

~~DELEGATIONS TO COMMITTEES AND SUB-COMMITTEES—AMENDED SECTIONS~~

**PART 4 SCHEME OF DELEGATION TO COMMITTEES AND SUB-COMMITTEES**

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## **TERMS OF REFERENCE OF COMMITTEES**

### **HOUSING COMMITTEE**

#### **Explanatory Note**

This Committee has overall responsibility for the Council's housing functions, including Council housing, homelessness, allocations and standards of housing in the area.

#### **Delegated functions**

1. To discharge the Council's functions as a housing authority and, without prejudice to the generality of this paragraph, to discharge the specific functions set out in the following paragraphs.
2. **Strategic and Private Sector Housing**

To discharge the Council's functions in relation to:

- (a) The Council's housing strategy;
- (b) Homelessness and the allocation of housing;
- (c) Private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
- (d) Tenancy relations and the provision of housing advice;
- (e) Housing loans and grants.

3. **Housing Landlord Functions**

To discharge the Council's functions as a housing landlord including the management (including demolition) of property within the Housing Revenue Account and associated properties.

4. **Housing Related Support Services**

To exercise the Council's functions for the commissioning of housing related support services.

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## **CHILDREN & YOUNG PEOPLE COMMITTEE**

### **Explanatory Note**

This Committee is responsible for education, children's health and social care services, public health relating to children and young people, including services to young people up to the age of 19, and exercises the council's functions as Local Education Authority. Most of these services are delivered jointly with the Health Service and, to reflect this, the Committee is also the Council's Children and Young People's Trust Board for the purposes of the Children Act 2004.

### **Delegated Functions**

To exercise the functions of the Council:

1. as a Local Education Authority under any enactment relating to education, youth services and the employment of children, including the annual consultation and determination of school admission arrangements under s88 of the Schools Standards and Frameworks Act 1998;
2. in relation to educational charities;
3. in partnership arrangements with other bodies connected with the delivery of education;
4. in relation to social services for children and young people;
5. in partnership arrangements with other bodies connected with the delivery of services for children, young people and families;
6. regarding families in connection with the functions of the Committee set out above or where there are no other arrangements made under this scheme of delegation;
7. under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004 ("the section 75 Agreements");
8. in relation to children's public health including but not limited to:
  - sexual health
  - physical activity, obesity, tobacco control programme
  - prevention and early detection
  - immunisation

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- mental health
  - NHS health check and workplace health programmes
  - dental health
  - social exclusion
  - seasonal mortality;
9. in relation to those aspects of children’s public health which transfer to the council under the Health and Social Care Act 2012.

**Joint working with the Clinical Commissioning Group**

1. The Committee may meet concurrently with the Clinical Commissioning Group as necessary in order to discuss and develop jointly commissioned services in relation to children and young people.

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 Adult Care & Health Committee may be considered by either of those Committees or by the Policy & Resources Committee.

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**ADULT CARE & HEALTH COMMITTEE AND JOINT COMMISSIONING BOARD**

**Explanatory Note**

This Committee is responsible for adult social services, public health in relation to adults, and joint commissioning and 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.~~

The Council and the Clinical Commissioning Group have entered a Partnership Agreement under Section 75 National Health Service Act 2006 ('the Section 75 Agreement') covering the joint commissioning of adult social care and health services. The Committee therefore divides its agenda between business to be considered jointly with the Clinical Commissioning Group (Part 1) and Council business (Part 2). The joint meeting of the Adult Care and Health Committee and the Clinical Commissioning Group (Part 1) is known as the Joint Commissioning Board and is where decisions are made concerning the commissioning and provision of services on behalf of the parties to the Section 75 Agreement. It is also the senior forum for the discussion of policy and strategy across the partnership as a whole and is responsible for setting the strategic direction of these services. Fuller details of the governance arrangements relating to the adult social care and health partnership are set out in the Section 75 Agreement.

**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 –

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- (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**

- (a) 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").
- (b) To meet concurrently with the Clinical Commissioning Group as the Joint Commissioning Board in order to discuss and develop jointly commissioned services in relation to adults

**4. Learning Disabilities**

To discharge the Council's functions regarding Learning Disability.

**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.



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**ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE**

**Explanatory Note**

This Committee is responsible for the council's functions relating to parks and green spaces, Gypsies, Roma and Travellers, waste, coast protection, the seafront, highways management, traffic management and transport, parking and sustainability.

**Delegated Functions**

**1. Parks and Green Spaces**

To exercise the Council's functions in relation to Parks and Open Spaces to the following extent:-

- (a) provision, management and control of parks and open spaces (except those held for housing purposes);
- (b) making countryside management arrangements in liaison with the South Downs National Park Authority and other environmental bodies;
- (c) provision, management and control of allotments and smallholdings;
- (d) as commons registration authority.

**2. Environmental Health**

To exercise the Council's functions in relation to environmental health, air pollution control, health and safety at work (except in so far as it relates to the Council as an employer), public conveniences,, food safety, control of nuisances, including noise control and control of dogs.

To approve the Council's Official Feed and Food Controls Service Plan and the Health and Safety Annual Service Plan.

**3. Trading Standards**

To exercise the Council's functions regarding trading standards, including but not limited to consumer protection, product safety, fair trading, metrology, food standards and animal health.

**4. Gypsies, Roma and Travellers**

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To exercise the Council's functions in relation to Gypsies, Roma and Travellers including the management of authorised sites.

**5. Waste**

To exercise the Council's functions in relation to waste and as waste collection authority, waste disposal authority and litter authority, including dealing with litter, street cleansing, abandoned vehicles and dog fouling.

**6. Coast Protection and Flood Defence**

To exercise the Council's functions as a coast protection authority and a lead local flood authority.

**7. Seafront**

To exercise the Council's functions regarding the esplanade, beach and foreshore.

**8. Bereavement and Coroner's services;**

To exercise the Council's functions in relation to bereavement services and the Coroner's service.

**9. Sustainability**

To co-ordinate the Council's role and response to cross-cutting sustainability issues such as reducing carbon emissions, projections of a changing climate locally, improving resource efficiency and developing sustainable energy.

**10. Highways Management**

To exercise the Council's functions in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to highways, bridges, private streets and rights of way.

**11. Traffic Management and Transport**

(a) To manage the provision of transport services for service departments including home-school transport and transport for social services;

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~~(b) To exercise the Council's functions in relation to traffic management and transport and as traffic authority, including but not limited to public passenger transport and the co-ordination of transport for service users;~~

~~(c) To consider and make decisions on proposed traffic orders and rights of way issues where objections have been received and not withdrawn or otherwise resolved;~~

~~(d) To exercise the Council's powers regarding travel concessions.~~

**12. Parking**

~~To exercise the Council's functions in relation to parking, including on and off street parking and civil parking enforcement.~~

**13. Public Space**

~~To exercise the council's functions regarding spaces to which the public have rights of access and consisting of the highway, street furniture on the highway and open spaces or parts of open spaces immediately adjacent to the highway to which the public have access.~~

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**~~HEALTH & WELLBEING BOARD~~**

**Explanatory Note**

The Health & Wellbeing Board (HWB) is established as a Committee of the Council pursuant to Section 194 of the Health and Social Care Act 2012 and in accordance with the modifications enacted by the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013. The HWB is responsible for advancing the health and wellbeing of the people in its area through the development of improved and integrated health and social care services. In particular, it is responsible for approving a Joint Health & Wellbeing Strategy and a Joint Strategic Needs Assessment.

The HWB comprises 7 Councillors and 7 further voting members determined having regard to the requirements of Section 194 of the Health and Social Care Act 2012. In addition, the Health & Wellbeing Board may appoint additional non voting co-optees in line with relevant legislation and guidance.

**Delegated Functions**

1. To promote integration and joint working in health and social care services across the City in order to improve the health and wellbeing of the people of Brighton & Hove;
2. To provide City-wide strategic leadership to public health, health, adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
3. To approve and publish the Joint Strategic Needs Assessment (JSNA) for the City;
4. To approve and publish a Joint Health & Wellbeing Strategy (JHWS) for the City, monitoring the outcomes and goals set out in the JHWS and using its authority to ensure that the public health, health, adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the City;
5. To receive the Clinical Commissioning Group's draft annual commissioning plan and to respond with its opinion as to whether the draft commissioning plan takes proper account of the relevant Joint Health & Wellbeing Strategy. Where considered appropriate by the HWB, to refer its opinion on the annual commissioning plan to the National Health Service Commissioning Board and to provide the CCG with a copy of this referral;

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6. To receive the Local Safeguarding Children's Board's Annual Report for comment;
7. To support joint commissioning and pooled budget arrangements where agreed by the HWB that this is appropriate;
8. To establish and maintain a dialogue with the Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
9. To involve stakeholders, users and the public in quality of life issues and health and wellbeing choices, by
  - communicating and explaining the JHW Strategy;
  - developing and implementing a Communications and Engagement Strategy;
10. To represent Brighton & Hove on health and wellbeing issues at all levels, influencing and negotiating on behalf of the members of the Board and working closely with the local HealthWatch;
11. To appoint non-voting co-optees in compliance with relevant legislation and guidance;
12. To operate in accordance with the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.
13. To review annual progress against city priorities in line with the national public health outcomes framework.
14. To receive reports from relevant programme boards and related multi-sector committees with a remit for public health in order to inform the Health & Wellbeing Board Strategy including: the Alcohol Programme Board, the Substance Misuse Programme Board, the Healthy Weight Programme Board, the Sexual Health Programme Board and the Healthy City Programme Board.

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**-TERMS OF REFERENCE FOR ADVISORY GROUPS AND FORUMS**

**CORPORATE PARENTING ~~BOARD~~SUB-COMMITTEE**

**Explanatory Note**

**1. Purpose**

1.1 The Corporate Parenting ~~Board~~ Sub-Committee ~~has the status of a Sub-Committee of reports to~~ the Policy ~~and &~~ Resources Committee. It acts as an advisory ~~Board~~committee to the Council, its partners and its Committees on matters related to the Council's looked after children. Its role is to ensure that the Council and its partner agencies have a joint commitment to:-

- (a) Achieving improved outcomes for children in care and care leavers;
- (b) Developing and overseeing implementation of the Corporate Parenting Strategy to drive improved outcomes;
- (c) Providing challenge to ensure that the Council's duties as Corporate Parent are carried out effectively and consistently.

**Delegated Functions**

**2. Objectives and Terms of Reference**

~~4.2.1~~ To assist in the development, operation, monitoring and review of the Council's policies and strategies as they affect children in care and care leavers.

~~2.2.2~~ To develop, monitor and review a Corporate Parenting Strategy and work plan.

~~3.2.3~~ To promote a co-ordinated and partnership approach to the delivery of Council services as they affect children in care and care leavers and to challenge services where this is not evidenced or effective.

~~4.2.4~~ To advise the Council and its Committees on issues relevant to children in care and care leavers and to ensure that policies implemented by the Council which affect these children and young people are effective and appropriate.

~~5.2.5~~ To review and monitor outcomes for looked after children and care leavers, including data from the Corporate Parenting Report Card and feedback from the Standards & Complaints and Quality Assurance Framework officers in respect of children in care and care leavers.

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~~6.2.6~~ To ensure that clear and accessible information is readily available to children in care and care leavers on the corporate parenting they can expect from the council.

~~7.2.7~~ To ensure that systems are in place which mean that the views of children and young people are represented in the development of services that affect them.

~~5. To report to the Council's Policy and Resources Committee and Council on a twice yearly basis.~~

~~6. To make recommendations to the relevant Committee where responsibility for a particular function rests with that Committee.~~

~~10. To appoint non voting Co-opted Members.~~

~~11.2.8~~ To ensure arrangements are made for the training and development of Councillors (and others as appropriate) on the Corporate Parenting role.

~~12.2.9~~ To receive reports on the discharge of the Council's functions regarding the provision of accommodation for looked after children and care leavers, and to make recommendations to the appropriate body of the Council.

**3. Reporting**

~~3.1 To report to the Council's Policy & Resources Committee and Council on a twice yearly basis.~~

~~3.2 To make recommendations to the relevant Committee where responsibility for a particular function rests with that Committee.~~

**4. Membership**

~~4.1 Membership of the Board will consist of:-~~

- ~~• 5 elected Members~~
- ~~• 4 nominated co-optees~~

~~4.2 Invitations to attend the Corporate Parenting Board may be extended to representatives of interested groups and to additional elected Members and Officers from across Council services~~

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4.3 The membership of the Board is subject to review by the Policy & Resources Committee

4.4 The Chair of the Board is an elected Member

5. Review

5.1 The work of the Board is subject to bi-annual review by the Policy & Resources Committee