

| | | | |
|-------------------------|---|---------------------|--|
| Subject: | Constitutional Matters | | |
| Date of Meeting: | 25th June 2012 | | |
| Report of: | Monitoring Officer | | |
| Contact Officer: | Name: Mark Wall | Tel: 29-1006 | |
| | E-mail: mark.wall@brighton-hove.gov.uk | | |
| Key Decision: | No | | |
| Wards Affected: | All | | |

For General Release**1. SUMMARY AND POLICY CONTEXT**

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of its urgency sub-committee.

2. RECOMMENDATIONS

- 2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted; and
- 2.2 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council meeting on 26 April 2012 agreed the new constitution for the City Council. The new constitution came into force at the conclusion of the Annual Council meeting on 17 May.
- 3.2 Article 6 of the constitution, incorporates a schedule of all the Committees/Sub-committees established in the new constitution together with a summary of their respective functions.

The Adult Care & Health Committee – Terms of Reference

- 3.3 The terms of reference of the Adult Care & Health Committee were agreed by Council on the 26th April when adopting the new constitution. This Committee is responsible for adult social services and, overseen by the Joint Commissioning Board, the joint delivery of a number of adult social care and health services with the health service. The Committee is also responsible for the exercise of the Council's functions in respect of public health relating to adults which transfer to the Council under the Health and Social Care Act 2012.

- 3.4 A copy of the terms of reference for the committee is attached in Appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

- 3.5 The membership of the committee is set at 10 Members of the council.
- 3.6 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18 to 24, apply to meetings of the Adult Care & Health Committee.

Programme Meetings

- 3.7 Ordinary meetings of the Adult Care & Health Committee are scheduled to take place on the following dates during 2012/13:

Monday 25 June 2012
Monday 24 September 2012
Monday 19 November 2012
Monday 21 January 2013
Monday 18 March 2013

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

Urgency Sub-Committee

- 3.9 The Constitution states that 'each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The Membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of one Member from each of the three political groups on the Council.
- 3.10 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.'

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 All Members considered and approved the new constitution on the 26th April 2012.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no specific financial implications arising from this report. It is expected that the overall effect of the introduction of the new constitution will be cost neutral.

Finance Officer Consulted: Name Anne Silley Date: 23/05/12

Legal Implications:

- 5.2 The Council's constitution complies with the requirements of the Localism Act 2011, the Local Government Act 2000, the Local Authorities (Constitutions) Direction and relevant guidance.

- 5.3 There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Elizabeth Culbert Date: 23/05/12

Equalities Implications:

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

Sustainability Implications:

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

Crime & Disorder Implications:

- 5.6 There are no crime & disorder implications arising from the report.

Risk and Opportunity Management Implications:

- 5.7 There are no risk and opportunity management implications.

Public Health Implications:

- 5.8 There are no public health implications arising from the report.

Corporate / Citywide Implications:

- 5.9 There are no corporate or city wide implications arising from the report..

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

7. REASONS FOR REPORT RECOMMENDATIONS

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

SUPPORTING DOCUMENTATION

Appendices:

1. (A) Economic Development & Culture Committee Terms of Reference.

Background Documents

1. The Constitution

ADULT CARE & HEALTH COMMITTEE

Explanatory Note

This Committee is responsible for adult social services, public health in relation to adults, and joint delivery of a number of social care and health services with the Health Service- see the section below relating to the Joint Commissioning Board which oversees these arrangements.

Delegated Functions

1. Adult Social Services

- (a) To exercise the social services functions of the Council in respect of adults;
- (b) To exercise all of the powers of the Council in relation to the issue of certificates to blind people; the issue of badges for motor vehicles for disabled people and the grant of assistance to voluntary organisations exercising functions within its area of delegation;
- (c) To exercise the functions of the Council in relation to the removal to suitable premises of persons in need of care and attention.

2. Public Health

To exercise the Council's functions in respect of public health relating to adults –

- (i) including but not limited to:
 - sexual health
 - physical activity, obesity, and tobacco control programmes
 - prevention and early detection
 - immunisation
 - mental health
 - NHS Healthcheck and workplace health programmes
 - dental public health
 - social exclusion
 - seasonal mortality;
- (ii) which transfer to the Council under the Health and Social Care Act 2012.

3. Partnership with the Health Service

To exercise the Council's functions under or in connection with the adult services partnership arrangements made with health bodies pursuant to Section 75 of the National Health Service Act 2006 ("the section 75 Agreements").

NOTE

- (a) All the above functions shall be exercised subject to any limitations in the section 75 Agreements.
- (b) Policy issues which are relevant both to this Committee and the Children & Young People Committee may be considered by either of those Committees or by the Policy & Resources Committee.