

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 10 JANUARY 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), A Norman (Deputy Chair), Bowden, Cobb, Cox, J Kitcat, Mitchell, Morgan, Powell and Randall

Also in attendance:

PART ONE

49. PROCEDURAL BUSINESS

49a Declaration of Substitutes

49a.1 Councillor Bowden attended as a substitute for Councillor Kennedy
Councillor Cobb attended as a substitute for Councillor Theobald

49b Declarations of Interest

49b.1 There were none.

49c Exclusion of Press and Public

49c.1 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).

49c.2 **RESOLVED** – That the press and public not be excluded from the meeting.

50. MINUTES OF THE PREVIOUS MEETING

RESOLVED - That the minutes of the meeting held on 15 November 2011 be approved as a correct record.

51. CHAIR'S COMMUNICATIONS

- 51.1 The Chair noted that Councillor Cox had joined the Governance Committee and welcomed him to the meeting.
- 51.2 The Chair referred to item 59 on the agenda, which provided further updates on the Localism Act, and confirmed that additional reports on this matter would come to future meetings of the Governance Committee.

52. CALLOVER

RESOLVED – That all the items be reserved for discussion.

53. PETITIONS

There were none.

54. PUBLIC QUESTIONS

There were none.

55. DEPUTATIONS

There were none.

56. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

There were none.

57. BRIGHTON & HOVE CITY COUNCIL HEALTH & WELLBEING BOARD DEVELOPMENT

- 57.1 The Committee considered a report of the Strategic Director, People and Director of Public Health and Adult Social Care concerning the establishment of a Health and Wellbeing Board. The report summarised the proposed approach to establishing a Health and Wellbeing Board, and sought approval for the approach outlined for the establishment of a Shadow Health and Wellbeing Board in April 2012 as set out in the Terms of Reference.
- 57.2 An amendment to the draft Terms of Reference was proposed by Council Randall and seconded by Councillor Kitcat. The proposed amendment was circulated to the members. The amendment related to the second bullet point in paragraph 3 'Membership' of the draft Terms of Reference and read:

'Six additional elected Members which, taken together with the Elected Member as Chair set above, will be allocated to the different groups in proportion to the number of seats they have at Council'.

Council Kitcat spoke on the amendment and said the six additional members would ensure that there would be a majority of councillors on the Health and Wellbeing Board, which would make the Board as democratic as possible.

- 57.3 Councillor A Norman noted the proposed amendment and whilst agreeing that it would allow councillors to be more involved, had concerns that a great deal of consultation had taken place and the working group had carefully considered the membership. Councillor Norman suggested it might be more appropriate for the proposed amendment to be considered first by the working group.
- 57.4 Councillor Bowden supported the amendment as, whilst he did not want the Board to be too big and unwieldy, he felt additional Members on the Board would allow for a more democratic decision making process and would assist officers who may find themselves in a difficult situation having to vote on certain issues.
- 57.5 Councillor Mitchell had hoped that membership of the Board would be small, but accepted that it was important to protect officers from having to make some decisions. Councillor Mitchell asked whether the Board would be able to monitor and comment on the spend of the partner agencies. The Committee were advised that the Board would be able to look at health outcomes for the city, and consider the proposals of how to meet them, but would not be looking at the actual contracts etc.
- 57.6 Councillor Cobb noted the suggested amendment and stated that she had similar concerns to Councillor Norman, and felt that the working group should have considered them first. Councillor Cobb suggested that another option would be to remove the voting rights of the three Directors (as listed in the Terms of Reference Membership), and allow the Chair to have the casting vote. This would alleviate the need for officers to make decisions.
- 57.7 Councillor Morgan asked for clarification on whether the Board would be looking at issues such as alcohol abuse, mental health etc and whether there would be any overlap with other committees or boards. Councillor Morgan was advised that the Board would be looking at those types of areas, and if there were any overlaps they should become apparent during the shadow year.
- 57.8 Councillor Powell asked whether it was the intention for the Board to replace the Children and Young People Overview and Scrutiny Committee or the Adult Social Care and Housing Overview and Scrutiny Committee. Councillor Powell was advised that the proposals for the new committees would be agreed in April, and the role of the Health and Wellbeing Board would be looked when proposing the new committees. Councillor Powell asked if there would be a scrutiny function within the Board, and was advised that the Board would be focusing on the health needs of the city and looking at whether those needs were being met.
- 57.9 Councillor Bowden referred to the suggestion made by Councillor Cobb that the directors on the Board don't have the right to vote and asked if that were legally

possible. Councillor Bowden was advised that the directors were required to be full members with equal rights and therefore they would have to be able to vote.

- 57.10 The Head of Legal and Democratic Services confirmed that it was intention for the arrangements of the shadow board to be as close as possible to the final board. It was not the intention for the Health and Wellbeing Board to replace other boards or committees, and having the shadow board would allow for any overlaps to be noted.
- 57.11 Councillor Norman noted that the government recommendations were to have one Member on the Board, and the working group had increased that to three Members. The suggested further increase was on the recommendation of the administration and not the working group and was concerned that to agree an increase at the meeting was inappropriate without it being looked at again by the working group.
- 57.12 Councillor Kitcat stated that the Health and Wellbeing Board would not be reporting to Council and it was important that councillors came first in any making any decision.
- 57.13 Councillor Randall confirmed that the suggested change to the membership had been discussed at the recent Leaders Group meeting.
- 57.14 Councillor Littman noted that there would be 14 members on the Board and therefore all the councillors, representing the political parties, would need to agree for issues to be agreed by the Board.
- 57.15 A vote was taken on the proposed amendment and the amendment was agreed.

RESOLVED

- 1 That Governance Committee recommends to Council the establishment of a Shadow Health and Wellbeing Board from April 2012 as set out in the report and in accordance with the draft Terms of Reference attached at Appendix One, with the following amendment:
'That the second bullet point in paragraph 3 (Membership) reads: 'Six additional elected Members which, taken together with the Elected Member as Chair set out above, will be allocated to the different groups in proportion to the number of seats they have at Council.'
2. That Governance Committee refers the report to the Cabinet for information.

58. OPEN PUBLIC SERVICES WHITE PAPER

- 58.1 The Committee considered the report of the Strategic Director, Resources on the Open Public Services White Paper. The report summarised the proposals in the White Paper 'Open Public Services' published in July 2011 and considered related initiatives such as the Localism Act and the Public Services (Social Value) Bill. It was likely the matter would receive Royal Assent in May 2012.
- 58.2 Councillor Mitchell thanked officers for an interesting report, and asked

whether it was likely the councils would receive additional funding to run the Neighbourhood Services, and who would monitor the Commissioned Services. Councillor Kitcat addressed the issue of funding, and stated that there was no anticipation of additional funding and therefore any costs would have to come from within the current budget. With regard to monitoring, Councillor Mitchell was advised that consideration would have to be given to either providing scrutiny or enhancing the role of councillors.

- 58.3 Councillor Randall stated that he had met with Junior Ministers and the government were looking for pilot schemes. A number of areas within the city had already expressed an interest, and if the city became a pilot there could be some support from government.
- 58.4 Councillor Randall referred to the Public Services (Social Value) Bill, and that the implications for the way public bodies would have to look at procurement was interesting.
- 58.5 Councillor Powell referred to paragraph 3.6 of the report and asked when the Local Account would be reported to the CMM and the Adult Social Care and Housing Scrutiny Committee. Officers did not know the date but said they would Councillor Powell know.
- 58.6 Councillor Cox said the new legislation was exciting and would allow neighbourhoods and third sector groups to become more involved.

RESOLVED

1. That Governance Committee noted the information contained in the report and requested officers provide further briefings once the response to consultation and implementation plan for the Open Public Services White Paper was published.

59. LOCALISM ACT

- 59.1 The Committee considered a report of the Strategic Director, Resources on the implementation of the Localism Act.
- 59.2 At Full Council on 15 December 2011, it was agreed in principle to change the governance arrangements to a committee system with effect from Annual Council in May 2012. The report set out the programme of work required to change to a committee system.

RESOLVED

1. That Governance Committee noted the information contained in the report.

60. ADOPTION AND SURROGACY POLICY

- 60.1 The Committee considered the report of the Strategic Director, Resources on the Adoption and Surrogacy Policy. The report recommended the Adoption Policy be brought into line with the occupational maternity provisions and extend the provision to surrogate parents. The Committee were advised that there was a typing error in paragraph 3.3, and '18 weeks' should read '39 weeks'.
- 60.2 Councillor Kitcat supported the proposals and felt that as the Council wanted to encourage adoption it was a positive thing.
- 60.3 Councillor Randall thanked the officers for the report and said that he supported it.
- 60.4 Councillor Mitchell stated she was very happy with the report, and also supported it.
- 60.5 Councillor Norman fully supported the proposals.
- 60.6 Councillor Cobb referred to paragraph one of the policy, and asked why it would not apply to foster carers or step parents. Councillor Cobb was advised that there was a separate policy for foster carers and step parents would probably be only formally adopting a child rather than the child being new member of a family.

RESOLVED

1. That Governance Committee agreed the amended Adoption & Surrogacy Policy as set out in Appendix One to the report.
2. That Governance Committee agreed that an employee who became a legal parent of a surrogate child be allowed access to the Adoption & Surrogacy Policy.
3. That Governance Committee agreed that five days paid leave be granted for the Adoption Preparation and Assessment Process.
4. That Governance Committee agreed that the proposals be backdated to 1 January 2012 to enable those employees who were close to being matched with a child benefited from the policy.

61. GOVERNANCE COMMITTEE WORK PLAN

61.1 RESOLVED

That the Work Plan be noted.

The meeting concluded at 5.10pm

Signed

Chair

Dated this

day of