

26 April 2012

Brighton & Hove City Council

Subject:	A New Constitution for Brighton & Hove City Council – Extract from the proceedings of the Governance Committee Meeting held on 20 March 2012		
Date of Meeting:	22 March 2012		
Report of:	Strategic Director; Resources		
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Wards Affected:	All		

GOVERNANCE COMMITTEE

**4.00 pm 20 March 2012
COUNCIL CHAMBER, HOVE TOWN HALL**

MINUTES

Present: Councillors Littman (Chair), A Norman (Deputy Chair), Cox, Mitchell, Morgan, Powell, Randall, G Theobald, MacCafferty and Shanks.

Also in attendance: Mr. S. Keane, Chairman of the Independent Remuneration Panel.

PART ONE**77. A NEW CONSTITUTION FOR BRIGHTON & HOVE CITY COUNCIL**

77.1 The Committee considered the report of the Monitoring Officer which set out a new constitution for Brighton & Hove City Council. The Localism Act 2011 gave local authorities the option of adopting a committee based system of governance. In December 2011 Full Council resolved, in principle, to move to a committee system at the earliest opportunity. Following that resolution a New Constitution Member Working Group was set up to work with officers to implement that system. The new system would have fewer decision making bodies, going from 24 to 19, which would be more cost effective and streamlined and it would be more inclusive as it would allow all parties to be involved. The opportunity for both Members and the public to ask questions, submit deputations and petitions etc would be retained. It should be noted that Brighton & Hove City Council would be the first authority to bring in the committee system under the new legislation.

77.2 Councillor Morgan, as a member of Working Group, thanked officers for their work in this matter. The Working Group wanted to ensure that a clear democratic system be provide, so the public would understand how and when decision would be made.

- 77.3 Councillor Randall agreed with Councillor Morgan and wanted to thank officers and members of the Working Group for all their hard work. It was important that the democratic process was inclusive and felt it was a better system than the Leader and Cabinet model.
- 77.4 Councillor Norman also thanked all those involved, and for having completed it in such a short period of time. Councillor Norman referred to paragraph 8.2 of the report and suggested that the three party spokespersons on Adult Care and Health be nominated to attend the Joint Commissioning Board. Councillor Norman was advised that that was the intention, but a protocol would be taken to Leaders Group.
- 77.5 Councillor Theobald thanked everyone who was involved in this matter. Councillor Theobald noted that it was proposed that the Policy & Resources Committee have ten Members, but argued that given the expected workload it would be more appropriate to have twelve members. He noted that the previous Policy & Resources Committee had fifteen Members. Councillor Theobald moved two amendments to the suggested recommendations. The amendments were seconded by Councillor A. Norman. The amendments were:

- (1) That recommendation 2.1 (ii) relating to Part 2 of the Constitution, Article 6, Committees and Sub-Committees (page 106 of the agenda) and Appendices 1 and 6 to the report be amended to reflect:*

That the Policy & Resources Committee has a total of 12 seats, to be allocated in direct proportion to the split of seats on the Council – Green 5, Conservative 4 and Labour 3.

- (2) That recommendation 2.1 (ii) relating to Part 2 of the Constitution, Article 6, Committees and Sub-Committees (page 106 of the agenda) and Appendices 1 and 6 to the report be amended to reflect:*

That the proposed Environment & Sustainability and Transport Committees be combined to form one Environment Committee, leading to approximate savings to the Council of £15,000 per annum.

- 77.6 Councillor Mitchell stated that she would not be supporting the amendments as she felt that ten members for Policy & Resources would be adequate and would be the same as other committees.

- 77.7 **RESOLVED:** That the committee recommends to Council:

- (1) That the Council resolves, in accordance with section 9KC of the Local Government Act 2000, to change its governance arrangements from Leader and Cabinet to a Committee System;
- (2) That the parts of the constitution set out in Appendix 1 to the report (being the parts where there are substantive changes) be approved;
- (3) That the transitional arrangements in relation to the Audit and Standards Committees, as set out in paragraph 16.3 of the report, be approved and adopted

until such time that the relevant Regulations relating to standards are made and come into force;

- (4) That the current scheme of delegations to officers be approved subject to the changes set out at Appendix 5 to the report and any other consequential modifications;
- (5) That the rest of the existing constitution be approved and adopted, subject to such amendments as are necessary to make them fit for a committee system;
- (6) That the Monitoring Officer be authorised to make the minor and consequential changes referred to in resolutions (4) and (5) above;
- (7) That the constitution as set out in Appendix 1 to the report, with the addition of the parts referred to in resolution (5) above, be approved and adopted as the Council's constitution in accordance with the requirements of the Local Government Act 2000 and relevant Regulations, Orders and Directions made by the Secretary of State;
- (8) That the new system of governance and the new constitution come into force immediately after the conclusion of Annual Council on 17 May 2012;
- (9) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the new governance arrangements, including the power to make such transitional arrangements as are necessary for the orderly implementation of the proposals;
- (10) That officers be instructed to make copies of the Council's new constitution available at its principal offices and to publish a notice describing the new arrangements, in accordance with s9KC of the Local Government Act 2000; and
- (11) That it be noted that the issue of Member's Allowances dealt with separately elsewhere on the agenda and that any proposed Code of Conduct be referred to Council as part of the recommendations from the Standards Committee.

