

Council19th July 2018**Agenda Item 21**

Brighton & Hove City Council

Subject:	Review of the Constitution – Extract from the proceedings of the Policy, Resources & Growth Committee meeting held on the 12 July 2018		
Date of Meeting:	19 July 2018		
Report of:	Executive Lead Officer for Strategy, Governance & Law		
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Wards Affected:	All		

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

To receive the item referred from the Policy, Resources & Growth Committee for decision:

Recommendations:

- (1) That the proposed changes to the Council's Constitution, recommended in paragraph 2. 2 of the report be approved and adopted and come into immediate effect;
- (2) That the changes proposed in paragraph in paragraphs 4.2 to 4.8 and Appendix 2 to the report come into force once Field Officers have been formally appointed and have completed their induction and relevant training;
- (3) That the proposed changes to the Council's Constitution set out at paragraphs 4.9 and appendix 3 (Council Procedure Rules but without the changes to paragraph 9.9, this being referred back to the Constitutional Working Group for consideration) and paragraphs 4.11 to 4.12 and appendix 4 (Code of Conduct for Employees), as well as those in paras 4.13 to 4.15 and appendix 5 (Terms of Reference of the Conservation Advisory Group) to the report be approved; and
- (4) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.

BRIGHTON & HOVE CITY COUNCIL
POLICY, RESOURCES & GROWTH COMMITTEE

4.00pm 12 JULY 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Yates (Chair), Hamilton (Deputy Chair), Janio (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bell, Daniels, Gibson, Mitchell, Peltzer Dunn and Wealls.

PART ONE

39 REVIEW OF THE CONSTITUTION

39.1 The Committee considered the report of the Executive Lead Officer for Strategy Governance & Law, which set out the proposed changes to the Council's Constitution.

39.2 The Executive Lead Officer for Strategy Governance & Law said that there was an officer correction to recommendation 2.2, as follows:

1. Delete reference to paragraph 4.10 in recommendation 2.2
2. Delete the additional words inserted in paragraph 9.9 of Appendix 3 relating to oral questions and add that this issue is referred back to the Constitutional Working Group.)
3. The amended recommendation 2.2 to read:
*2.2 That the Policy, Resources & Growth Committee recommends to full Council the proposed changes to the Council's Constitution set out at paragraphs 4.9 and 4.10 and appendix 3 (Council Procedure Rules **but without the changes to paragraph 9.9, this being referred back to the Constitutional Working Group for consideration**) and paragraphs 4.11 to 4.12 and appendix 4 (Code of Conduct for Employees), as well as those in paras 4.13 to 4.15 and appendix 5 (Terms of Reference of the Conservation Advisory Group).*

The proposed change to paragraph 9.9 of the Council Procedure Rules had not been agreed by the Constitutional Working Group, and therefore it was suggested that it be removed from this report and referred back to that Group for consideration.

39.3 Councillor Wealls referred to the direct delegations to Field Officers and asked if they would be in a position to enforce cycling on the seafront esplanade, and if that was within their powers which part of the List of Delegation would it come under.

- 39.4 The Executive Lead Officer for Strategy Governance & Law said he couldn't find the exact section, but the intention was to give Field Officers the maximum delegated powers, but what powers they enforced would depend on the relevant service director giving authorisation.
- 39.5 Councillor Daniels (Chair of Neighbourhoods, Inclusion, Communities and Equalities Committee), said the Field Officers would be a small team of highly trained enforcement officers who would focus on reducing the problems for communities in complex cases where there was an overlap of issues. For example, there could be case where there was an anti-social incident involving a noisy neighbour but there could also be concerns over whether the property had the correct licence or planning permission etc. The Field Officer would be able to investigate all the issues which would free up the time of specialist regulatory officers. The intention of the Field Officer role was to deal with complex cases rather than be an additional 3GS officer, and so while they would have the power to enforce cycling on the esplanade, and would be expected to do so if they witnessed it, the intention was that they would be involved in more complex case.
- 39.6 Councillor Bell asked for clarification that the role of Field Officers would be in addition to current provision rather than a replacement.
- 39.7 The Executive Director Economy, Environment & Culture confirmed that they would be in addition.
- 39.8 The Committee agreed the officer correction to the recommendations.
- 39.9 **RESOLVED:**

- (1) That the changes proposed in paragraph 2.1 Appendix 1 to the report come into force immediately following their approval by Policy Resources and Growth Committee, and
- (2) That the recommendations set out at paragraph 4.1 and appendix 1 (updates and revisions to the Scheme of Delegations – general) and paragraphs 4.2 to 4.8 and appendix 2 (updates and revisions to the Scheme of Delegations – Field Officers) be approved.

RESOLVED TO RECOMMEND:

- (1) That the proposed changes to the Council's Constitution, recommended in paragraph 2. 2 of the report be approved and adopted and come into force with immediate effect;
- (2) That the changes proposed in paragraphs 4.2 to 4.8 and Appendix 2 to the report come into force once Field Officers have been formally appointed and have completed their induction and relevant training;
- (3) That the proposed changes to the Council's Constitution set out at paragraphs 4.9 and appendix 3 (Council Procedure Rules but without the changes to paragraph 9.9, this being referred back to the Constitutional Working Group for consideration)

and paragraphs 4.11 to 4.12 and appendix 4 (Code of Conduct for Employees), as well as those in paras 4.13 to 4.15 and appendix 5 (Terms of Reference of the Conservation Advisory Group) to the report be approved; and

- (4) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.