

**BRIGHTON & HOVE CITY COUNCIL**

**GOVERNANCE COMMITTEE**

**2.00PM 28 SEPTEMBER 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Mears, Mitchell, Randall, Smith, West and Young

**PART ONE**

**19. PROCEDURAL BUSINESS**

**19a. Declaration of Substitutes**

19.1 Councillor West declared that he was substituting for Councillor Kennedy.

19.2 Councillor Young declared that she was substituting for Councillor Simson.

19.3 Councillor Smith declared that he was substituting for Councillor Fallon-Khan.

**19b. Declarations of Interests**

19.4 There were none.

**19c Exclusion of Press and Public**

19.5 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).

19.6 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 32 onwards.

**20. MINUTES OF THE PREVIOUS MEETING**

20.1 **RESOLVED** – That the minutes of the meeting held on 13 July 2010 be approved as a correct record.

**21. CHAIRMAN'S COMMUNICATIONS**

- 21.1 The Chairman stated that Mr O'Connor from Saltdean Residents Association would be attending the Committee to speak on item 28: Update on Administrative Boundary Review at Saltdean.

The Chairman also stated that he had been contacted by a resident, Mr Scott, regarding certain errors contained within the Committee papers. The Chairman had noted these errors and had spoken to the relevant persons in Democratic Services to ensure they would be corrected where appropriate.

**22. CALLOVER**

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

**23. PETITIONS**

- 23.1 There were none.

**24. PUBLIC QUESTIONS**

- 24.1 There were none.

**25. DEPUTATIONS**

- 25.1 There were none.

**26. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS**

- 26.1 There were none.

**27. STRENGTHENING COMMUNITIES REVIEW**

- 27.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Strengthening Communities Review.

- 27.2 The Communities and Partnerships Officer, Ms Cambridge, introduced the report and stated that reporting of the review would be in two stages, with this first stage focussing on activity that needed commission and funding in Brighton & Hove. The second part of the reporting would include corporate recommendations and city observations.

Ms Cambridge highlighted some of the findings which showed that some engagement activity performed by the Council was in fact more to do with customer services, and based around informing rather than empowering. However, it was found that the work done by the Communities Voluntary Sector Forum and the Stronger Communities Partnership was very successful. Whilst the community development support work had a significant impact on increasing the voice of the community, it had no direct impact on reducing inequalities, and lots of the work done by the Council was in supporting administrative structures rather than funding direct "grass-roots" activity.

- 27.3 The Chairman thanked Ms Cambridge for the report and noted the huge number of stakeholders who had taken part in the complex review. He stated that the report would be considered at the November Cabinet meeting.
- 27.4 Councillor Elgood was disappointed at the negative response to neighbourhood forums, and asked whether increasing the network between the Council and Local Action Teams (LATs) had been considered as an issue. He also asked whether the £500,000 area place grant was to be spent in this financial year. Ms Cambridge acknowledged that LATs were increasingly successful but were mainly supported by Sussex Police, who were undertaking their own review of LAT engagement across the City. The £500,000 area based grant had already been spent as agreed by a cross party commissioning group over two years.
- 27.5 Councillor Randall felt that neighbourhood forums had been increasingly successful and were often the basis of an LAT, but he was aware that the Police had concerns about being able to support the increased growth in these community associations. Cross sector funding had been vital to this and Councillor Randall asked how support for smaller associations would be achieved in the future. Ms Cambridge acknowledged that not enough funding and support was going to the grass-roots organisations and it was recommended that the Council commission more of this type of work.
- 27.6 Councillor Mitchell commended the report and felt that supporting those less able to achieve community improvements was a key priority. She felt that funding and support needed to continue whilst these new projects were set up. Ms Cambridge agreed with this and noted that it was referred to in the report.
- 27.7 Councillor Mears agreed that it was a very good report and timely due to the financial pressures facing the Council budget. She felt the finding that much engagement support funding was spent on structures rather than grass roots activity was very important, and this situation needed to change as it was a starting point to building community involvement at grass roots level.
- 27.8 Councillor Simpson noted that the next report would be substantial and asked when it would be ready and if this would be after the government's spending review. The Chairman confirmed that it would be after the spending review.
- 27.9 Councillor Simpson went on to say that she did not feel the impact of EB4U had been fully appreciated as in her own area she had seen a lasting impact for the community and for lives of individuals in that community.
- 27.10 Councillor Mears highlighted that the EB4U project had received £47,000,000 in funding but in some areas of the city was not as embedded as it could have been. Organisations that had been established under this funding were now failing because they were unsustainable and could not survive without funding support. She felt that this was because they had started out with top down objectives rather than supporting grass level objectives. Councillor Mears also felt that there were areas of the city that had not seen any of this funding.

27.11 Councillor Mitchell stated that the EB4U project had been set up to deliver services in a better way. One of the aims was to reduce crime in the community and the successful city wide Crime Reduction Unit had been created from this. Councillor Mitchell also pointed to the Crew Club, which had been established under this project and was now delivering youth services in a better way than the statutory services. She agreed that some aspects of the EB4U project had not been successful but overall she could see as a ward Councillor that it had provided a more settled area than before, and a clear feeling that the community benefited from the projects. She added that the Council needed to work together to support the whole city.

27.12 Councillor Mears replied that as a ward Councillor under the New Deal they had looked at assets to ensure communities funding was continued. She was now finding that organisations that were funded from the top down were struggling to continue without support and added that these were the views of her constituents as well.

27.13 **RESOLVED -**

1. That the Committee note the content of this initial report and that a further report will be submitted to the committee covering remaining issues.
2. That the Committee note the following principles for commissioning based on review findings.
  - a) Third Sector Representation:
    - Continuing to commission third sector representation across all activity linked to Intelligent Commissioning.
    - Continuing to commission third sector representation and involvement in the delivery of the Sustainable Community Strategy.
    - In particular, ensure support focuses on supporting smaller, neighbourhood and grass roots groups.
  - b) Strategic Coordination of Community Engagement:
    - Continuing to commission strategic coordination of the Community Engagement Framework and action plan.
    - Continuing to commission activities that support and develop best practice in community engagement.
  - c) People and Place:
    - Commission through a need analysis approach that takes into account both people and place, ensuring those less able to engage and participate are supported.
    - Commission for bottom up solutions that support communities to identify their own solutions to local issues and problems.
    - Commission for the outcomes of engagement rather than activities that impose structures, allowing different communities to decide what works for them.

**28. UPDATE ON ADMINISTRATIVE BOUNDARY REVIEW AT SALTDEAN**

28.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding the Update on Administrative Boundary Review at Saltdean.

28.2 The Senior Solicitor, Mr Dixon gave a summary of the report and noted that the Local Government Boundary Commission for England (LGBCE) was still developing guidance and policies, but had the prospect of a Saltdean review as a live issue. Whilst East Sussex County Council had reserved their position with regards to the costs of a review, both they and Lewes District Council supported the principle of the idea.

28.3 The Chairman welcomed Mr O'Connor from Saltdean Residents Association to the meeting and invited him to address the Committee.

28.4 Mr O'Connor thanked the Committee for their time given to this issue and agreed with the contents of the report presented today. The Saltdean Residents Association (SRA) had raised this issue with local councils in the area, including the Telscombe and Peacehaven Town Councils and none had disagreed with the principles of the aim, even though the loss of Saltdean from its area would constitute a loss of 40% of income for Telscombe Town Council.

He noted that a survey of residents regarding this issue was not needed at the moment, as the LGBCE was still developing its policies, but he felt that it would raise the profile of the issue, and keep the momentum going. Because of this, Mr O'Connor asked that Brighton & Hove City Council consider running a website survey for residents to respond to, and noted that the SRA already had developed their own website survey, as had the Town Councils. From the initial findings 44% would wish to join Lewes District Council, 39% would wish to join Brighton & Hove City Council, 11% did not want unification either way and 6% were unsure but supported the idea of unification. Mr O'Connor felt that this showed there was a consensus of opinion for unification one way or another.

28.5 The Chairman stated that officers would continue to check with the LGBCE and if the situation changed more quickly than expected regarding the development of its policies and procedures than that would open up many possibilities and the Council would give the community its full support.

28.6 Councillor Mears felt that an online survey was quite feasible and she supported this. She understood the community's frustrations with the current situation and felt it needed to be resolved. The Chairman suggested an element of liaison and matching with the SRA's website survey should take place.

28.7 Councillor Smith asked if the survey would be open to anyone for comment, or would be restricted to the residents of Saltdean. The Acting Director of Strategy & Governance replied that there were no prescriptive rules or restrictions regarding who could participate in surveys, but it was good practice to only analyse responses from local people. This could be done by the requirement in the survey to state a postcode.

28.7 Councillor Mitchell felt that the momentum to this issue needed to be kept high, but she was concerned that an online survey might make residents feel like they had already voted on the issue and raise unrealistic expectations. She hoped that the LGBCE developed their policies quickly to avoid this problem.

28.8 Councillor West agreed and felt that whilst an online survey was a good idea he felt that residents might expect that extra weight be given to the results, and online surveys

excluded those who did not have access to a computer. He believed it was necessary to ensure residents were aware that the purposes of the survey was merely to extend the debate and was not a proper survey.

28.9 The Chairman agreed that not everyone did have an opportunity to access a computer but noted there was computer access in libraries. It was likely that the LG BCE would come to a decision by April next year and the online survey would keep the issue alive.

28.10 Councillor Mears understood the concerns of other Councillors but felt that an online survey was clearly very different in nature to a referendum. The survey would highlight to residents its limited purpose however.

28.11 **RESOLVED -**

1. That the Committee notes the report.
2. That officers be instructed to continue to liaise with the Local Government Boundary Commission for England over the timescale for a potential review.
3. That officers be instructed to bring a further report to the Governance Committee when the Commission's capacity and capability to carry out a review becomes known.
4. That officers be instructed to update the Local Government Boundary Commission with the resolutions of the Committee following consideration of this report.

**29. GOVERNMENT CONSULTATION ON LOCAL REFERENDUMS TO VETO EXCESSIVE COUNCIL TAX INCREASES**

29.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Government Consultation on Local Referendums to Veto Excessive Council Tax Increases.

29.2 Mr Dixon addressed the Committee and stated that the report was for noting. The Government had consulted local authorities before the Localism Bill and he expected that legislation would be created for referendums before excessive rises in council tax is asked for.

29.3 Councillor West asked who had decided the Council's response to the consultation and noted that the consultation paper was merely about the technicalities behind running referendums, and not whether Council's supported the idea of referendums themselves.

29.4 Councillor Elgood felt that these proposals were just instead of capping council tax, but seemed a better idea as it gave residents the option to express their views.

29.5 Councillor Mears agreed and felt that if there was a Council who felt that excessive tax rises were necessary they could present the argument to the electorate and people could judge for themselves whether it was a good idea.

**29.6 RESOLVED -**

1. That Members note the report and the council's response to the DCLG consultation.

**30. CHANGES TO THE SCHEME OF DELEGATIONS TO OFFICERS**

- 30.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Changes to the Scheme of Delegations to Officers.
- 30.2 The Chief Executive, Mr Barradell, introduced the report and stated that the implementation of these changes was part of the restructuring process that the Council was currently undertaking. The Strategic Directors had now been appointed with the first to arrive on 1 October 2010.
- 30.3 The Acting Director of Strategy & Governance, Mr Ghebre-Ghiorghis, spoke to the technical aspects of the report and stated that the new scheme was needed to reflect the officer changes under Intelligent Commissioning. There was no change to Member level powers aside from some changes to the Cabinet Member functions relating to travellers. The key point to note was that there would be no changes to the Member/Officer balance of power and the powers of the Committees and the Cabinet would be maintained. The Chief Executive would deal with any issues that arose during the transitional phase.
- 30.4 Councillor Mears highlighted that a new Member's directory was being produced, which would give contact details and an outline for the new management structure, and would be easy to use. Mr Ghebre-Ghiorghis also noted that a Member's seminar was being arranged to provide a more clear understanding of arrangements under Intelligent Commissioning.
- 30.5 Councillor Elgood asked where the responsibility fell for decisions on the Scheme of Delegations. The Chairman replied that elements of it would be dealt with at the Governance Committee and other elements at Cabinet Meetings.
- 30.6 Councillor Elgood asked whether changes to the Constitution should go to Full Council. Mr Ghebre-Ghiorghis stated that article 15 of the Constitution set out how amendments were dealt with. Changes to officer delegations relating to Council functions were dealt with by the Governance Committee and changes to officer delegations relating to executive functions were decided by Cabinet.
- 30.6 Councillor Elgood asked if the changes to the functions of Cabinet Member Meetings and Scrutiny Committees would go to Full Council and the Chairman replied that the changes are limited to officer delegations and do not include Member-level delegations. The Acting Director of Strategy & Governance clarified that the tables circulated were only for information to show the relationship between Lead Member and Strategic Director roles and do not imply any changes at Member level.
- 30.7 Councillor Mitchell stated that she did not feel able to take part in the voting on this item as the changes had already been decided by Cabinet first, and she did not feel that the Governance Committee had been consulted at the beginning of the process.

## 30.8 RESOLVED –

1. That the Governance Committee approves the following:
  - (i) That the amended Scheme of Delegations to Officers as set out in Appendix 1, to the extent that it relates to Council functions, be agreed;
  - (ii) That the amended Scheme of Delegations (in so far as it relates to Council functions) comes into force on 1<sup>st</sup> November 2010;
  - (iii) That the services provided by the Delivery Units on 1<sup>st</sup> November 2010 be deemed to have been commissioned and therefore authorised. This shall be without prejudice to the power to review the services at any time as part of the Intelligent Commissioning cycle;
  - (iv) That the Chief executive be granted delegated powers to take all steps necessary or incidental to the implementation of the changes, including the power to make transitional arrangements;
  - (v) That the Head of Law be authorised to make any necessary or consequential amendments to the constitution to reflect the changes.
  
2. That the Governance Committee recommends to Cabinet:
  - (i) That the amended Scheme of Delegations to Officers as set out in Appendix 1, to the extent that it relates to Executive functions, be agreed;
  - (ii) That the amended Scheme of Delegations (in so far as it relates to Executive functions) comes into force on 1<sup>st</sup> November 2010;
  - (iii) That the services provided by the Delivery Units on 1<sup>st</sup> November 2010 be deemed to have been commissioned and therefore authorised. This shall be without prejudice to the power to review the services at any time as part of the Intelligent Commissioning cycle;
  - (iv) That the functions of the Council regarding Travellers and Gypsies be transferred from the Cabinet Member for Environment to the Cabinet Member for Housing;
  - (v) That the Chief Executive be granted delegated powers to take all steps necessary or incidental to the implementation of the changes, including the power to make transitional arrangements;
  - (vi) That the Head of Law be authorised to make any necessary or consequential amendments to the constitution to reflect the changes.



**31. CONSEQUENTIAL CHANGES TO PROCEDURE RULES IN THE CONSTITUTION**

- 31.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Consequential Amendments to Procedure Rules in the Constitution.
- 31.2 The Acting Director of Strategy & Governance, Mr Ghebre-Ghiorghis, introduced the report and noted that the current procedure rules referred to Officer posts that would not exist following the changes brought about by Intelligent Commissioning. The power to approve expenditure over £500,000 would be retained by the Strategic Directors, as would the powers to waive contract orders or vary/extend contracts without re-tendering. The new procedure rules would emulate as closely as possible the existing structure. One change would be to bring the rules in line with current practice regarding the number of panel Members who normally sat on selection panels for posts above a certain grade.
- 31.3 Councillor Brown felt that the collective references to some officer groups might be confusing for members of the public and Mr Ghebre-Ghiorghis agreed and replied that this had been noted. However, it was difficult to find a collective term that was not open to misinterpretation and it would be onerous to list the names of each officer post in the procedure rules. This was therefore deemed the easiest shorthand expression.
- 31.4 Councillor Elgood asked if it was appropriate for the Head of Law to be the Monitoring Officer and not a Strategic Director. Mr Ghebre-Ghiorghis replied that it was normal practice for the Monitoring Officer to be a lawyer, due to the nature of the work.
- 31.5 **RESOLVED –**
1. That the Governance Committee recommends to Council the approval of the amendments to the Contract Standing Orders, Financial Regulations and Officer Employment Procedure Rules as shown in appendices 1, 2 and 3 of the report.

**PART TWO SUMMARY**

**32. PART TWO MINUTES OF THE PREVIOUS MEETING**

32.1 **RESOLVED** – That the Part Two minutes of the meeting held on 13 July 2010 be approved as a correct record.

**33. EQUAL PAY UPDATE**

33.1 The Committee received a verbal update from the Assistant Director for Human Resources updating Members on the latest position with regard to Equal Pay matters.

33.2 **RESOLVED** – That the update be noted.

**34. PART TWO ITEMS**

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

34.2 **RESOLVED** – That items 32 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 3.25pm

Signed

Chair

Dated this

day of