

Brighton & Hove City Council

Audit, Standards and General Purposes Committee

Agenda Item 7

Subject: Constitutional Matters

Date of meeting: 25 June 2024

Report of: Corporate Director - Corporate Services

Contact Officer: Name: Grace Leonard
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Ward(s) affected: All

1. Purpose of the report and policy context

1.1 To provide information on the Committee's terms of reference and related matters, and to seek this Committee's formal approval to the appointment of a Standards Hearings Sub-Committee, an Employment Sub-Committee and (until the specified date) the Personnel Appeals Panel Sub-Committee.

2. Recommendations

2.1 To note this Committee's terms of reference, as set out in Appendix 1 to this report;

2.2 To formally approve the establishment and membership of three Sub-Committees: the Standards Hearings Sub-Committee, the Employment Sub-Committee, and (until the specified date) the Personnel Appeals Sub-Committee, this in accordance with the terms of reference outlined in Appendix 1; and

2.3 To delegate authority to the Monitoring Officer to make any changes to the Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members and related documents considered necessary to enact recommendation 2.2 above.

3. Context and background information

3.1 [Part 2B of the Council's Constitution](#) incorporates a schedule of all of the Committees/Sub-Committees that have been appointed by the Council, together with a summary of their respective functions. This Report asks Committee to note the delegations made to this Committee.

The Audit, Standards and General Purposes Committee – Terms of Reference

3.2 A copy of the terms of reference for this Committee is attached in Appendix 1.

- 3.3 As outlined in the Report to [the meeting of full Council on 16.5.24](#) which approved the Council's adoption of its current constitutional arrangements, the Audit, Standards & General Purposes Committee's terms of reference include not just the audit and standards related functions performed by the predecessor Committee (the Audit and Standards Committee) but also some additional delegations.
- 3.4 Those additional delegations include responsibility for considering the recommendations of the Independent Remuneration Panel and advising the Council in relation to proposed changes to Members Allowances. The delegations also include responsibility for reviewing any proposals to update the Council's Constitution where this is not specifically delegated to other bodies, prior to formal approval by full Council.
- 3.5 In addition, the Committee has been charged with performing non-executive functions that are not specifically delegated to another Committee or Sub Committee of the Council. The delegation is framed in a purposefully general way so that this Committee may receive reports on a range of functions that may not be determined by the Executive, or Cabinet. This category of decision includes the adoption of HR policies and the determination of certain rights of way issues.
- 3.6 The 'General Purposes' element of the Committee's functions is likely to take up a low proportion of the Committee's time, and any matters of this type will be presented with appropriate information available to enable members to take decisions and otherwise discharge their duties in areas which have previously not been within their remit/ that of this Committee.

Membership

- 3.7 The membership of the Committee is set at 8 Members of the council and at least 2 (non-voting) Independent Persons. In May 2024 the following three Independent Persons were appointed:-
- Barbara Beardwell;
 - David Bradley
 - David Gill.

- 3.8 The arrangements for substitute Members to attend meetings of Committees and Sub-Committees are set out in the Committee Procedure Rules at Part 3C of the Constitution.

Programme of Meetings

- 3.5 Ordinary meetings of the Audit, Standards, and General Purposes Committee are scheduled to take place on the following dates during 2024/25:
- 25 June 2024
 - 24 September 2024
 - 28 January 2025

22 April 2025

- 3.6 Meetings of the Committee will normally be held at Hove Town Hall and will start at 4.00 p.m.

Confirmation of the appointment of a Standards Hearings Sub-Committee, as well as an Employment Sub Committee and (as long as it continues to operate) a Personnel Appeals Sub Committee

- 3.7 The terms of reference of the Audit, Standards and General Purposes Committee refer also to the establishment of three Sub Committees, including a Standards Hearings Sub-Committee. The Standards Hearings Sub-Committee is convened as and when required to determine allegations of misconduct by members and reflects political balance requirements and shall be comprised of between three and five elected members.
- 3.8 The Standards Hearing sub-committee members shall be drawn from a pool of members who have received Standards Hearings Sub-Committee training from or as directed by the Council's Monitoring Officer. While preference when appointing a Standards Hearings Sub-Committee is given to members appointed to the Audit, Standards and General Purposes Committee who have received the above training, members not appointed to this Committee may also form part of a Standards Hearings Sub-Committee, provided that they have undertaken the above training. The Standards Hearings Sub-Committee shall also include one of the Council's Independent Persons, who shall act as the Standards Hearings Sub-Committee's Chair on a non-voting basis.
- 3.9 Committee will note that approval is sought to establish in addition an Employment Sub Committee and (as long as it continues to operate, which shall be when all appeals relating to a dismissal decision taken up to 2nd August 2024 have been determined), a Personnel Appeals Panel. The Employment Sub Committee shall be convened should it be necessary to discharge specific personnel functions which by virtue of The Local Authorities (Standing Orders) (England) Regulations 2001 cannot be discharged by the Head of Paid Service. Those functions include the dismissal in certain circumstances of non-statutory Chief Officers as well as powers to make recommendations to full Council in any situation involving any of the Council's three statutory officers.

4. Analysis and consideration of alternative options

- 4.1 Not applicable

5. Community engagement and consultation

- 5.1 All Members considered and approved the allocation of seats to Committees and Sub-Committees and the Terms of Reference of the new Committees on 16th May 2024.

6. Conclusion

- 6.1 The recommendations are being put forward in line with the requirements of the constitution.

7. Financial implications

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

Name of finance officer consulted: James Hengeveld Date consulted: 12/06/2024

8. Legal implications

- 8.1 No legal implications of an adverse nature have been identified. The Council's constitutional arrangements are considered to be compliant with the legal framework as set out in the Localism Act 2011, the Local Government Act 2000 and other relevant legislation.

Name of lawyer consulted: Victoria Simpson Date consulted: 12.06.2024

9. Equalities implications

- 9.1 There are no equalities implications arising from the report.

10. Sustainability implications

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

Supporting Documentation

1. Appendices

1. Audit, Standards and General Purposes Committee Terms of Reference, including the terms of reference of its Sub-committees.