

## **PART 2 ARTICLES OF THE CONSTITUTION**

### **ARTICLE 1 – THE CONSTITUTION**

#### **1.01 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this constitution.

#### **1.02 The Constitution**

This constitution, and all its appendices, is the constitution of Brighton & Hove City Council.

#### **1.03 Purpose of the Constitution**

The purpose of the constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Councillors represent their wards and local residents effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) provide a powerful and effective means of holding decision-makers to public account;
- (f) ensure that those responsible for decision making are clearly identifiable to local people and that the Council explains the reasons for decisions;
- (g) ensure that no one will review or scrutinise a decision in which they were directly involved; and
- (h) provide a means of supporting the Council to deliver its Corporate Plan 2011-2015 and specifically its priorities of:-

- § Tackling Inequality
- § Creating a More Sustainable City
- § Engaging People Who Live and Work in the City
- § Modernising the Council

#### **1.04 Interpretation and Review of the Constitution**

Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the constitution as set out in Article 13 – Review, Revision, Suspension, Interpretation and Publication of the Constitution.

## **ARTICLE 2 – MEMBERS OF THE COUNCIL**

### **2.01 Composition and eligibility**

- (a) **Composition.** The Council comprises 54 Members (otherwise called Councillors). There are 21 electoral wards and 2 or 3 Members are elected by the voters of each ward. One of the Councillors is elected annually as the Mayor by the elected Members to chair the Council meetings and attend to ceremonial duties.
- (b) **Eligibility.** Only registered voters of the City or those living or working there will be eligible to hold the office of Councillor.

### **2.02 Election and terms of Councillors**

**Election and terms.** The regular election of Councillors will be held on the first Thursday in May every four years. The next local elections will take place in May 2015. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### **2.03 Roles and functions of all Councillors**

- (a) **Key roles.** All Councillors will:
- (i) maintain the highest standards of conduct and ethics;
  - (ii) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (iii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocates of and for their communities;
  - (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (v) balance different interests identified within the ward and represent the ward as a whole;
  - (vi) be involved in decision-making and scrutinising decisions made by others under the scrutiny arrangements;
  - (vii) be available to represent the Council on other bodies; and
  - (viii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making.

**(b) Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their role as Councillors and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 7 of this constitution.

**2.04 Conduct**

Councillors will at all times observe the Members’ Code of Conduct and the Code of Conduct for Member/Officer Relations set out in Part 8 of this constitution.

**2.05 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 9 of this constitution.

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.01 Citizens' rights

Citizens have the rights set out below. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 7 of this constitution:

- (a) **Voting.** Citizens on the electoral roll for the area have the right to vote in any European, national or local elections.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council, its Committees and Sub-committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) find out from the Committee Work Programme what key decisions will be taken by Members or Officers and when;
  - (iii) see non-confidential reports and background papers, and a record of decisions made by the Council, its Committees and Sub-committees;
  - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by Overview and Scrutiny Panels subject to compliance with the relevant procedures.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Ombudsmen after using the Council's own complaints scheme;
  - (iii) the Monitoring Officer about a breach of the Local Code of Conduct for Members.

### 3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm property owned by the Council, Councillors or officers. They should also comply with the law (including byelaws) and the Council's procedures in dealing with the Council.

## **ARTICLE 4 – THE MAYOR**

### **4.01 Role and function of the Mayor**

The Mayor will be elected by Council annually. The Mayor and in his/her absence, the Deputy Mayor, will have the following roles, functions and responsibilities:

#### **(a) Chairing the Council Meeting**

- (i) to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and (subject to the arrangements for scrutiny discussed in Article 7) a place at which Members are able to ask questions of the Leader and the Chairs of Committees and Sub-Committees;
- (iv) to promote public involvement in the Council's activities.

#### **(b) Civic and Ceremonial Role**

The Mayor shall be the first citizen of the City of Brighton & Hove and shall have the following civic responsibilities:

- (i) to attend such civic and ceremonial functions as the Council and the Mayor may determine generally or in appropriate cases.
- (ii) to promote the Council as a whole and act as a focal point for the community.

## **ARTICLE 5 – THE FULL COUNCIL**

5.01 The full Council is made up of the 54 elected Members of the Council.

5.02 The responsibilities of full Council include:

- Approving all key plans and strategies collectively known as the Policy Framework
- Approving the budget
- Adopting the constitution
- Appointments to Outside Bodies
- Adopting a Members Allowances scheme
- Adopting a Local Code of Conduct for Members
- Appointments of Lead Members

5.03 The full details of the functions and procedures of the Council are set out in Part 3 of the constitution.

## ARTICLE 6 – COMMITTEES AND SUB-COMMITTEES

### 6.01 Introduction

The implementation of the Council's budget and policy framework, and the discharge of its regulatory functions, is undertaken by a number of Committees and Sub-Committees with powers delegated from the full Council. The Council has also devolved powers to Partnership Boards with health bodies, under the National Health Service Act 2006, the Children Act 2004 and the Health and Social Care Act 2012.

The Council will appoint or make appointments to the Committees, Sub-Committees, Joint Committees and Partnership Boards as set out in the left hand column of the tables below. An indication of the functions of each Committee/Sub-Committee/Joint Committee/Partnership Board is shown in column 3 of the table. The terms of reference and powers delegated to each Committee, Sub-Committee, Joint Committee and Partnership Board are more particularly set out in Part 4 of the constitution.

### 6.02 Policy and Regulatory Committees

Committee/Sub-Committee	Membership	Functions
Housing Committee	10 Members of the authority	This Committee has overall responsibility for the Council's housing functions including: Council housing; private sector housing; strategic housing including the housing investment program; homelessness and allocations; tenancy relations; housing loans and grants and has responsibility for housing related support services.
Housing Management Consultative Sub-Committee	8 Members of the authority plus up to 12 non-voting co-optees.	This Sub-Committee of the Housing Committee advises the Council in the discharge of its functions as a housing landlord, including residential leases granted by the Council. The Sub-Committee includes non-voting tenant and leaseholder representatives.
Adult Care & Health Committee	10 Members of the authority	This Committee is responsible for adult social services and the joint commissioning and 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

		<p>respect of public health relating to adults which transfer to the Council under the Health and Social Care Act 2012.</p> <p><u>The Council and the Clinical Commissioning Group (CCG) have entered into a partnership arrangement pursuant to Section 75 National Health Service Act 2006. The Committee will meet concurrently with the CCG to discuss and develop jointly commissioned services in relation to adults. This is the senior forum for managing the S75 agreement.</u></p>
Children & Young People Committee	10 Members of the authority and up to 11 non voting co-optees	<p>This Committee is responsible for education, social care services and health services to children and young people and exercises the functions of the Council as Local Education Authority. The Committee is also responsible for the exercise of the Council's functions in respect of public health relating to children which transfer to the Council under the Health and Social Care Act 2012. The Committee is also the Council's Children and Young Peoples Trust Board for the purposes of the Children Act 2004. <u>The Council has entered a partnership agreement with the Clinical Commissioning Group (CCG) in relation to commissioning children's services. The Committee may meet concurrently with the CCG to discuss and decide Section 75 business and/or other issues of common interest.</u></p>
Environment, Transport & Sustainability Committee	10 Members of the authority	<p><u>This Committee is responsible for sustainability, parks and green spaces, Gypsies, Roma, and Travellers, waste, coast protection and flood defence, the seafront, environmental health, trading standards, the bereavement and coroner's services, highways management, traffic management and transport, parking, and related public space .</u></p>
Economic Development & Culture	10 Members of the authority	<p>This Committee discharges the Council's functions in relation to culture, arts and heritage; tourism and</p>



		marketing; libraries and museums; events; leisure, sports and recreation; planning policy; economic growth and regeneration; major built environment projects; conservation and design; building control; and as local planning authority (except for the development control functions delegated to the Planning Committee).
Planning Committee	12 Members of the authority and 2 non voting co-optees (Conservation Advisory Group and Federation of Disabled People).	This Committee exercises the Council's functions in relation to development control matters.
Policy & Resources Committee	10 Members of the authority	This Committee has overall responsibility for the financial and other resources of the authority, for developing the authority's strategy and policy based on national government and local priorities and for the development of partnership working. It also has responsibility for many of the services delivered to residents and customers, including electoral and ceremonial matters, legal services, complaints services, equalities and community safety, revenues and benefits, registration, and local land charges.
Personnel Appeals Panel	3 Members of the authority	This Panel, which has the status of a Sub-Committee of Policy & Resources Committee, deals with appeals against dismissals, grading and other grievances in accordance with agreed human resources procedures.
Licensing Committee	15 Members	This Committee discharges the Council's functions under the Licensing Act 2003. The Licensing Committee also has responsibility for all licensing and registration functions not covered by the Licensing Act 2003. The day to day decisions on individual applications are dealt with by the Licensing Panel. The approval of the Statement of

		Licensing Policy is reserved to the full council. N.B. The Licensing Committee may operate as two separate committees with identical membership. The functions of the two separate committees relate to Licensing Act and non-Licensing Act functions respectively.
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Licensing Panel	3 Members of the authority	The Licensing Panel is a Sub-Committee of the Licensing Committee. It hears applications under the Licensing Act 2003 where the matter is authorised or required to be dealt with by a Committee. The Panel also deals with appeals against licensing and registration decisions and cases where officers do not have the power to make determinations. It also has general powers to hear and determine matters, which include serving as the appellate Committee where there is a right of appeal from a decision of an officer and no other arrangements have been made under the constitution. The Sub-Committee may operate as two separate committees with identical membership. The functions of the two separate sub-committees relate to Licensing Act and non-Licensing Act functions respectively.
Audit & Standards Committee	8 Members of the Council plus 2 independent advisers.	The Audit and Standards Committee deals with (a) financial governance and stewardship, risk management and audit and (b) issues of conduct among Members which includes dealing with complaints against Members, granting dispensations regarding Members' interests and promoting high ethical standards generally.
Standards Panel	Members drawn from the Audit & Standards Committee	The Panel is a Sub-Committee of the Audit and Standards Committee and its main delegated functions relate to the determination of alleged breaches of the Code of Conduct for Members.
Health & Wellbeing	7 Members of the	<u>This Board is established as a Council</u>

Board	authority plus 7 further voting members determined having regard to the requirements of the Health and Social Care Act 2012. <u>The Board may also appoint non-voting co-optees as it determines to be necessary.</u>	<u>Committee pursuant to the requirements of the Health and Social Care Act 2012. The Board advises the Council and the Clinical Commissioning Group on work to improve the health and wellbeing of the population of Brighton &amp; Hove through the development of improved and integrated health and social care services. In particular, the Health and Wellbeing Board is responsible for preparing a Joint Strategic Needs Assessment and a Joint Health and Wellbeing Strategy.</u>
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### 6.03 Joint Committees and Partnership Boards

Committee/Sub-Committee	Membership	Functions
Police and Crime Panel	As determined under the relevant legislation (the Council has the right to appoint one Member).	The Police and Crime Panel is a joint committee of all local authorities in East and West Sussex and its function is to scrutinise the elected Police and Crime Commissioner.

### 6.04 Other Committees

Committee/Sub-Committee	Membership	Functions
Overview and Scrutiny Committee	10 Members of the authority	This Committee discharges on behalf of the Council all overview and scrutiny functions, except those delegated to the Health and Wellbeing Overview and Scrutiny Committee. It considers requests for scrutiny reviews and establishes policy review and scrutiny review Panels to undertake task and finish work. It is the Crime and Disorder Committee for the purposes of the Police and Justice Act 2006. It also undertakes scrutiny of flood risk and coastal erosion plans as required by Localism Act 2011.
Health and	8 Members of the	This Committee discharges on behalf

Wellbeing Overview and Scrutiny Committee	authority plus 3 non voting co-optees and voting education co-optees where these are required by legislation.	of the Council all overview and scrutiny functions in relation to health, children and young people (including education) and adult social care.
Scrutiny Review Panels and Policy Review Panels	As determined by the Overview and Scrutiny Committee	The Overview and Scrutiny Committee has power to set up Scrutiny or Policy Panels. Each Panel meets until it has produced a report on the subject it was required to examine.

### **6.05 Delegations to Officers**

Some of the functions of the Committees and Sub-Committees and other bodies listed above may be discharged by an officer under delegated powers. Details of the functions of Committees and Sub-Committees delegated to officers are contained in the Scheme of Delegation to Officers at Part 6 of the constitution and summarised at Article 10.

### **6.06 Urgency Committee/Sub-Committees**

- (a) The Council shall establish an Urgency Committee to exercise its powers. The membership of the Urgency Committee shall consist of 7 Members. The Urgency Committee may 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 Council. Every decision of the Urgency Committee shall be reported for information to the next ordinary meeting of the full Council.
- (b) Each Committee of the Council 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. 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.

### **6.07 Establishment of additional advisory bodies**

The Council or the Policy & Resources Committee may from time to time establish task groups, consultative forums, commissions, working groups, ad hoc panels or other advisory bodies, the membership of which shall be drawn from Members of the Council and/or non-voting co-optees. The proceedings of any such group shall be reported to the appropriate Committee and should include any recommendations or advice from that group. No Committee or Sub-Committee may delegate its functions to any such group.

Advisory Group/Forum	Membership	Functions
<u>Corporate Parenting Board</u>	<u>5 Members of the authority and up to four non voting co-optees</u>	<u>This Board reports to Policy &amp; Resources Committee and is responsible for the development, implementation and monitoring of the Council's Corporate Parenting Strategy and provides challenge to ensure that the Council's duty as Corporate Parent is discharged effectively and consistently.</u>
City Sustainability Partnership	4 Members of the authority and co-optees from the business community and voluntary sector and relevant Environment Agencies.	To promote the sustainable development of Brighton & Hove, in particular to reduce the City's ecological footprint from the equivalent of three and a half planets per person towards one.
Community Safety Forum	10 Members of the authority and representatives of relevant communities of interest	To enable community consultation and to play a key role in identifying the priorities for the three year community safety and crime reduction strategies and to oversee the implementation of those strategies. To report to council's Policy and Resources Committees.
Area Housing Panels (x4)	All ward councillors within the boundaries of the Panel, plus tenant/resident association representatives	To consider reports relating to the Council's role as landlord, including performance, services, budgets, major repairs programme development and delivery, policy issues and service development, within the boundaries of the Area Panel and to make recommendations to the Housing Management Consultative Sub-Committee.
Joint Staff	6 Members of the	To provide a mechanism for regular

Consultation Forum	authority plus employee representatives	communication and consultation in support of Brighton & Hove Council's approach to working in partnership with its recognised trade unions and professional associations and to maintain a healthy employee relations climate.
Arts and Creative Industries Commission	6 Members of the Council and up to 24 representatives from relevant local sectors.	To help the Council support, promote and develop the arts and creative industries in Brighton & Hove.
Independent Remuneration Panel	Between 3 and 5 members who are not Members of the authority.	To produce reports to the Council making recommendations in respect of Members' allowances.
Brighton & Hove City Sports Forum	36 representatives appointed by the Assistant Chief Executive and 4 Members of the Council.	To take an overview of the delivery of the sports strategy for Brighton & Hove and to advise the Economic Development and Culture Committee.
Conservation Advisory Group	Membership is drawn from representative local groups and societies	This group advises the Council on the implementation of its Conservation Strategy, major planning applications or council proposals affecting the development of policies for the protection of the historic built environment. The Group reports principally to the Planning Committee.

## **ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEES**

### **7.01 Introduction**

- (a) Overview and Scrutiny is an important element of the Council's constitution. The Committees and/or Panels which may be established from time to time to carry out Overview and Scrutiny represent powerful public forums through which Councillors can monitor the implementation of the Council's policies and the quality of its services; make recommendations on the discharge of the authority's functions and/or other matters affecting Brighton & Hove and hold the Committees to account for their decisions and actions;
- (b) Overview and Scrutiny is concerned with the overall well being of the City and all factors affecting this including not only Council services but those of other agencies (with a particular statutory role in respect of health services) and other matters. Overview and Scrutiny is an important mechanism for community Councillors to represent their wards and are a focus for stakeholder and community involvement;
- (c) This Article outlines the basic elements of the Overview and Scrutiny function. It should be read in conjunction with the Overview and Scrutiny Procedure Rules, which appear at Part 5 of the constitution and provide a more detailed framework for the operation of Overview and Scrutiny at Brighton & Hove.

### **7.02 Undertaking and co-ordinating Overview and Scrutiny**

- (a) The Council will appoint an Overview and Scrutiny Committee (OSC) to discharge the functions conferred by the Local Government Act 2000 as amended by the Localism Act 2011 in relation to all aspects of the Council's services and/or administration; and all matters affecting the economic, social and environmental well being of the City and/or its inhabitants.
- (b) The OSC will coordinate and manage the Overview and Scrutiny function. It may appoint ad hoc Overview and Scrutiny Review and Policy Review Panels to undertake time-limited investigations or reviews as required. It will be the Council's Crime and Disorder Committee to the extent required by the Police and Justice Act 2006.
- (c) The Health Overview and Scrutiny Committee (HWOSC) will have delegated powers to discharge the overview and scrutiny function in relation to local health services as set out in the National Health Service Act 2006.

### **7.03 The Overview and Scrutiny function**

The membership arrangements and detailed terms of reference of the Overview and Scrutiny Committee and the Health Overview and

Scrutiny Committee are set out in the Overview and Scrutiny Rules at Part 5 of this constitution. Within these terms of reference, Overview and Scrutiny has the following functions:

- (i) to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) to make reports and/or recommendations to the full Council or any Committee or Sub-Committee of the Council or any Joint Committee on which the Authority is represented or any Sub-Committee of such a Joint Committee in connection with the discharge of any of the Council's functions;
- (iii) to consider any matter affecting the area or its inhabitants and make reports or recommendations to the full Council or any Committee or Sub-Committee of the Council or any Joint Committee on which the Authority is represented or any Sub-Committee of such a Joint Committee in respect of such matters;
- (iv) to exercise the right to call-in, for reconsideration, decisions made by the Committees but not yet implemented;
- (v) to review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas and to make recommendations arising from the outcome of the Scrutiny process;
- (vi) to liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- (vii) to review and scrutinise the performance of other agencies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee/Panel and local people about their activities and performance.

#### **7.05 Annual report**

The Overview and Scrutiny Committee will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

#### **7.06 Proceedings of Overview and Scrutiny Committees/Panels**

The Overview and Scrutiny Committee, the HWOSC and their Review Panels and will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules in Part 5 of this constitution.



## **ARTICLE 8 – THE AUDIT AND STANDARDS COMMITTEE**

### **8.01 Audit and Standards Committee**

The Audit and Standards Committee will be the Council's Standards Committee for the purpose of the Local Government Act 2000 and the Localism Act 2011.

### **8.02 Role and Composition**

- (a) The Audit and Standards Committee deals with:-
- financial governance and stewardship, risk management and audit and
  - issues of conduct among Members which includes dealing with complaints against Members, granting dispensations regarding Members' interests and promoting high ethical standards generally;
- (b) The full terms of reference of the Audit and Standards Committee are set out in the Scheme of Delegation to Committees and Sub-Committees at Part 4 of the constitution.
- (c) The Audit and Standards Committee consists of 8 Councillors and two independent persons to advise on standards matters, neither of whom are Councillors or officers of the Council.
- (d) All members of the Audit and Standards Committee are entitled to vote at meetings, but not the independent persons who advise on standards matters.
- (e) The Standards Panel, which has the status of a Sub-Committee of the Audit and Standards Committee, deals with (a) allegations that Members or Co-opted Members have breached the Code of Conduct and (b) the granting of dispensations to Members or Co-opted Members with pecuniary interests.

## **ARTICLE 9 – JOINT ARRANGEMENTS**

### **9.01 Arrangements to promote well being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- (c) exercise on behalf of that person or body any functions of that person or body.

### **9.02 Joint local government arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's Scheme of Delegations in Part 4 of this constitution.

### **9.03 Delegation to and from other local authorities**

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the full Council.

### **9.04 Contracting out**

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

### **9.05 Joint arrangements with other public bodies**

Under Section 75 National Health Service Act 2006, Section 10 of the Children Act 2004 and the Health and Social Care Act 2012, local authorities, national health bodies and a number of other bodies have powers to delegate the exercise of some of their functions to each other and to co-operate in the exercise of their functions.

## ARTICLE 10 – OFFICERS

### 10.01 Terminology

The use of the word “officers” means all employees and staff engaged by the Council to carry out its functions.

### 10.02 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers** . The Council will engage persons for the following posts. Their functions are more particularly set out in part 6 of the constitution:

Post	Main Functions and areas of responsibility
<b>Chief Executive</b>	<ol style="list-style-type: none"><li>1. Head of Paid Service under section 4 of the Local Government and Housing Act 1989, <u>including all workforce matters not specifically reserved to Members</u></li><li>2. Overall corporate management and operational responsibility (including overall management responsibility for all officers)</li><li>3. Provision of professional advice to all parties in the decision making process</li><li>4. Responsibility for various matters in relation to Members (including taking declarations of acceptance of office and receiving resignations)</li><li>5. Representing the Council on partnership and external bodies (as required by statute or the Council)</li><li>6. Exercising functions delegated to other officers unless the function is required by law or the scheme of delegation to be exercised by another person (e.g. Monitoring Officer and Chief Finance Officer duties)</li><li>7. Acting as the Returning Officer with overall responsibility for conduct of Local and National Elections overall responsibility for conduct of Local and National Elections</li></ol>
<b><u>Executive Director Children’s Services</u></b>	<ol style="list-style-type: none"><li>1. Director of Children’s Services under section 18 of the Children Act 2004</li><li>2. Children and Young People, including joint working arrangements under section 75 of the National Health Service Act 2006</li><li>3. Families in Multiple Deprivation</li><li>4. Schools, Skills and Learning</li></ol>

<p><b><u>Executive Director Environment, Development &amp; Housing</u></b></p>	<ol style="list-style-type: none"> <li>1. Environmental awareness</li> <li>2. Planning (including building control, development control, planning strategy and sustainability)</li> <li>3. Waste (including collection, recycling, disposal and cleansing)</li> <li>4. Public safety (including environmental health, licensing and trading standards)</li> <li>5. Parks and green spaces</li> <li>6. Transport (including management of highways, traffic and parking)</li> <li>7. Economic development and regeneration</li> <li>8. Housing</li> <li>9. Major projects and sustainability</li> </ol>
<p><b><u>Assistant Chief Executive</u></b></p>	<ol style="list-style-type: none"> <li>1. <u>Policy Analysis and Performance</u></li> <li>2. <u>Communities</u></li> <li>3. <u>Corporate Communications</u></li> <li>4. <u>Arts and creative industries</u></li> <li>5. <u>Venues (including the Brighton Centre)</u></li> <li>6. <u>The Royal Pavilion, the libraries and the museums</u></li> <li>7. <u>Tourism and Leisure</u></li> <li>8. <u>Seafront</u></li> <li>9. <u>Events</u></li> </ol>
<p><b><u>Executive Director Finance &amp; Resources</u></b></p>	<ol style="list-style-type: none"> <li>1. Chief Finance Officer, responsible for the proper administration of the Council's financial affairs under section 151 Local Government Act 1972</li> <li>2. Internal audit and business risk</li> <li>3. Strategic finance</li> <li>4. Procurement</li> <li>5. Information and Communication Technology</li> <li>6. City Services</li> <li>7. <u>Human Resources and Organisational Development</u></li> <li>8. <u>Property</u></li> <li>9. <u>Programme Management</u></li> </ol>
<p><b><u>Executive Director Adult Services</u></b></p>	<ol style="list-style-type: none"> <li>1. <u>Director of Adult Social Services under section 6(A1) of the the Local Authority Social Services Act 1970</u></li> <li>2. <u>Adult social care and health, including joint working arrangements under section 75 of the National Health Service Act 20063.</u></li> </ol>
<p><b><u>Director of Public Health</u></b></p>	<ol style="list-style-type: none"> <li>1. <u>Public Health</u></li> <li>2. <u>Civil Contingencies</u></li> <li>3. <u>Community Safety and Drug Action Teams</u></li> </ol>

<b>Head of Legal &amp; Democratic Services and Monitoring Officer</b>	<ol style="list-style-type: none"> <li>1. Legal Services</li> <li>2. Democratic Services, i.e. services to Members of the Council</li> <li>3. Overview and Scrutiny</li> <li>4. Ethical Standards</li> </ol>
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- (c) **Structure.** The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
- (d) **Authorisation.** Under the Council's Scheme of Delegation to Officers in part 6 of the constitution the powers delegated to the officers listed above may be exercised by other officers reporting to those officers.

### 10.03 Functions of the Chief Executive

- (a) **Discharge of functions by the Council.** The Chief Executive will report to full Council and/or the Policy & Resources Committee as he/she considers appropriate on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Proper officer for access to information.** The Chief Executive will ensure that there are arrangements in place for decisions, together with the reasons for those decisions and relevant officer reports and background papers to be made publicly available as soon as possible.
- (c) **Restrictions on functions.** The Chief Executive, as the Head of Paid Service, may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 10.04 Functions of the Monitoring Officer

- (a) **Maintaining the constitution.** The Monitoring Officer will maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Supporting the Audit and Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit & Standards Committee.
- (d) **Code of Conduct for Members.** The Monitoring Officer will ensure that all allegations of breaches of the Code of Conduct for Members are dealt with under the approved procedures.
- (e) **Conducting investigations.** When necessary, the Monitoring Officer will conduct investigations into allegations of breaches of the Code of Conduct for Members and issue reports to the Standards Panel to assist the Panel in determining whether or not the Code has been breached.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer.

#### **10.05 Functions of the Chief Finance Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take financial decisions, maladministration, financial impropriety, probity to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will be responsible for providing financial information to the media, members of the public and the community where appropriate.

**10.06 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**10.07 Conduct**

Officers will comply with the Code of Conduct for Employees and the Code of Conduct for Member/Officer Relations set out in Part 7 of the constitution.

**10.08 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 8 of the constitution.

## **ARTICLE 11 – DECISION MAKING**

### **11.01 Responsibility for decision making**

The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 4 and 6 of this constitution (Scheme of Delegations to Committee and Sub-Committees and Scheme of Delegation to Officers).

### **11.02 Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (the authority will give particular consideration to the implications for human rights of any proposals at an early stage in the decision making process);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes.

### **11.03 Types of decision**

- (a) **Decisions reserved to full council** relating to the functions listed in part 3 of the constitution will be made by the full Council and not delegated.
- (b) **Key decisions**

These are decisions which are likely to:-

- result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, namely above £500k per annum;

**or**

- be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.



(c) **Forum for key decisions**

Key decisions can be made at Policy & Resources, by Committees and Sub Committees in accordance with the Scheme of Delegation to Committees and Sub Committees or by officers in accordance with the Scheme of Delegations to Officers.

**11.04 Decision making by the full Council**

Subject to Article 5, the Council meeting will follow the Council Procedure Rules set out in Part 3 of this constitution when considering any matter.

**11.05 Decision making by Overview and Scrutiny Committees**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 5 of this constitution when considering any matter.

**11.06 Decision making by other Committees and Sub-Committees established by the Council**

Subject to Article 11.07, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 3 of this constitution as apply to them.

**11.07 Decision making by Council bodies acting as tribunals or in partnership with other bodies**

The Council, a Committee/Sub-Committee or an officer

- (a) acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights
- (b) acting or meeting with any other body pursuant to any arrangements under section 75 of the National Health Service Act 2006, section 10 the Children Act 2004, the Health and Social Care Act 2012 or any other partnership arrangements will follow any proper procedures which have been agreed with that body for those arrangements.

## **ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **12.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 7 of this constitution.

### **12.02 Contracts**

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 7 of this constitution.

### **12.03 Legal proceedings**

The Head of Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

### **12.04 Seal of the Council**

- (a) The common seal of the Council shall be kept in a safe place in the custody of the Head of Legal and Democratic Services.
- (b) The common seal of the Council shall be affixed to a document only on the authority of:
  - (i) a resolution of the Council;
  - (ii) a resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
  - (iii) a decision by the Council, or by a Committee, Sub-Committee or officer exercising delegated functions, to do anything where a document under the common seal is necessary or desirable as part of the action.
- (c) The affixing of the common seal shall be attested by the Monitoring Officer, the Head of Legal and Democratic Services, the Deputy Head of Law, a Principal Solicitor, Managing Principal Solicitor or the Senior Lawyer (Property) of the Council, or another solicitor authorised by the Head of Law. An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

### **12.05 Authentication of documents**

Without prejudice to the powers delegated to the Monitoring Officer and the Head of Legal and Democratic Services under the Scheme of Delegation to Officers, where any document is necessary to any legal procedure or proceedings on behalf of the Council, it may be signed by the Monitoring Officer, the Head of Law, the Deputy Head of Law, a

Principal Solicitor, Senior Lawyer (Property) or other person authorised by the Monitoring Officer.

## ARTICLE 13 - REVIEW AND REVISION, SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### 13.01 Duty to monitor and review the constitution

The Policy & Resources Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect. The Chief Executive and the Monitoring Officer will report to the Committee from time to time on the operation of the constitution.

### 13.02 Protocol for monitoring and review of the constitution

A key role for the Chief Executive and the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the officers may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with them by Members, officers, the public and/or other relevant stakeholders;
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### 13.03 Changes to the constitution

- (a) **Approval.** Subject to (b) and (c) below changes to the constitution will only be approved by the full Council after consideration of the proposal by the Policy and Resources Committee, the Audit & Standards Committee, the Chief Executive, or the Monitoring Officer.
- (b) The changes described in the left-hand column of the table below may be made by the person or body mentioned in the right-hand column of the table.

(i)	The establishment, abolition or changes to terms of reference, of any Sub-Committee, Advisory Body, or Joint Committee	Policy & Resources Committee
(ii)	Delegation of functions of a Committee to an existing Sub-Committee	Policy & Resources Committee or the relevant Committee
(iii)	Changes to the Scheme of Delegation to Officers	Policy & Resources Committee
(iv)	Delegation of powers from a Committee or Sub-	The relevant

	Committee to an officer	Committee or Sub-Committee
(v)	Access to Information Procedure Rules	Head of Legal and Democratic Services
(vi)	Financial Regulations and Standard Financial Procedures	Chief Finance Officer
(vii)	Officer Employment Procedure Rules	Executive Director Finance & Resources
(viii)	Protocol for Public Representations at Planning Committee	Planning Committee
(ix)	Forms for declaration of interests and for declaration of gifts and hospitality under the Code of Conduct for Employees	Executive Director Finance & Resources
(x)	Protocol for Public Questions at Committees and Sub-committees	Head of Legal and Democratic Services
(xi)	Code of Corporate Governance	Audit & Standards Committee
(c)	The Monitoring Officer may make consequential amendments to the constitution to give effect to a decision of full Council or other body authorised to change the constitution under this Article. Paragraph 11 of the introduction to the Scheme of Delegation to Officers also provides authority for the Monitoring Officer to make consequential changes to the constitution.	

#### **13.04 Suspension of the constitution**

The Articles of this constitution may not be suspended. The Council Procedure Rules may be suspended in accordance with paragraph 1.7 of those Rules.

#### **13.05 Interpretation**

The ruling of the Mayor as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the full Council. Such interpretation will have regard to the purposes of this constitution contained in Article 1.

### **13.06 Publication**

- (a) The Head of Democratic Services will give a printed copy of this constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Head of Legal & Democratic Services will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Head of Legal & Democratic Services will ensure that the summary of the constitution is made widely available within the area and is updated as necessary.

## **ARTICLE 14 – ROLE AND POWERS OF COMMITTEE AND SUB-COMMITTEE CHAIRS AND LEAD MEMBERS**

### **14.01 Appointment and general Role**

- (a) The Council's Procedure Rules (20) permit it to appoint, from amongst its voting Members, Chairs of Committees and Sub-Committees. Chairs are normally appointed annually, at the Council's annual general meeting in May. If the Council does not appoint a Chair in any particular case, the Chair is elected by the Committee or Sub-Committee. The Procedure Rules (20.5) bar any Member of the Council from being Chair of more than one Committee without the permission of the Council.
- (b) Usually the annual appointments made by the Council include one or more Deputy Chairs for each Committee and Sub-Committee. Deputies are generally able to exercise the powers vested in their Chairs if the Chairs are unavailable.
- (c) As further explained in paragraphs 14.03 and 14.04 below, the role of Chair has some aspects which are formally recognised by law and relate to the conduct of meetings. Also the Chair is usually, in practice, a lead Member in a particular area of the Council's work. Paragraph 14.02 outlines the way Chairs are expected to fulfil their roles.

### **14.02 Fulfilling the Role of Chair**

The Council expects that its Chairs will:-

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee which they chair;
- lead in the development of the work of the Committee or Sub-Committee which they chair, also taking into account the wider vision, such as corporate, cross-service and partnership issues;
- lead in service delivery and the implementation of policies approved by the Council where these relate to the Committee or Sub-Committee which they chair;
- be the spokesperson for the Committee or Sub-Committee which they chair;
- meet regularly to progress the Committee's or Sub-Committee's objectives with Deputy Chairs, Opposition Spokespersons, officers, and as appropriate other people, groups and organisations;

- represent and pursue the interests of the Committee or Sub-Committee which they chair in the community and if appropriate at regional and wider levels;
- in accordance with Council's Constitution and the provisions summarised at paragraphs 14.03 and 14.04 below, ensure that:
  - (1) the meetings of the Committee or Sub-Committee which they chair are properly conducted and
  - (2) reports of proceedings are forwarded on as necessary, for example to full Council;
- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;
- be a promoter and upholder of:
  - (1) equalities throughout the City - particularly the Council's equalities policies;
  - (2) high standards of ethical conduct by the Council's Members and officers – particularly the Council's Code of Conduct for Members.

#### **14.03 Legal powers and Duties**

- (a) The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.
- (b) The following are specific functions which a Chair has under the Local Government Act 1972:-
  - a power to exercise a second (casting) vote in the event of an equality of votes on any matter;
  - a duty to sign the minutes of the previous meeting;
  - a power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.
- (c) To help the Committee or Sub-Committee which they chair make effective decisions, Chairs will not only ensure that the procedural rules



applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound at law. With assistance from officers as necessary, Chairs will ensure that the Committee or Sub-Committee (1) observes any particular legal duties relevant to a proposed decision and (2) has regard as necessary to any general duties such as:-

- best value;
  - compliance with the Human Rights Act 1998;
  - equalities;
  - the general fiduciary duties to its Council Taxpayers to act with financial prudence.
- (d) Finally, the Chair will ensure that the Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant.

#### **14.04 Powers and Duties under the Council's Constitution**

Under the Council's constitution, the role and powers of Chairs are recognised in a number of ways, including the following:-

- (a) Appointment as Chair:- Under the Council's Procedure Rules (20.1) Chairs will normally be appointed at the Council's annual general meeting.
- (b) Settling the Agenda:- Under the Council's Procedure Rules (23.2 and 23.6) Chairs have power to direct that items of business be placed on the agenda of their Committee or Sub-Committee and the order in which business is arranged on the agenda.
- (c) Conducting the meeting:- Under the Procedure Rules (in particular 27) the Chair controls the proper conduct of meetings of his or her Committee or Sub-Committee. The Chair has discretion to depart from the formality of the Rules of Debate applicable to full Council meetings and such discretion is regularly exercised.
- (d) Involvement at Urgency and other Sub-Committees:- The Council's Procedure Rules (22) make Chairs ex-officio members of any Urgency Sub-Committee of the Committee they chair and permit them to attend and speak at any meeting of a Sub-Committee appointed by their Committee.
- (e) Reserve Power to call special Meetings:- The Council's Procedure Rules (19.2) permit a Chair to call a special meeting of his or her Committee or Sub-Committee at any time.
- (f) Reporting to full Council:- It usually falls to Chairs to present any reports which need approval of full Council, under the Council's Procedure Rules (24.2).

- (g) Duty to be available for Questions:- The Council's Procedure Rules (9.2) permit any Member of the Council to give written notice and ask questions of any Chair at full Council meetings. Also a Chair (9.17) can be questioned about any report which he or she is putting before the Council.
- (h) Right to be consulted:- Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers after consultation with the relevant Chair.
- (i) Special Responsibility Allowance:- In recognition of the role played by Chairs, Schedule 1 of the Council's Members Allowances Scheme allocates differing levels of special responsibility allowance payment to Chairs, the levels of payment being based on the levels responsibility.

#### **14.05 Lead Members**

- (a) The Council or the Leader of the Council may designate a Member as a "Lead Member" for a particular purpose or function. The Member so designated will have the following roles:
  - (i) To be the Council's spokesperson for the designated purpose or function;
  - (ii) To co-ordinate the discharge of the Council's functions relating to the function, service or purpose;
  - (iii) To give Officers member level guidance and steer
- (b) It is expected that the Lead Member will work closely with the Leader and relevant Chair or Chairs of committees.
- (c) The designation of a Member as Lead Member is without prejudice to the powers and duties of the Chair of the relevant committee and is intended to complement rather than replace the role of the Chair under the law and the Council's constitution.

## **ARTICLE 15 – ROLE AND POWERS OF THE LEADER OF THE COUNCIL**

### **15.01 Appointment and general Role**

- (a) The Council's Procedure Rules (18.10) permit Council to appoint, from among its voting Members, a Leader of the Council (referred to in this Article as the "Leader"). The Leader is normally appointed annually, at the Council's annual general meeting in May. If the Council does not appoint a Leader, the Leader of the largest political group becomes the Leader.
- (b) Usually the annual appointments made by the Council include one or more Deputy Leaders who are generally able to exercise the powers vested in the Leader if he or she is unavailable.
- (c) As further explained in paragraphs 15.03 and 15.04 below, the role of the Leader is not a formal legal role, but he or she is in practice the executive head of the Council, and the Member with greatest responsibility for driving forward the broad policies of the Council. Paragraph 15.02 outlines the way the Leader is expected to fulfil his or her role.

### **15.02 Fulfilling the Role of Leader**

The Council expects that the Leader will:-

- be the political (rather than ceremonial) leader of the Council, for the benefit of all the City's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in service delivery and the implementation of policies approved by the Council;
- represent and pursue the interests of the Council in the community and at international, national and regional levels;
- act as Chair of the Policy & Resources Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions mentioned at paragraph 15.04 below;
- lead in providing policy direction and guidance to the Chief Executive and Chief Officers;

- meet regularly to progress the Council’s objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc;
- support the performance of the Council’s overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;
- be a promoter and upholder of:
  - (1) equalities throughout the City - particularly the Council’s equalities policies;
  - (2) high standards of ethical conduct by the Council’s Members’ and officers – particularly the Council’s Code of Conduct for Members.

### **15.03 Legal Powers and Duties**

As the Council operates a Committee System, the Leader has no formal legal powers and duties vested in him or her under the Local Government Act 1972 or the Local Government Act 2000.

However, in practice, all local authorities need to appoint Leaders and each Leader will hold the most significant elected Member role within his or her authority. As described in paragraph 15.02 above, the Council’s Leader will be the Council’s political/elected head, the focus for policy direction and community development, and also the chief advocate and ambassador for the whole of the City.

### **15.04 Powers and Duties etc under the Council’s Constitution**

Under the Council’s constitution, the Leader is recognised in the following ways:-

- Chairing Policy & Resources Committee:- The Leader will normally be appointed at the Council’s annual general meeting as Chair of the Council’s most senior committee, the Policy and Resources Committee. (If the Council did not appoint the Chair, it would fall to the Committee to make an appointment and it would be expected that the Leader would be appointed.) This Committee is responsible for the Council’s broad policies and its finances.
- Power to attend and speak:- The Council’s Procedure Rules (18.10) permit the Leader to attend and speak at any meeting of a Committee

or Sub-Committee of the Council, but he or she can only vote if appointed as a voting member of the committee or Sub-Committee.

- Reserve Power to call extraordinary Council Meetings:- The Council's Procedure Rules (4.3) permit the Leader, if neither the Mayor nor the Deputy Mayor is available, to call extraordinary meetings of the full Council.
- Duty to be available for Questions:- The Council's Procedure Rules (10.2) permit any Member of the Council to give written notice and ask questions of the Leader at full Council meetings.
- Involvement in Major Emergencies:- The Leader must be informed if an emergency is likely to be or has been declared under the Council's emergency planning or business continuity procedures. Also, officers must consult the Leader before they take any emergency action which would otherwise need committee authority.
- Special Responsibility Allowance:- In recognition of the role played by the Leader, Schedule 1 of the Council's Members Allowances Scheme allocates the highest special responsibility allowance payment to the joint role of Leader and Chair of Policy and Resources Committee.
- Power to designate individual Members as Lead Members:- Where the Leader considers it would be beneficial for a particular area or function to have a dedicated Lead Member, the Leader may appoint a Lead Member to that area or function. Such appointments would normally be a member of the group with the largest number of seats in order to ensure maximum co-ordination with the work of Chairs of policy committees.