenient for many voters.

The Returning Officer's staff have visited the Whitehawk Inn Training Centre, and consider this to be a much more suitable venue for polling. It is very close to where the previous polling station was located, in the more densely populated southern part of the polling district. It is also on the main bus route, and close to the local shops. Access to the Centre is very good, and there are suitable facilities for voters.

Q1 Do you approve of the Whitehawk Inn Training Centre being used as a polling station for DU polling district?

Q2 Are there any other alternatives that the Council should consider?

Withdean Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations
IU	2302	Church of the Good Shepherd Hall, Dyke Road	1
IV	2053	Minor Club House, Withdean Sports Complex	1
IW	1934	Westdene Primary School, Bankside	1
IX	1451	Varndean College, Surrenden Road	1
IY	1017	Balfour Junior School, Balfour Road	1
IZ	2246	Knogle Hall, Knogle Road	1

The Governors of Westdene Primary School have raised concerns about the use of the school as a polling station, because of the disruption caused to the school timetable and children's education.

Although the Returning Officer is entitled to use schools as polling stations¹, it is reasonable to look for alternative premises if they object to being used.

The Returning Officer's staff have looked at a range of alternative premises, and there appear to be two viable options which would be suitable in terms of accessibility and facilities for voters.

The Ascension Church is one option. Access to the church hall is very good, and there are suitable facilities for voters. There is also a larger space in the church itself, but at the moment accessibility is not ideal.

Westdene Library is another option. This is normally closed on a Thursday, so it could easily operate as a polling station without inconveniencing library users.

Q1 Do you approve of the Ascension Church Hall being used as a polling station for the IW polling district, instead of Westdene Primary School?

OR

Q2 Do you approve of Westdene Library being used as a polling station for the IW polling district, instead of Westdene Primary School?

Q3 Are there any other alternatives that the Council should consider?

¹ Rule 22, Election Rules, Schedule 1, Representation of the People Act 1983

GOVERNANCE COMMITTEE

Agenda Item 28

Brighton & Hove City Council

Subject:	Review of Policy Framework	
Date of Meeting:	20 September 2011	Governance Committee
	20 October 2011	Full Council
Report of:	Monitoring Officer	
Contact Officer:	Name: Abraham Ghebre-Ghiorghis	Tel: 29-1500
	Email: abraham.ghebre-ghiorghis@brighton-hove.gov.uk	
Ward(s) affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report invites Governance Committee to review the content of the council's existing policy framework and to recommend amendments to Full Council.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee review the council's existing policy framework which is set out in Part 3.1 of the constitution and reproduced at Appendix 1, by considering whether the list of plans and strategies that comprise the framework is correctly worded and up to date; and
- 2.2 That, in light of their review, Governance Committee agree the amended policy framework set out in Appendix 2, reflecting the analysis in paragraphs 3.4 and 3.5 below, and recommend its adoption by Full Council.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 The Local Government Act 2000 and associated regulations provide that certain local authority functions may only be exercised by Full Council. One such function is that of approving or adopting certain plans and strategies collectively known as 'the policy framework'.
- 3.2 The plans and strategies comprising the policy framework fall into one of two categories:
- (i) those which must by law be approved or adopted by Full Council;
 - (ii) those which the council has determined are to be approved or adopted by Full Council
- 3.3 The existing content of both categories are set out in Part 3.1 of the constitution and, for ease of reference, reproduced at Appendix 1.

3.4 It is recommended that the following amendments be made to the list of plans and strategies in the first category above (i.e. paragraph 3.2(i)). These amendments merely update the list to reflect the current statutory position. The council has no power to determine which plans and strategies are included.

- (i) 'Best Value Performance Plan' be deleted. The requirement to produce the plan was abolished when the Comprehensive Performance Assessment was replaced by the Comprehensive Area Assessment (CAA). In June 10 the government announced that the CAA itself would be abolished.
- (ii) 'Children and Young People's Plan' be deleted as the statutory basis for this plan has been revoked.
- (iii) 'Community Strategy' be amended to 'Sustainable Community Strategy'
- (iv) 'Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and Minerals Development Framework' be amended to 'Plans with Development Plan Document status'

3.5 It is recommended that the following amendments be made to the list of plans and strategies in the second category above (i.e. 3.2(ii)). Full Council has complete discretion over which plans and strategies are included in this list.

- (i) 'Food Law Enforcement Service Plan' be amended to 'Official Feed and Food Controls Service Plan' to reflect the current name for this plan.
- (ii) 'The plan and strategy which comprise the Housing Investment Programme' be deleted, as the requirement for this programme no longer exists.
- (iii) 'Adult Learning Strategy' be deleted. This plan is produced by the Brighton & Hove Learning Partnership and largely relates to services which are not council-specific and therefore not appropriate for approval by Full Council.
- (iv) 'Sustainability (Local Agenda 21) Strategy' be amended to 'Sustainability (Local Agenda 21) Strategy (or the successor to this strategy)' as the name of original document is obsolete. A replacement strategy relating to sustainability is under consideration, and the end product will be an important document given that making Brighton & Hove the most sustainable city in the UK is a council priority, of sufficient corporate significance to warrant Full Council approval.
- (v) 'Inclusive Council Policy' be amended to 'the Council's Equality Policy and Action Plan'. What was the Inclusive Council Policy is now known as the Council's Equalities & Inclusion Policy. This itself is being revised to combine it with the Council's Single Equality Scheme and is expected to become the Council's Equality Policy and Action Plan to reflect the public sector equality duty and other obligations in the Equality Act 2010.

(vi) 'Local Area Agreements' be deleted as such agreements are now obsolete.

3.6 The proposed policy framework, as amended in accordance with paragraphs 3.4 and 3.5 above, is set out in Appendix 2.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

4.1 There are no financial implications of any significance associated with this series of amendments to the council's constitution.

Finance Officer Consulted: Anne Silley Date: 19/08/11

Legal Implications:

4.2 One of the functions of Governance Committee is to consider proposed changes to the constitution and to make recommendations, based on those changes, to Cabinet or Full Council as appropriate. In this instance, since all the amendments relate to council functions, the recommendations are to be referred to Full Council.

Those functions which are the preserve of Full Council are specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Those referred to in paragraph 3.2(i) above are governed by regulation 4(1) and set out in Schedule 3 of the regulations; those referred to in paragraph 3.2(ii) above are governed by regulation 5(1) and set out in Schedule 4, paragraph 1 of the regulations

Lawyer Consulted: Oliver Dixon Date: 18/08/11

Equalities Implications:

4.3 The inclusion of the council's equality policy and action plan in the proposed list of plans and strategies for approval by Full Council confirms its corporate importance.

Sustainability Implications:

4.4 Under the proposed amendments to those plans and strategies which the council has determined should be approved by Full Council, the corporate strategy relating to sustainability (regardless of what title is adopted for it) will continue to require Full Council endorsement.

Crime & Disorder Implications:

4.5 The list of plans and strategies that must by law be adopted or approved by Full Council include a number that relate to crime and disorder:

- The Crime and Disorder Reduction Strategy
- The Youth Justice Plan
- Statement of Licensing Policy pursuant to the Licensing Act 2003

There are no proposals in this report to delete or change the names of these documents

Risk and Opportunity Management Implications:

4.6 None associated with this report

Public Health Implications:

- 4.7 The list of plans and strategies which the council has determined should be adopted or approved by Full Council include the following documents that relate to public health:
- Official Feed & Food Controls Service Plan
 - Health & Safety Annual Service Plan

There are no proposals in this report to delete or change the name of these documents.

Corporate / Citywide Implications:

4.8 The Council's Corporate Plan is one of the plans which the council has determined should be adopted or approved by Full Council. There are no proposals in this report to change that arrangement.

SUPPORTING DOCUMENTATION

Appendices:

1. Transcript of policy framework from Part 3.1 of the constitution
2. Proposed policy framework, as amended

Documents In Members' Rooms

None

Background Documents

None

Extract from Part 3.1 of the council's constitution, setting out the council's existing policy framework

Policy Framework

The policy framework means the following plans and strategies:

(i) those required by law to be adopted by Full Council

- Annual Library Plan
- Best Value Performance Plan
- Children and Young People's Plan
- Community Strategy
- Crime & Disorder Reduction Strategy
- Local Transport Plan
- Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and Minerals Development Framework
- Youth Justice Plan
- Statement of Licensing Policy pursuant to the Licensing Act 2003
- Statement of Gambling Policy pursuant to the Gambling Act 2005

(ii) those which the Council has determined should be adopted by Full Council as part of the Policy Framework:

- Food Law Enforcement Service Plan
- The plan and strategy which comprise the Housing Investment Programme
- Adult Learning Strategy
- City Employment and Skills Plan
- Sustainability (Local Agenda 21) Strategy
- The Council's Corporate Plan
- Inclusive Council Policy
- Health and Safety Annual Service Plan
- Local Area Agreements

Proposed policy framework, as amended

Policy Framework

The policy framework means the following plans and strategies:

(i) those required by law to be adopted by Full Council

- Annual Library Plan
- Sustainable Community Strategy
- Crime & Disorder Reduction Strategy
- Local Transport Plan
- Plans with Development Plan Document status
- Youth Justice Plan
- Statement of Licensing Policy pursuant to the Licensing Act 2003
- Statement of Gambling Policy pursuant to the Gambling Act 2005

(ii) those which the Council has determined should be adopted by Full Council as part of the Policy Framework:

- Official Feed and Food Controls Service Plan
- City Employment and Skills Plan
- Sustainability (Local Agenda 21) Strategy (or the successor to this strategy)
- The Council's Corporate Plan
- The Council's Equality Policy and Action Plan
- Health and Safety Annual Service Plan

Subject:	Amendments to Contract Standing Orders	
Date of Meeting:	20 September 2011	Governance Committee
	20 October 2011	Council
Report of:	Monitoring Officer	
Contact Officer:	Name: Abraham Ghebre-Ghiorghis	Tel: 29-1500
	Email: abraham.ghebre-ghiorghis@brighton-hove.gov.uk	
Ward(s) affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report proposes some technical modifications to Contract Standing Orders to address practical issues around authorisation of officers, keeping of registers and extension of contracts.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee recommends to Council that the amendments set out in paragraphs of the report and more particularly indicated in the appendix be approved and that they come into force with immediate effect.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Monitoring Officer is required to keep the operation of the Constitution under review and bring any proposed modifications to Members' attention. The Council's Contract Standing Orders were last amended in October 2010. Since then some issues have arisen around the detailed practical operation of Contract Standing Orders that require addressing, which are set out in the following paragraphs.
- 3.2 Before Officers can enter into contracts on behalf of the Council, they need to be one of the Senior Officers of the Council or a contract Officer specifically authorised by a Strategic Officer. Contracts are not always of significant value and include, for example, the purchase of a pencil. Strategic Directors are required to keep a register of all contract officers. In practice, given the size of the organisation, this does not happen and it has been a problem since its introduction some 8 years ago. It is therefore proposed to amend contract standing order 3.1 to remove the requirement for a register of contract officers and extend the power to authorise Officers to enter into contracts to Senior Officers (Senior Officers is defined as Lead Commissioners, Heads of Delivery Units and Heads of Resource Units.)
- 3.3 Unlike the position with the scheme of delegations, there is no mechanism for other officers to exercise the powers of a Strategic Director when he/she is

unavailable or otherwise unable to act. In line with the practice relating to Officer delegations, it is proposed to amend Contract Standing Orders so that, in such cases, the relevant Senior Officer can exercise the functions of the Strategic Director regarding contracts.

- 3.4. There is a requirement for Strategic Directors and Senior Officers to keep a register of declarations of interests relating to contracts. Rather than having to keep a separate register, it is proposed to allow them to combine this with other registers of declarations of interest that they are required to keep under the constitution.
- 3.5 Contract Standing Order 14 requires all “renewable” contracts above £75K in value to be entered into an electronic register. However, the term “renewable” is not defined. It is therefore proposed to include a definition of renewable contracts as contacts giving either party the right to extend the contract for a period beyond the normal expiry date.
- 3.6 There are occasions when a contract is about to come to an end and there is insufficient time to go through the normal procurement process risking a service interruption. Standing Order 16.3 allows the Strategic Director to extend such contacts providing the total value (including the extension) does not exceed the EU threshold (£156,442 for service contracts and £3,927,260 for works contracts.) There is no mechanism under the current standing order to extend contracts above the threshold. In the light of experience, it is proposed that Strategic Directors be given the power to extend such contacts in exceptional circumstances to preserve continuity of service by amending Contract Standing Order 18.6 by enabling them to grant a waiver.
- 3.7 There are other minor typographical and definitional amendments which are shown in the appendix.
- 3.8 Under the constitution, amendments to contract standing orders require the approval of full Council. Governance Committee is therefore being recommended to agree the proposals and recommend them to Council.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The Leaders Group, the Strategic Leadership Board and the Procurement Strategy Manger were consulted and their views incorporated into the report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer Consulted: Anne Silley

Date: 19/08/11

Legal Implications:

- 5.2 There are no legal implications arising from this report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 19/08/11

Equalities Implications:

- 5.3 There are no adverse equalities implications arising from this report.

Sustainability Implications:

- 5.4 The proposals introduce some technical amendments to Council procedures that are unlikely to have sustainability implications.

Crime & Disorder Implications:

- 5.5 None.

Risk and Opportunity Management Implications:

- 5.6 The revised Contract Standing Orders will minimise the risk of non-compliance by removing some of the restrictions to bring them in line with good practice.

Public Health Implications:

- 5.7 There are no public health implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Revised Contract Standing Orders

PART 8.3 CONTRACT STANDING ORDERS

General

Contract Standing Order I: Interpretation

1.1 In these Contract Standing Orders, the following terms have the following meanings:

“Approved List”	a list drawn up for corporate use under CSO 6
“Budget Holder”	a Council Employee who is accountable for a defined budget, and is responsible for committing expenditure against that budget in accordance with the Council’s Financial Standing Orders and Regulations
“Contract Consultant”	any person not being an employee of the Council who is acting for the Council in relation to a Contract or proposed Contract
“Contract”	any agreement for the supply of goods, services, or the execution of works to or for the Council including the use of consultants but excluding the use of external solicitors and Counsel instructed by the Head of Law. The sale of land is specifically excluded from this definition of "Contract".
"Contract Officer"	a Council Employee authorised to deal with Contracts in accordance with CSO 3.1
“Contractor”	the party or potential party to a Contract
"Council"	Brighton & Hove City Council
“Council Employee”	any person employed on a permanent, temporary or agency arrangement by the Council
“CSO”/ "CSOs"	Contract Standing Order/ Contract Standing Orders
"EU"	European Union
“EU Public Procurement Directives”	EU Directive 2004/18/EC This directive consolidates all previous

Deleted: nominated

	directives relating to public works, supplies (goods) and service contracts and any Directives and Regulations by which it is applied, extended, amended, consolidated or replaced and any re-enactment thereof
“EU thresholds”	EU and Government Procurement Agreement thresholds for advertisement of goods, works and services contracts as advised by the Government (as of 1 January 2010 at £156,442 for goods and services contracts and £3,927,260, for works contracts)
"Framework Arrangements"	Zero value contracts for goods, services or works under which terms, conditions, quality standards and prices are agreed in accordance with EU Public Procurement Directives
“Lists”	Framework Arrangements and Approved Lists
“Most Economically Advantageous Tender”	A process of determining the best bid using weighted criteria. See CSO 13
"OJEU"	Official Journal of the European Union
“Procurement Guidance”	Corporate Procurement’s Codes of Practice (including the Procurement Toolkit), model contracts and other guidance which supplements these CSOs
	<u>“Procurement Strategy Manager”</u> <u>The person appointed by the Council as the Procurement Strategy Manager or any Member of the Corporate Procurement Team authorised by him/her to act on his/her behalf.</u>
“Senior Officer”	Lead Commissioner, Head of a Delivery Unit or Head of a Resource or Finance Unit
“UK Regulations”	Public Contracts Regulations 2006 (SI 5/2006) as amended
“works” “supplies” & “services”	as defined in the EU Public Procurement Directives (“supplies” are also referred to as “goods” in these CSOs)
“Strategic Director”	The Chief Executive, Strategic Directors of People, Place, Resources and Communities, the Director of Finance and the Lead Commissioner for Adult Social Care and Health.

- 1.2 The Chief Executive, after consultation with the Monitoring Officer and the Chief Finance Officer, may change the thresholds in Contract Standing Orders annually (or as appropriate) to take account of changes in the retail price index and other factors so that the effectiveness and impact of the thresholds is maintained.

Contract Standing Order 2: Compliance with Contract Standing Orders and Legislation

- 2.1 The Monitoring Officer in consultation with the Procurement Strategy Manager shall compile and maintain CSOs and advise on their implementation and interpretation.
- 2.2 Every Contract made by the Council or on its behalf shall comply with the EU Treaty, the EU Public Procurement Directives and all relevant EU and domestic legislation, CSOs, and the Council's Financial Regulations. EU and UK legislation will always override the provisions of these CSOs.
- 2.3 Contractors, Contractors' employees, subcontractors and agents utilised by the Council shall be required to, at all times, comply with the requirements of the Health & Safety at Work etc Act 1974, all secondary legislation made under that Act and all other Acts, Regulations, Orders or Rules relating to Health & Safety. All contracts shall reflect these requirements and reference to the Council's Health & Safety Code of Practice should be made in this regard.
- 2.4 The Corporate Procurement Strategy and Procurement Guidance held and disseminated by the Procurement Strategy Manager, shall supplement these CSOs, but these CSOs will always take precedence over the provisions of such Procurement Guidance.
- 2.5 It shall be a condition of any Contract between the Council and anyone who is not a Council Employee, but who is authorised to carry out any of the Council's contracts functions, that they comply with CSOs, and the Financial Regulations of the Council as if they were Council Employees.

Contract Standing Order 3: Scheme of Delegation/Authorisation

- 3.1 Each Strategic Director has unrestricted delegated power to agree to the Council entering into Contracts up to the sum of £500,000. Above this sum and before inviting expressions of interest from potential bidders Council Employees must seek approval from the relevant Cabinet Member, committee or other executive decision-making body. All Budget Holders (in relation to expenditure within their allocated budgets) ~~Senior Officers,~~ and Contract Officers authorised by the relevant Strategic Director ~~or Senior Officer~~ may agree to the Council entering into Contracts ~~of up to £250,000 in value. Such authorisation may be expressed or implied from the duties attached to the Contract Officer's post.~~

Deleted: as well as

Deleted: Each Strategic Director shall draw up and maintain a scheme of authorisation for use within his/her area of service or function, which shall include one or more named Senior Officers, Budget Holder and Contract Officer and shall be copied to the Monitoring Officer and the Procurement Strategy Manager.

3.2 Where a Strategic Director is unavailable or otherwise unable to act, his/her functions under these Contract Standing Orders may be discharged by the relevant Senior Officer.

Deleted: A Contract Officer may be authorised to act as such by a Strategic Director or a Senior Officer. Such authorisation may be expressed or implied from the duties attached to the Contract Officer's post.

Formatted: Bullets and Numbering

Deleted: ¶
-----Page Break-----

Contract Standing Order 4: Declarations of Interests

4.1 At the beginning of any Contract process the following persons shall declare any interest, as defined in the Code of Conduct for Employees set out in the Council's constitution, which may affect the Contract process: -

- (a) all Council Employees
- (b) Contractors
- (c) Contract Consultants
- (d) any other person involved in the contract process

4.2 Strategic Directors and Senior Officers shall ensure that all Council Employees within the categories set out in CSO 4.1 and all Contract Consultants and Contractors appointed by them make written declarations of interest on their appointment and as required on any change in circumstances. Interests of Council Employees will be reviewed annually, either at the end or beginning of the financial year. The relevant Strategic Director or Senior Officer shall either certify interests as acceptable or take any necessary action in respect of potential conflicts of interest.

Deleted: Council Employees who declare a conflict of interest will take no part in the relevant contracting process.

4.3 Strategic Directors and Senior Officers shall keep completed Council Employee declarations on the register of staff declarations indicating the names and grades of those declaring an interest and the nature of their interest.

4.4 Strategic Directors and Senior Officers shall keep completed Contract Consultants' and Contractors' declarations of interest and relevant Council Employees' declarations affecting the Contract on the contract file.

4.5 If a Council Employee within the categories set out in CSO 4.1 knows that a Contract in which he/she has a pecuniary interest is before the Council, and is not the subject of an existing declaration, he/she must immediately give written notice of his/her interest to the relevant Strategic Director or Senior Officer and take no part in the contract process.

4.6 A register of interests under CSO 4 may be a separate register or form part of a general register of declarations of interest as the Strategic Director or Senior Officer considers appropriate.

Formatted: Bullets and Numbering

Contract Standing Order 5: Public Notices

- 5.1 Where, by virtue of these CSOs or by some other authority, public notices or advertisements are required they shall be placed in at least one relevant local publication and on the Council website ten days or more before expressions of interest are required by the Council. Where the estimated total value of the Contract exceeds £100,000, the notice or advertisement shall be placed in at least one newspaper or journal circulating among such persons or bodies who undertake such Contracts. The requirement to give notice in a local newspaper may be dispensed with if the relevant Strategic Director or Senior Officer certifies that there are insufficient Contractors in the locality.
- 5.2 All Contracts whose value exceeds the relevant threshold of the EU Public Procurement Directives shall also be advertised in OJEU.

Approved Lists, Framework Arrangements and Single Contract Lists

Contract Standing Order 6: Approved Lists

- 6.1 The Head of Property and Design may compile and maintain Approved Lists of Contractors for works and works related service Contracts (construction related Contracts), each of which is below the relevant EU threshold. The Procurement Strategy Manager may compile Approved Lists for Contractors for the supply of goods and other services as appropriate.
- 6.2 Approved Lists:
- (a) shall be established by advertised competition (subject to CSO 6.3) and where possible formalised by Framework Agreements;
 - (b) shall contain the names and addresses of all Contractors who meet the Approved List criteria.
 - (c) shall indicate the nature and value of Contracts for which the Contractors listed may be used. The value may not exceed the relevant EU threshold.
 - (d) where maintained internally by the council shall be reviewed in full at least every three years in addition to a review of the use of external providers of such lists.
- 6.3 Construction Line and standing lists of providers maintained by other public sector bodies compiled following responses to a public advertisement shall be deemed to be Approved Lists for the purpose of these CSOs.
- 6.4 In addition Strategic Directors with the assistance of the Procurement Strategy Manager may set up Framework Arrangements in line with EU Public Procurement Directives with one or more suppliers of particular types of goods or services.

- 6.5 The criteria for admission to and suspension and exclusion from internally maintained Approved Lists shall be specified in writing by: -
- (a) the Procurement Strategy Manager, for goods and services
 - (b) the Head of Property and Design for works and works related services
- 6.6 Any Contractor may, by giving written notice to the Council, withdraw from any Approved List.
- 6.7 Where there is no Approved List or Framework Arrangement, Strategic Directors and Senior Officers shall use an approved tender procedure in accordance with Procurement Guidance.

Preliminary

Contract Standing Order 7

No longer used.

Contract Standing Order 8: Contract Value and Aggregation

- 8.1 Council Employees shall estimate and record the total value of a proposed Contract net of VAT.
- 8.2 Contracts must not be artificially separated so as to circumvent the application of any CSO or of the EU Public Procurement Directives or UK Regulations.
- 8.3 The total value of Contracts for works, services or supply of goods are estimated to be the same as the total consideration to be payable over the term of the Contract by the Council to the Contractor. Where the Contract period is indefinite or uncertain then the estimated total value is calculated by assuming a four-year term.

Requirement to Obtain Tenders

Contract Standing Order 9: Tendering Procedures

- 9.1 Where procurement of goods, services or works is required and the estimated total value of the Contract is in excess of the relevant EU threshold, EU public procurement procedures will be followed as set out in the UK Regulations and these shall prevail over tendering procedures set out in these CSOs. For most goods, services and works Contracts the restricted, open, or competitive dialogue procedure will be used. For Private Finance Initiative, Public Private Partnership and similar procurement arrangements

introduced by the Government, where the total Contract value is in excess of the relevant EU threshold, the restricted or competitive dialogue procedure will be used.

- 9.2 The Council may procure goods, services or works to any value in collaboration with other local authorities or other public or voluntary sector bodies. Where the Council is the lead buyer within the consortium of the goods, works or services contracted for, these CSOs shall apply. Where the Council is not the lead buyer, procurement procedures shall follow the spirit of these CSOs, be in accordance with EU Public Procurement Directives and UK Regulations, and approved by the relevant Strategic Director or Senior Officer on the advice of either the Procurement Strategy Manager or the Assistant Director, Property and Design.

Contract Standing Order 10: Contracts Not Exceeding £25,000

- 10.1 Where the appropriate Strategic Director or Senior Officer estimates the total Contract value for goods, services or works is unlikely to exceed £25,000 (in the case of Consultants is unlikely to exceed £10,000) and there are suitable Framework Arrangements available, those Framework Arrangements shall be used. Where no Framework Arrangements are available competitive quotations in writing on the basis of Most Economically Advantageous Tender should be sought, or a commercial negotiation with one preferred Contractor may take place. In the latter case the Strategic Director or Senior Officer shall certify that Procurement Guidance has been followed and that the Council shall receive value for money.
- 10.2 Contracts with an estimated total value not exceeding £25,000 shall be evidenced in writing in simple cases by the receipt of written quotations from Contractors or by sending orders to Contractors under Framework Arrangements. In the case of consultants (whatever the value) and in all other cases formal written Contracts shall be completed.
- 10.3 Although the tendering procedures for Contracts not exceeding a total value of £25,000 are less formal than for Contracts of greater amounts, Officers should at all times bear in mind the need to seek value for money and be able to demonstrate that they have obtained it.

Contract Standing Order 11: Contracts Exceeding £25,000 and Not Exceeding £75,000

- 11.1 Where the appropriate Officer estimates the total Contract value is likely to be greater than £25,000 (in the case of Consultants greater than £10,000) and not exceeding £75,000 and one or other of the Lists is available then at least four competitive tenders in writing shall be sought from Contractors on the relevant List.
- 11.2 In the absence of Lists being available an approved tender procedure shall be used in accordance with Procurement Guidance.

- 11.3 In either case, if less than four suitably qualified tenders are available, the Contract Officer must consult with the Procurement Strategy Manager.
- 11.4 Where criteria additional to price are to be used in evaluation, these must be set out in the invitation to tender. At least two bona fide tenders must be received and the Most Economically Advantageous Tender accepted.
- 11.5 If only one compliant tender is received, the Contract Officer must consult with the Procurement Strategy Manager and provide evidence to show that the Council can obtain value for money.
- 11.6 Contracts with an estimated total value greater than £25,000 and not exceeding £75,000 shall be evidenced in writing in simple cases by the receipt of a written quotation and the delivery of an official order form, in the case of consultants and in all other cases by the completion of a formal written Contract.

Contract Standing Order 12: Contracts Exceeding £75,000

- 12.1 Where the appropriate Officer estimates that the total value of a Contract is likely to exceed £75,000 and one or other of the Lists is available, then at least five tenders will be sought from Contractors on the relevant List.
- 12.2 In the absence of Lists being available an approved tender procedure shall be used in accordance with Procurement Guidance and, where applicable, in accordance with the EU Public Procurement Directives and UK Regulations and at least five tenders must be sought.
- 12.3 If less than five suitably qualified tenders are available, the Contract Officer must consult with the Procurement Strategy Manager.
- 12.4 Where criteria additional to price are to be used in evaluation, these must be set out in the invitation to tender.
- 12.5 At least two compliant tenders must be received and the Most Economically Advantageous Tender must be accepted. Notwithstanding CSO 12.7, if only one compliant tender is received, the Contract Officer must consult with the Procurement Strategy Manager and provide evidence to show that the Council can obtain value for money.
- 12.6 In the case of Contracts with an estimated total value over £75,000 the Contract shall be in a form approved by the Monitoring Officer and shall be given under the Common Seal of the Council.
- 12.7 Where the estimated total value of the Contract is such that the Council is required by law to comply with the EU Public Procurement Directives the requirements thereof shall be complied with and the tender procedures set out in these CSOs shall be deemed to be satisfied by such compliance.

- 12.8 Decisions relating to the Contract process for Contracts exceeding the thresholds for the EU Public Procurement Directives shall be made by the Strategic Director or Senior Officer in consultation with either:
- (a) the Procurement Strategy Manager, for goods and services Contracts; or
 - (b) the Head of Property and Design for works Contracts.
- 12.9 Social care Contracts must be procured in accordance with the EU Public Procurement Directives and UK Regulations, but are otherwise exempt from CSOs 10-12 save for the requirement to demonstrate obtaining value for money.

Tendering Process

Contract Standing Order 13: Delivery Opening and Evaluation of Tenders

- 13.1 All tenders for any Contract estimated to be under a total of £75,000 in value shall be returned to the Strategic Director or Senior Officer inviting the tender (or his/her nominee), or as otherwise indicated in CSOs, in envelopes which shall bear no mark to identify the sender. The Officer shall be responsible for ensuring that a record of all such tenders received is kept.
- 13.2 For Contracts with an estimated total value exceeding £75,000 all tenders shall be returned as appropriate to the Head of Property and Design or the Procurement Strategy Manager in envelopes, which shall bear no mark to identify the sender and shall be opened by him/her at the same time in the presence of a Council Employee designated by the relevant Strategic Director or Senior Officer. The Head of Property and Design and the Procurement Strategy Manager shall each maintain a record of all such tenders received by him/her.
- 13.3 All tenders shall be opened at the same time, as soon as is reasonably practicable after the closing date, normally on the closing date. On receipt, all tender envelopes shall be endorsed with the time and date of receipt and kept secure until the time specified for tender opening. Any tender received after the specified time shall not be considered for evaluation and shall be returned promptly to the tenderer. A late tender may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed.
- 13.4 Evaluation criteria and weightings for each criterion for both the pre-qualification and the invitation to tender stages shall be determined in advance and included in the invitation to tender. Price shall always be included as a criterion, but will be used as the sole criterion only where the Strategic Director, Senior Officer or the Council Employee preparing the Contract for him/her considers this to be appropriate. Determination

of criteria at all stages shall be undertaken in accordance with Procurement Guidance.

Contract Standing Order 14: Contracts Registers

14. An electronic register of all renewable Contracts above a total value of £25,000 (and all contracts over £75,000) in value, shall be kept centrally and maintained by each Contract Officer using the Intranet or similar. Such register shall specify for each Contract the Contract number, the name of the Contractor, a summary of the works to be executed or the goods and services supplied and the Contract duration and value or estimated value. The register shall be open for inspection by any Member of the Council.

14.1 A renewable contract is a contract that gives either party the right to extend the contract for further period(s) beyond the expiry date.

Deleted: a

Deleted: termination

Contract Standing Order 15: Prevention of Corruption

- 15.1 A Council Employee must not invite or accept any gift or reward in respect of the award or performance of any Contract. It will be for the Council Employee to prove that anything received was not received corruptly. High standards of conduct are obligatory and corrupt behaviour will lead to dismissal.
- 15.2 The contract process shall ensure that the Council will operate strict separation of duties by ensuring that two authorised Council Employees are involved in the ordering, receiving and payment process. Except for low value orders with a value below £250, there must be a separation of duties between the person authorising an order and the person checking a written invoice or requisitioning the goods or services.
- 15.3 The following clause, (or an equivalent clause in standard forms of contract or other wording as approved by the Monitoring Officer) must be put in every written Council Contract:

“The Council may terminate this Contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do any of the following things:

- (a) *offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council Contract (even if the Contractor does not know what has been done); or*
- (b) *commit an offence under the Bribery Act 2010; or*
- (c) *commit any fraud in connection with this or any other Council Contract whether alone or in conjunction with Council Members or Employees.*

Deleted: Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972

Any clause limiting the Contractor’s liability shall not apply to this clause.”

Operation of Contract

Contract Standing Order 16: Contract Variation

- 16.1 Funding must be identified before any variation is approved in accordance with the Council's Financial Regulations. See Financial Regulation D.2.2.17.
- 16.2 Prior approval must be obtained from the appropriate Strategic Director after consultation with the relevant Cabinet Member, if the proposed variation would together with all other variations to the Contract:
- (a) extend the Contract value or period by 50% or more; and / or
 - (b) mean the works, services or goods to be added to or deleted from the Contract are substantially different in scope.
- 16.3 Extensions to Contracts exceeding the relevant EU Threshold shall not be permitted unless indicated in the original OJEU notice. For Contracts below the relevant EU Threshold at original award, extensions to such Contracts shall not be permitted if the revised value then exceeds the relevant EU Threshold.

Deleted: unless the Strategic Director is satisfied that the waiver is necessary in order to enable the continuation of the service until a new contract is let.

Contract Standing Order 17: Contract Award

- 17.1 No Contract may be awarded unless the expenditure involved has been included in approved estimates or on capital or revenue accounts, or has been otherwise approved by, or on behalf, of the Council. The Strategic Director or Senior Officer shall ensure that evidence of authority to spend, and the budget code to be used, is recorded on the Contract file.
- 17.2 Each Contract shall be awarded in accordance with evaluation criteria that have been adopted for the Contract. (See CSO 13.4 relating to evaluation.)

Contract Standing Order 18: Waivers of Contract Standing Orders

- 18.1 Special procedural exemptions or waivers may from time to time be given by the Cabinet, **Cabinet Member or relevant Committee** to particular classes of Contracts in line with the Council's procurement strategy, as specified in Cabinet reports.
- 18.2 Subject to CSO 18.6, in relation to Contracts estimated to not exceed a total value of £75,000, a Strategic Director may waive the requirements of any CSO, as long as
- (a) the Procurement Strategy Manager is notified as soon as possible.

- (b) the Strategic Director certifies in writing to the Procurement Strategy Manager the CSO being waived and the reasons for doing so.

18.3 Subject to CSO 18.6, in relation to Contracts estimated to exceed a total value of £75,000, a Strategic Director may, after consultation with the relevant Cabinet Member and the Procurement Strategy Manager, waive the requirements of CSOs as long as:

- (a) the waiver report (the Report) is compiled after consulting with the Procurement Strategy Manager;
- (b) the Report is issued setting out the CSO being waived and the reasons for the waiver;
- (c) the Report includes legal and financial comments and highlights, as necessary, any future commitment (whether of a financial character or not) which the Contract may entail; and
- (d) the Report justifies the method of Contractor selection so that value for money and compliance with EU and domestic law can be demonstrated.

18.4 If an emergency has been declared under the Council's emergency planning or business continuity procedures and it is not possible or practicable for a Council Employee who would normally exercise the powers of waiver under CSO 18.2 and CSO 18.3 to do so, the powers may be exercised by (i) the Council Employee who is designated to be in charge, under those procedures or (ii) any Council Employee appointed by him / her to act on his / her behalf. Further, if it is not possible or practicable for that Council Employee, before exercising the powers under CSO 18.3, to consult the relevant Cabinet Member or the Procurement Strategy Manager or to issue the necessary Report, the Council Employee may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep the relevant Executive Member and the Procurement Strategy Manager informed and shall issue the Report as soon as is reasonably practicable.

18.5 A report for information giving a digest of all waivers under CSO 18.2, 18.3 and 18.4 shall be made by the Procurement Strategy Manager covering the previous financial year annually to Cabinet.

18.6 For the avoidance of doubt, no waivers may be made so as to alter the full application of CSO 4 (Declarations of Interest), CSO 14 (Contract Registers), CSO 15 (prevention of corruption) CSO 16.3 (Contract Variation), CSO 17 (Contracts Awards), CSO 19 (Risk Management), or to CSO 20 (Negotiation standards) or if such waiver would result in a breach of EU or domestic law provided that in exceptional circumstances where the Strategic Director is satisfied that the waiver of CSO 16.3 is necessary to ensure the continuity of services, works and/or supplies which would otherwise cease, a waiver of CSO 16.3 may be made so as to permit the continuation of the services, works and/or supplies until a new contract has been let.

Deleted: ¶

- 18.7 A register of all waivers will be maintained by Property and Design and kept available for inspection by the public with reasonable notice during working hours.

Contract Standing Order 19: Risk Management

- 19.1 A database of procurement clauses that minimise unnecessary Contract risk shall be kept and maintained by [Legal Services](#).
- 19.2 Contracts with a total value exceeding the thresholds for the EU Public Procurement Directives shall not be let without reference to this database.

Deleted: the Procurement Strategy Manager.

Contract Standing Order 20: Negotiation

- 20.1 Procurement of goods, services and works shall normally be through the competitive tendering process set out in these CSOs. Under these CSOs negotiation with one Contractor is normally only permissible for very low value Contracts as set out in CSO 10 or when using the EU Competitive Dialogue Procedure under CSO 9. Where negotiation is undertaken this shall be conducted having regard to the Negotiation Code of Practice.

Subject:	Use of Mobile Phones, Audio Recording and Filming at Council Meetings	
Date of Meeting:	20 September 2011	Governance Committee
	20 October 2011	Council
Report of:	Monitoring Officer	
Contact Officer:	Name: Abraham Ghebre-Ghiorghis	Tel: 29-1500
	Email: abraham.ghebre-ghiorghis@brighton-hove.gov.uk	
Ward(s) affected:	All	

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Council's Standing Order prohibit the use of mobile phones completely. The recording of council proceedings is also prohibited unless the prior consent of the person presiding at the meeting is obtained. For the purposes of this report, the expression "council meeting or "council proceedings" means a meeting of the Council, the Cabinet, Committees, Sub-Committees or Cabinet Member Meetings.
- 1.2 The rules were introduced at a time when the state of communication technology and public expectation in terms of transparency, accessibility and use of council proceedings and information was different. The rules therefore require revision to bring them up to date and reflect the council's wishes to achieve more openness and transparency. This report proposes amendments to the Council's Standing Orders to reflect the above principles.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee agrees and recommends to Council:
- (i) that the existing rules relating to mobile phones and audio recording of council proceedings be amended as described in paragraphs 4 and 5 of the report; and
 - (ii) that the amended Council Procedure Rule 31, as set out in Appendix 2 to be approved to come into affect immediately after the conclusion of the Council meting on 20 October 2011.

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The existing Council Procedure Rules (Standing Orders) regarding the use of mobile phones and recording of council proceedings are in similar terms to those adopted by most local authorities and date back to the 1980ies. Since then advances in communications technology mean that the way people use, for example, mobile phones, and the increasing integration of information technology

into peoples daily lives with the expectation that you should be able to access almost any information and transmit the same using the internet, means that the rules need reviewing to bring them up to date with the state of technology. There has also been significant changes in the law and in society's attitude generally regarding public access to and use of information held by public bodies as well as transparency of proceedings. These are reflected in the Human Rights Act 1998 (freedom of speech), the Freedom of Information Act 2000, various rulings of the Information Commissioner and guidance from Central Government. Local Authorities are beginning to question and review the restrictions in their Standing Orders to make them fit a 21st century society. This report considers three specific aspects of the rules: (1) use of mobile phones in council meetings (2) audio recording of council meetings, and (3) filming, video recording or photographing council meetings.

4. MOBILE PHONES

- 4.1 Council Procedure Rule 31.2 (attached) requires that mobile phones be switched off at all times during council meetings. The prohibition applies to members, Officers and anyone else who is present in the meeting chamber. The rule was introduced at a time when mobile phones were used mainly or exclusively for making telephone calls and was intended to stop mobiles going off during a meeting. In practice, with advances in technology (in particular text messaging, web browsing and other non-audio-based communication facilities) some of the rationale for the total ban is not as strong as it initially was and requires reconsideration. In practice, there is a growing tendency during meetings for individuals to use their mobile or Blackberry to check messages, twitter or browse the internet for quick checks. Much of this can be done discretely and, as long as it does not interfere with the proceedings, it would be disproportionate to ban it altogether. There is also an argument for saying that, as long as it is done responsibly and used proportionately, it enhances the democratic process.
- 4.2 Bearing in mind the above considerations, it is proposed that the use of mobile phones/blackberries during meetings is permitted, subject to the following:
- (a) the device should be kept on silent mode throughout the meeting.
 - (b) there should be no use of the voice facility to make calls, receive calls or check messages. Only text or non voice uses can be made of mobile phones.
 - (c) the person presiding at the meeting may require all mobile phones to be switched off at any time.
- 4.3 It is proposed that there be a general requirement that use of mobile phones at meetings be discrete, proportionate and appropriate to the circumstances. There will be an expectation and understanding that this requirement would be supported/enforced voluntarily mainly through the political group system so far as it relates to Members and through the Officer leadership in so far as it applies to Officers. The chair of the meeting will also have a key role in ensuring that any use is kept within acceptable limits and will have the power to ban mobile phones for the duration of the meeting.

5. AUDIO AND RECORDING OF COUNCIL MEETINGS

- 5.1 Council Procedure Rule 31.1 prohibits the recording of Council meetings without the prior consent of the person presiding at the meeting.
- 5.2 Given that key meetings of the Council (Council, Cabinet, Planning, OSC) are now webcast, a blanket ban on recording of proceedings can seem inconsistent, especially if those attending are informed that the proceedings may be recorded.
- 5.3 It is proposed that Council Procedure Rules be amended to allow audio recording of council proceedings unless the person presiding at the meeting decides otherwise. The person presiding at the meeting could, for example, prohibit audio recording if a member of the public attending the meeting objects for good reason or if the chair considers that, in the particular circumstances of the case, audio recording would not be conducive to an efficient running of the proceedings.

6. FILMING, VIDEO RECORDING AND PHOTOGRAPHY

- 6.1 Under the current rules, the filming of proceedings or the taking of photographs is prohibited unless the permission of the chair is obtained. There is good reason for this as, unlike audio recording, filming and the taking of photographs tend to be intrusive and more likely to distract attention or interfere with the proceedings. It is therefore proposed that the existing rules be retained so that there is a presumption against filming, video recording or taking of photographs, but that the chair be given the power to permit all or any of these at his/her discretion.
7. None of the proposals in this report will change the rules regarding the prohibition or recording or transmission of exempt proceedings (Part II meetings). The proceedings of the Licensing Committee are not affected by the proposals in this report.

8. COMMUNITY ENGAGEMENT AND CONSULTATION

- 8.1 The proposals in this report were discussed with the Leaders Group and their views incorporated.

9. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 9.1 The proposals deal with proposed changes to council procedures and there is no financial implications arising.

Finance Officer Consulted: Anne Silley Date: 19/08/11

Legal Implications:

- 9.2 It is within the powers of the council to regulate its proceedings and the proposals are consistent with the council's commitment to more openness and transparency.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 18/08/11

Equalities Implications:

- 9.3 The limited relaxation of the procedures will make council proceedings more accessible to a wider group of individuals, especially the young, and assist Members and others with family and other interests to discreetly check, for example child care arrangements, without fear of breaking the rules.

Sustainability Implications:

- 9.4 There are no adverse sustainability implications arising from this report.

Crime & Disorder Implications:

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

Risk and Opportunity Management Implications:

- 9.6 There is no legal or other risk arising from the proposals and they offer the opportunity to enhance the accessibility of council proceedings by bringing our practices in line with the state of technology.

Public Health Implications:

- 9.7 There are no public health implications of any significance arising from this report.

Corporate / Citywide Implications:

- 9.8 This initiative is in line with the council's desire to see greater openness, transparency and accessibility.

SUPPORTING DOCUMENTATION

Appendices:

1. Existing Council Procedure Rule 31
2. Proposed amended Council Procedure Rule 31

Documents in Members' Rooms

None

Background Documents

None

Rule 31: Cameras/TV Cameras/Recording at Council

31.1 Subject to prior approval, which shall be at the absolute discretion of the Mayor or the person presiding at the meeting, one or more accredited representatives of newspapers* within the meaning of the Local Government Act 1972 or any other person may be permitted to film, record or transmit the proceedings at Council meetings except for that part of the meeting where the public are excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended

[*representatives of news agencies, radio and television organisations etc. are included within the definition of newspaper representative].

31.2 Any person attending a meeting of the Council or of a Committee or Sub-Committee shall observe the Council's rule that mobile telephones must be switched off at all times during such meetings.

31.3 The recording of proceedings by authorised personnel for the purposes of web-casting shall be permitted, providing that the Mayor or person presiding at the meeting may withdraw such authorisation if he/she considers it is not conducive to the efficient despatch of business.

Rule 31: Cameras/TV Cameras/Recording at Council

31.1 Subject to prior approval, which shall be at the absolute discretion of the Mayor or the person presiding at the meeting, one or more accredited representatives of newspapers* within the meaning of the Local Government Act 1972 or any other person may be permitted to film, video or photograph the proceedings at Council meetings except for that part of the meeting where the public are excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended

Deleted: record or transmit

[*representatives of news agencies, radio and television organisations etc. are included within the definition of newspaper representative].

31.2 Any person attending a meeting of the Council or of a Committee or Sub-Committee may use a mobile communications device and audio record and transmit council proceedings provide that:

Deleted: shall observe the Council's rule that mobile telephones must be switched off at all times during such meetings

Deleted: .

Formatted: Bullets and Numbering

- (i) Any mobile communications device shall be kept in silent mode throughout the meeting.
- (ii) There should be no use of any voice facility to make calls, receive calls or check voice messages. Only text or non-voice uses can be made of mobile phones.
- (iii) The person presiding at the meeting may order that all mobile phones be switched off and any audio recording cease at anytime.
- (iv) There shall be no recording or transmission of council proceedings when exempt business is discussed or at meetings of the Licensing Committee Panels.

31.3 The recording of proceedings by authorised personnel for the purposes of web-casting shall be permitted, providing that the Mayor or person presiding at the meeting may withdraw such authorisation if he/she considers it is not conducive to the efficient despatch of business.

Subject:	Award of Web Casting Contract		
Date of Meeting:	20 September 2011		
Report of:	Strategic Director, Resources		
Contact Officer:	Name:	Mark Wall	Tel: 29-1006
	Email:	mark.wall@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Meetings of the Council, Cabinet, Planning Committee and Overview & Scrutiny Commission have been web cast since September 2008. Following discussions with the Leaders of the various Groups, it was proposed that a tendering exercise be undertaken to provide for a new 3-year contract for the web casting of meetings.
- 1.2 The report outlines the tendering exercise and seeks approval for the award of the contract to the successful bidder to be delegated to the Strategic Director, Resources.

2. RECOMMENDATIONS:

- 2.1 That the award of a 3-year contract for the web casting of meetings and associated events be delegated to the Strategic Director, Resources.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**Review of the Project**

- 3.1 The contract with the current supplier, Public-i was due to end on the 31st March, however following discussions with the Leaders Group a 6-month extension was agreed to enable a tendering exercise for a new 3-year contract to be undertaken. The cost of renewing the public-i contract for further 6-months was £10,785.
- 3.2 The provision of web casting is fully supported by all the Group Leaders and in having regard to securing best value for the council it was felt that a tendering exercise should be undertaken.

The Tender Process

- 3.3 A tendering exercise in line with procurement requirements has been undertaken with the intention that a new contract would be effective from the 1st October 2011. The deadline for tender submissions was the 12th September and a total of 5 expressions of interest had been received pending final submission of the

tender documents. These will be reviewed by officers and an update given at the committee meeting. However, in order that a decision can be made on the award of the contract to enable it to be effective from the 1st October, approval is sought to delegate authority to the Strategic Director, Resources.

Accessibility

- 3.4 The web casting of meetings provides an additional means of communicating the decision-making process and informing the electorate of the actions of the council. It provides access to those who are unable to attend council meetings in person due to work, family or other commitments and thereby considerably extends the transparency of the council's decision making. It also enables interested parties to share information from the web casts with others across the social media network.
- 3.5 The meetings that have been web cast are also archived on the council's web site which enables anyone to access a meeting that they may have been unable to attend or wish to review.

Review of the Web-Casting Protocol

- 3.6 The success of the web casting of meetings has led to questions being raised over the use of images from web casts on other e-media forums such as YouTube and Facebook. Public-i has improved the accessibility of the system to enable viewers to share content of web casts and therefore the protocol has been updated to account for this change.
- 3.7 A revised protocol was been drawn up and approved at the last committee meeting.

4. CONSULTATION

- 4.1 The Leaders Group have previously considered the proposal and supported the extension of the current contract with a view to awarding a new 3-year contract following a tendering exercise; for which sufficient resources would be allocated from the council's budget.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The agreed 6-month extension with Public-i pending the award of a 3-year contract was been priced at £10,785.
- 5.2 The cost of the 3-year contract was been estimated at £65,000 based on the previous contract and a recurring budget of £20,000 has been set aside within the Democratic Services budget to meet the extension of the contract and the on-going commitment. The costs of contract awarded are within the budget.

Finance officer consulted: Anne Silley

Date: 05/09/2011

Legal Implications:

- 5.3 There are no legal implications associated with the report and appropriate guidance to Members and officers in respect of those meetings being web cast has been issued.

Lawyer consulted: Abraham Ghebre-Ghiorghis Date: 01/09/2011

Equalities Implications:

- 5.4 There are no equalities implications arising from the report; however the provision of web casting does enable greater access to meetings and the decision-making process for those people who have internet facilities or access to such facilities and are unable to attend the meetings.

Sustainability Implications:

- 5.5 The provision of web casting enables direct access to both live and archived meetings without the need for attendance and thereby reduces the carbon footprint for travel to and from the meetings.

Crime & Disorder Implications:

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

Public Health Implications

- 5.7 There are no public health implications arising from this report.

Risk and Opportunity Management Implications:

- 5.8 The provision of web casting does enable an additional means of informing the electorate of the decisions being taken by the council; however the investment in necessary technology to maintain the service will need to be regularly evaluated against the actual use of the facility by the public.
- 5.9 With the web casting of meetings, and in particular the Planning Committee, there is the possibility that recorded evidence will be used in appeal hearings and there is a degree of uncertainty about the level to which such evidence would be taken into account by the appeal hearing. This does place an importance on the knowledge and behaviour of Members at such meetings, to ensure that the decision-making process is not compromised and therefore open to challenge in this way.
- 5.10 The importance of training of Members is therefore something that has been taken into account with a robust and mandatory training programme put in place.

Corporate / Citywide Implications:

- 5.11 The provision of web casting enables greater contact with the residents of the city and thereby provides for improved interaction between the council and

residents. It also enables records of meetings to be kept and reviewed in archive format on-line when people wish to see them.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

1. Web Cast Invitation to Tender Document.

Subject:	Living Wage		
Date of Meeting:	20 September 2011		
Report of:	Strategic Director, Resources		
Contact Officer:	Name:	Charlotte Thomas	Tel: 29-1290
	Email:	charlotte.thomas@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report recommends implementing a new minimum basic wage for council employees as part of an overall strategy to move to a 'Living Wage' for Brighton & Hove. The report sets out the financial implications of setting a new minimum grading threshold and the consultation that has taken place on this proposal.

2. RECOMMENDATIONS:

- 2.1 That the Council's minimum hourly rate be changed to £7.19 with effect from 1st September 2011 by deleting scale points 7 to 9 of our current grading structure.
- 2.2 That that the minimum rate of £7.19 per hour be applied to the Council's casual workers with effect from 1st September 2011.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The 'Living Wage' campaign is about seeking to ensure that pay levels are sufficient to provide for a minimum acceptable quality of life. A report by the Joseph Rowntree Foundation estimated that in 2010 the average national living wage rate was £7.60. The 2011/12 'Living Wage' for London is £8.30 per hour.
- 3.2 A 'Living Wage' Commission is being set up to oversee the establishment of a 'Living Wage' for the City and discussions are being held with other employers in the City to seek their commitment to joining with the Council in adopting a 'Living Wage' and how this can be done. As an employer the potential benefits are around reputation, recruitment and retention, increased productivity and reduced sickness absence.
- 3.3 As a first step to introducing a 'Living Wage' it is recommended that the Council sets a minimum wage for its employees of £7.19 per hour with effect from 1st September 2011. In effect this would mean that the bottom three spinal column points of scale (grade) 1/2 would be deleted creating a revised grade with four spinal column points and a salary range of £13,874 - £15,444. There is no impact on salary differentials between groups of employees as the changes are confined within our existing lowest grade.

- 3.4 It is recommended that this new minimum rate is also applied to the council's casual workers with effect from 1st September 2011.
- 3.5 Staff in Voluntary Aided Schools are not Council employees but these schools have always adopted the Council's grading structure and equality of pay within and between Voluntary Aided Schools and Community Schools is a concept that is important to the schools.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 GMB and Unison have been consulted about this report and are supportive.
- 4.2 Headteachers, including those at Voluntary Aided Schools, were notified in writing at the beginning of July of the proposal to amend the minimum hourly rate to £7.19 per hour and a meeting was arranged for 13th July 2011 if any Headteacher wished to raise concerns. No-one attended the meeting and no concerns have been raised.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The financial impact of the Living wage on Schools is estimated as follows:

2011/12 cost is estimated to be £38,000

2012/13 cost is estimated to be £24,000

The cost to individual schools is small with the maximum ongoing cost for a school expected to be approx £3,700. The average ongoing cost in 2012/13 is £1,170 per secondary school and £233 per primary school. Schools are expected to fund the increase from inflationary provisions within the Dedicated Schools Grant and the Minimum Funding Guarantee.

- 5.2 The impact of the proposed Living Wage on General Fund Council Services is estimated as follows:

2011/12 cost is estimated to be £64,000

2012/13 cost is estimated to be £37,000

- 5.3 The General Fund revenue budget contains sufficient pay contingency to meet these costs from the removal of anticipated pay awards as set out in the Revenue Budget report to Full Council on 3 March 2011.

- 5.4 Costs to the Housing Revenue Account are minimal and expected to be less than £1,000 per annum.

- 5.5 In both cases above, the costs in 2012/13 are lower than the first year due to the anticipated impact of incremental progression. Effectively, many staff will progress by one incremental point on the pay scale on 1st April 2011 whether or not a Living Wage is introduced. Therefore, the difference between their hourly

rate and the Living Wage is reduced which in turn reduces the cost of implementation.

Finance Officer consulted: Nigel Manvell

Date: 09/09/11

Legal Implications:

- 5.4 The Council has the legal power to set a pay framework for its workforce that it considers appropriate. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the functions of the Council regarding the appointment and dismissal and terms and conditions of staff is a non-executive function. Under the Council's constitution, the Governance Committee, in its capacity as the General Purposes committee, has the power to deal with employment terms and conditions (including pay) which is why this is coming before the Committee.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 09/09/11

Equalities Implications:

- 5.5 The recommendation contained in this report will have a positive impact on our lowest paid employees. Of those employees who will receive an increase in pay with effect from 1st October 2011, 69% are women.

Sustainability Implications:

- 5.6 The recommendation contained in this report will have a positive impact on our lowest paid employees.

Crime & Disorder Implications:

- 5.7 None.

Risk and Opportunity Management Implications:

- 5.8 None

Public Health Implications:

- 5.9 Increasing wages of the lowest paid will should have a positive impact on their health and well-being

Corporate / Citywide Implications:

- 5.10 The Council is demonstrating its commitment to introducing a 'Living Wage' and hopefully this will encourage other employers to adopt the Commission's findings when they are known.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None considered as this will be taken forward in the future via the Living Wage Commission.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 This proposal is an interim step pending the establishment of the Living Wage Commission for Brighton & Hove which will establish through detailed research the appropriate level for a living wage for this city.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None

Work Plan for the Governance Committee

	Agenda Item	Lead Officer
	Meeting 15 November 2011	
	Chair's communications	
1	Review of the Constitution: (a) Summary (Part 1) and Articles (Part2) (b) Cabinet (Part 4) (c) Committees and sub Committees (Part 5)	AGG/EC
2	Polling Place Review – Results of Consultation	Paul Holloway
	Meeting 10 January 2012	
	Chair's communications	
1	Review of the Constitution: (a) Overview and Scrutiny (Part 6) (b) Scheme of Delegation to Officers (Part 7)	AGG/EC
	Meeting 20 March 2011	
	Chair's communications	
1	Review of the Constitution: (a) Procedure Rules (Part 8)	AGG/EC
	Future reports – dates to be decided	
1	Byelaws – detailed report following publication of regulations	Oliver Dixon
2	Whistleblowing – progress update	
3	Attendance Management Procedure – update (Autumn/Winter 2011)	Charlotte Thomas
4	Future of Overview & Scrutiny	Tom Hook
5	Appointment of the Independent Remuneration Panel	Mark Wall

*the work plan may be amended to reflect priorities

