

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 13 JANUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Simpson (Deputy Chairman), Mrs Brown, Duncan, Elgood, Fallon-Khan, Kemble, Mitchell, Oxley and Taylor

PART ONE

52. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

52.1 Councillors Fallon-Khan and Kemble declared that they were attending the meeting as substitutes for Councillors Cobb and Mears respectively.

(B) Declarations of Interest

52.2 There were no declarations of interest.

(C) Exclusion of the Press and Public

52.3 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

52.4 **RESOLVED** – That the public be not excluded from the meeting during the consideration of the items listed on the agenda but they be excluded during consideration of item 67 as listed on the addendum.

53. MINUTES OF THE PREVIOUS MEETING

- 53.1 The minutes of the last meeting were agreed as a correct record of the proceedings, subject to the reference to Councillor Taylor in paragraph 36.2 being amended to read Councillor Elgood.

54. CHAIRMAN'S COMMUNICATIONS

- 54.1 The Chairman informed the Committee that she had received a letter from Councillor McCaffery, regarding the establishment of the Inclusive City Partnership and the development of an equalities policy, with particular reference to the ability of ethnic minority groups to feed into the Partnership and consultation on the equalities policy. She stated that Councillor McCaffery had intended for her letter to be included on the agenda for the December Committee meeting but had missed the deadline. In view of this and that the issue would need to be considered as part of the 6-month review of the constitution, she had agreed with Councillor McCaffery that her letter should be referred to the officers undertaking the review and included in their report to the March Committee meeting.

55. PETITIONS

- 55.1 The Committee considered a report of the Director of Strategy & Governance which detailed the submission of a petition to the 12 December Council by Councillor Bennett, concerning a request to change the name of Stanford Ward to Hove Park Ward.
- 55.2 The Chairman stated that she had spoken to Councillor Bennett and explained that following the last meeting of the Committee and the last Council meeting, it had been decided that all such requests should be referred to the Leaders Group for consideration.
- 55.3 The Director of Strategy & Governance informed the Committee that the Leaders Group was due to meet on the 5 February and would be agreeing a schedule of meetings for the year ahead.
- 55.4 **RESOLVED** – That the petition and information regarding the Leaders Group be noted.

56. PUBLIC QUESTIONS

- 56.1 The Chairman noted that no public questions had been submitted for the meeting.

57. DEPUTATIONS

- 57.1 The Chairman noted that there had been no deputations submitted for the meeting.

58. WRITTEN QUESTIONS FROM COUNCILLORS

58.1 The Chairman noted that no written questions from Members had been submitted for the meeting.

59. LETTERS FROM COUNCILLORS

59.1 The Chairman noted that no letters from Members had been submitted for the meeting.

60. NOTICES OF MOTIONS

60.1 The Chairman noted that there had been no Notices of Motion submitted for the meeting.

61. CALLOVER

61.1 The Chairman stated that she wished to consider all the items on the agenda and therefore reserved them for discussion.

61.2 **RESOLVED** – That item No's 55, 62 – 65 inclusive, as listed on the agenda together with the urgent item No.67, circulated as an addendum, be reserved for debate and determination.

62. UPDATE ON THE 'COMMUNITIES IN CONTROL' WHITE PAPER

62.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the latest position in relation to the Department of Communities and Local Government's (CLG), consultations and the council's responses and draft legislation derived from the 'Communities in Control' White Paper (for copy see minute book).

62.2 The Lawyer introduced the report and noted that two Bills had been announced in the Queen's Speech in December, which were derived from the White Paper and related to governance matters. It was intended to bring a further report to the Committee in March on how these were progressing and the implications for the council.

62.3 Councillor Mitchell referred to the various responses given to consultation from the CLG and expressed her regret that there had been no cross-party gathering of views to formulate the responses. In particular, she felt that the Overview & Scrutiny Commission could have undertaken a role in dealing with appeals in relation to petitions, rather than give the response shown on page 20 of the report. However, overall she was in broad agreement with the report and hoped that there would be an opportunity for the committee to respond to future consultations.

62.4 Councillor Elgood welcomed the report but noted that the making of by-laws was an issue for residents of his ward and suggested it would have been helpful to have

indicated the need for more control at a local level. He also referred to Question 2 on page 19 and suggested that the use of the word 'us' was not clear or appropriate in terms of the response coming from the council.

62.5 Councillor Duncan welcomed the report and noted that there would be an opportunity for the committee to feed into the outstanding responses at its meeting in March. He also sought clarification with regard to the code of practice relating to press and publicity and the agreed protocol for working in a no overall control environment. He recognised matters had changed in that the council now had a Leader & Cabinet but wanted to know that the protocol remained in effect.

62.6 The Lawyer noted the comments regarding the responses given to CLG and stated that the time frame for submitting responses had meant that there had been a need to take a pragmatic approach in formulating the responses. However, he hoped that in future there would be sufficient time for responses to be brought to the committee for consideration before submission.

62.7 The Director of Strategy & Governance stated that a protocol for working under a position of no overall control had been considered and agreed by the Leaders Group. However, this was a working agreement which had not been intended to be agreed on a formal basis, but rather kept under review at the Leaders' level. He anticipated that it would be reviewed by the Leaders Group in the near future.

62.8 The Chairman noted the comments and that a further report would be brought to the next meeting.

62.9 **RESOLVED –**

- (1) That the latest position on the Department of Communities and Local Government's consultations under the White Paper be noted;
- (2) That the governance related provisions of:
 - (i) the Local Democracy, Economic Development and Construction Bill, and
 - (ii) the draft Community Empowerment Bill, be noted;
- (3) That officers be requested to provide the Committee with a further report to its meeting on the 10 March 2009, setting out more detail and analysis on the Bills, and seeking the Committee's input in formulating a response to the Department of Communities and Local Government's latest White Paper consultations.

63. REVIEW OF CABINET MEMBER FUNCTIONS FOR COMMUNITY SAFETY

63.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Leader's proposals to transfer the Community Safety function from the Cabinet Member for Environment to the Cabinet Member for Community Affairs, Inclusion and Internal Relations (for copy see minute book). The report outlined the intention to reflect the changes for Community Safety resulting from the establishment of Crime & Disorder Committees and proposals contained in the Green Paper on Policing;

and to achieve greater co-ordination with related functions around equalities, inclusion and community affairs.

- 63.2 The Head of Law introduced the report and stated that whilst the functions and responsibilities of Cabinet Members was determined by the Leader of the Council, the constitution required that any proposed changes to portfolios would be reported to the Governance Committee for consideration.
- 63.3 Councillor Duncan noted the proposed change and queried whether a similar change should be made in the Overview & Scrutiny functions. He suggested that the Environment portfolio was large enough on its own and that therefore a separate Overview & Scrutiny Committee should be established for Community Safety. He also queried whether the Cabinet Member for Environment would relinquish a number of roles he had been appointed to as part of the overall portfolio.
- 63.4 Members of the Committee welcome the proposed change and suggested that consideration be given to the need for a similar change the Overview & Scrutiny arrangements. However, it was also felt that any change would need to take account of the resources available for overview & scrutiny.
- 63.5 Councillor Mitchell queried the need for the change at the present time and suggested that it might have been beneficial to wait for the review of the constitution before implementing it.
- 63.6 The Head of Law stated that there were a number of issues which would be coming forward over the next few months and the Leader felt that the change was required, in order to ensure a co-ordinated response to these could be led by a Cabinet Member.
- 63.7 **RESOLVED –**
- (1) That the proposed transfer of community safety functions delegated to the Cabinet Member for Environment as detailed in the report, to the Cabinet Member for Community Affairs, Inclusion and Internal Relations be agreed;
 - (2) That the Head of Law be authorised to make the necessary amendments to the Council's Constitution.

64. INTRODUCTION OF CRIME & DISORDER COMMITTEES

- 64.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Government's intention that local authorities should introduce Crime & Disorder Committees from the 1st April 2009 (for copy see minute book).
- 64.2 The Lawyer introduced the report and noted that the intention was that the Crime & Disorder Committee would operate as an overview & scrutiny committee. It would be responsible for calling the Police to account and looking at community safety issues. At present guidance and draft regulations on how these committees should operate was still awaited. However, it was hoped that the information would be forthcoming and

recommendations could be included in the report on the 6-month review of the constitution to the committee in March.

- 64.3 Councillor Kemble noted the report and queried whether there were sufficient resources within the council to service a further overview & scrutiny committee.
- 64.4 Councillor Duncan noted the report and stated that there was a need to review the impact of such a committee on the overview & scrutiny function of the council. He believed that the current Environment & Community Safety portfolio was too large and that with the element of crime & disorder coming into effect, there was a need for a separate committee. He also hoped that the current Community Safety Forum would remain as it provided a useful arena to discuss issues with the various interest groups, and he felt this would be lost in a more formal scrutiny committee structure.
- 64.5 Councillor Simpson stated that she hoped the report in March would take account of the current situation and the resource provision, as the role of overview & scrutiny was an important element in the decision making process.
- 64.6 The Chairman noted the various comments which she hoped would be taken on board.
- 64.7 **RESOLVED –**
- (1) That the Government's intention to introduce Crime & Disorder Committees from April 2009 be noted; and
 - (2) That the local governance implications as a result of (1) above be considered as part of the council's 6-month review of its Constitution and in light of statutory guidance and regulations expected in early 2009.

65. UPDATE ON THE 6-MONTH REVIEW OF THE CONSTITUTION

- 65.1 The Committee considered a report of the Director of Strategy & Governance, which provided an update on the 6-month review process of the constitution (for copy see minute book).
- 65.2 The Head of Law introduced the report and stated that a questionnaire had been issued to partner organisations, local businesses, Members, Officers and made available to the public. The closing date for the return of the questionnaire was the 19th January and to date there had been 10 public responses. Overall the response to the questionnaire had been positive and a number of areas had been highlighted.
- 65.3 Councillor Elgood queried whether there had been any further guidance issued by the Government in respect of the adoption of the Strong Leader and Cabinet model, as he was aware most authorities were required to make the change this May.
- 65.4 The Head of Law confirmed that no further guidance had been issued and that Brighton & Hove had been the first authority to adopt the new model and was being looked at in terms of how to move to the new model.

- 65.5 Members of the Committee noted that there had been some public response to the questionnaire and that promotion of the review was something that Members should highlight and encourage responses.
- 65.6 The Head of Law noted that whilst Members and the majority of officers engaged with the decision-making process on a daily basis, it was not an easy subject to convey to the public or the business community. However, there was still time and it may be that further responses would be received by the deadline.
- 65.7 The Chairman noted the comments and that a report would be brought to the next meeting of the committee.
- 65.8 **RESOLVED** – That the report be noted.

66. ITEMS TO GO FORWARD TO COUNCIL

- 66.1 The Committee considered whether any items should be submitted to the 29 January Council meeting for information.
- 66.2 **RESOLVED** – That no items be referred to the forthcoming council meeting for information.

PART TWO SUMMARY

67. EQUAL PAY

- 67.1 **RESOLVED** – That the recommendations contained in the report be agreed.

68. TO CONSIDER WHETHER OR NOT THE ABOVE ITEM AND THE DECISIONS THEREON SHOULD REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC.

- 68.1 The Chairman noted that the addendum circulated to the Members of the Committee had been misprinted and failed to include the usual final item for part two matters, which was to consider whether the item should remain exempt from disclosure to the press and public. She therefore proposed that the item should be taken as Item No.68 and sought agreement from the committee.
- 68.2 Councillor Kemble formally seconded the proposal and Members of the committee indicated their support for the proposal and noted that the matter would remain exempt from disclosure at this time, but dependant upon how matters/negotiations progressed information in relation to the issue could be made public in due course.
- 68.3 **RESOLVED** – That item No. 67 and the decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 6.10pm

Signed

Chairman

Dated this

day of