

Brighton & Hove City Council

Council

Agenda Item 42

Subject: Review of the Council's Constitution

Date of meeting: 13 October 2025

Report of: Elizabeth Culbert, Director Governance & Law (Monitoring Officer)

Contact Officer: Victoria Simpson, Senior Lawyer – Corporate Law
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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report seeks full Council approval for updates to the Constitution.
- 1.2 The report aligns with the commitments in the Council Plan 2023-2027 to ensure we are a learning council with well-run services. Specifically, this report seeks to achieve good governance and ways of working that meet the needs of staff, residents and customers. The proposals focus on the effective management of council resources, ensuring value for money and making the best use of our resources.

2. Recommendations

- 2.1 That Council formally approves the changes to the Constitution relating to increased task & finish groups and time for public questions for Overview & Scrutiny as set out in the report and in Appendix 1, with immediate effect.
- 2.2 That Council formally approves changes to the Council Procedure Rules relating to Extraordinary Council meetings and the notice period for member written questions as set out in the report and Appendix 2, with immediate effect.
- 2.3 That Council authorises the Chief Executive and Monitoring Officer to take all steps necessary or incidental to the implementation of the above changes, and that the Monitoring Officer be authorised to amend such parts of the Council's constitutional documents as they consider necessary or incidental to incorporate the changes, and to republish the Constitution.

3. Context and background information

- 3.1 The Council is required to keep its Constitution under review with a view to achieving efficiency, economy and effectiveness. This report reviews two areas of our governance arrangements in line with our Council Plan priorities to ensure good governance and ways of working that meet the needs of staff, residents and customers.

Increased Overview & Scrutiny Task & Finish Groups

- 3.2 After a year of operating Overview & Scrutiny arrangements, officers have been requested to consider how Overview & Scrutiny can be further supported and enhanced to improve our Cabinet system and to recognise the importance of cross Party, pre-decision work on significant policy issues.
- 3.3 The Overview & Scrutiny Place Committee has recently reported to Cabinet with the outcome of its first task & finish group on Short Term Lets. The Council's task and finish groups are intended to provide an opportunity for in-depth and targeted pre-decision scrutiny of specific areas of concern, making recommendations for implementation by Cabinet. They are a means of interrogating key areas of enquiry and of encouraging meaningful engagement with elected members, experts and stakeholders.
- 3.4 The Council's current arrangements state that only one task & finish group will run in any six month period across all three of the Council's Overview & Scrutiny Committees.
- 3.5 Having now embedded our new Overview & Scrutiny working arrangements and officer team, it is considered that there is sufficient officer resource in place to support an increase in the number of task & finish groups. It is proposed that two task & finish groups may run concurrently across the three Overview & Scrutiny Committees in any six month period. This will double the number of task & finish groups that can be undertaken and therefore significantly increase the opportunity for the focused, cross Party, enquiry this function offers. The suggested amendment to the rules is set out at Appendix 1.

Extended time for submission of public questions to Overview & Scrutiny

- 3.6 The deadline for the public to submit their questions to Overview & Scrutiny Committees is currently set at eight working days before the Committee meeting. This is in line with the arrangements which apply to Council and its other Committees. Currently the only exception to the above deadline is Cabinet, where the deadline for public questions is four working days before the meeting.
- 3.7 To encourage and increase public engagement in Overview & Scrutiny, and to reflect the key role that the Council wishes Overview & Scrutiny to play in its decision making process, it is proposed that the deadline for public questions to the Overview & Scrutiny Committees be amended to four working days before the meeting rather than eight. This new deadline will enable public questions to be submitted after the agenda has been published so that questions can directly address issues covered on the agenda for the meeting. The suggested change is reflected in Appendix 1.

Clarifying the requirements for calling an extraordinary meeting of full Council

- 3.8 There are statutory provisions set out in the Local Government Act 1972 which permit an Extraordinary Meeting of full Council to be called by requisition of any five members of the Council. As with all Council motions, the business of an Extraordinary Council Meeting is required to relate to a matter that the Council has powers or duties for or which affects the Authority, the area of Brighton & Hove and/or its inhabitants.
- 3.9 Individual Councils may then agree their own arrangements in their Constitutions to regulate how such Extraordinary Council meetings are called and managed. Full Council meetings are resource-intensive to set up and to support. It can also be challenging for members to attend meetings scheduled at short notice and/or outside pre arranged meeting times where they have other commitments such as work or caring responsibilities.
- 3.10 As a result, it is important that Extraordinary Council meetings are only called where they are time critical, meaning that the business to be debated cannot wait until the next Ordinary Council meeting. This is implied, but not currently explicitly contained, within our Council Procedure Rules.
- 3.11 To clarify the requirements, a change is proposed to the Council Procedure Rules to make specific reference to the expectation of urgency. The proposed amendment is set out at Appendix 2. Such clarification is common practice and in line with arrangements at other councils.

Member written questions at full Council

- 3.12 Officer resources across the Council are impacted by a high volume of written questions requiring a written response to be published prior to the full Council meeting. In order to support officers to manage this, it is recommended that the deadline for submitting a member written question to full Council be amended from eight to fourteen working days before the meeting. This will assist officers to enable responses to be prepared in time for the publication deadline.
- 3.13 The proposed amended text is reflected in Appendix 2.

4. Analysis and consideration of alternative options

- 4.1 One option considered when reviewing the Council's delivery of its Overview & Scrutiny function was that of holding more scheduled meetings of one or more of the Committees. However that was rejected in favour of additional task & finish groups. Additional Overview & Scrutiny meetings are already regularly being held and can continue to be supported as required and the more focused and in-depth work of task & finish groups is considered to be likely to provide a greater impact.

5. Community engagement and consultation

- 5.1 The proposals set out in this report were discussed with Group Leaders and feedback is incorporated in the report.

6. Financial implications

- 6.1 The costs of administering meetings are managed within the Democratic Services budget. It is considered that the cost of the proposed constitutional changes can be managed within the current budget envelope. The clarification on the requirements for calling an extraordinary meeting of full Council will make it easier to manage the additional costs that would occur as a result of calling an extraordinary meeting by reducing the number of meetings called in this manner.

Name of finance officer consulted: Craig Garoghan Date consulted: 01/10/2025

7. Legal implications

- 7.1 The legal implications are covered in the body of this Report.

Name of lawyer consulted: Victoria Simpson Date consulted 01/10/25

8. Risk implications

- 8.1 No risks have been identified and the arrangements will be kept under review.

9. Equalities implications

- 9.1 The changes to arrangements proposed relating to Overview & Scrutiny, including the timing of public questions, are recommended with the priority of enhancing opportunity for all stakeholders to engage with the democratic process.

10. Sustainability implications

- 10.1 No sustainability implications have been identified.

11. Other Implications

- 11.1 No other implications have been identified.

12. Conclusion

- 12.1 The proposed changes are recommended for the reasons outlined in this Report.

Supporting Documentation

1. Appendices

1. Extract from Part 3 of the Constitution to reflect the proposed changes to the Overview & Scrutiny Committee Procedure Rules
2. Extract from Part 3A of the Constitution to reflect the proposed changes to the Council Procedure Rules

