

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00PM 7 JULY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Fallon-Khan, Mears, Mitchell, Randall, Simson and Watkins

PART ONE

1. PROCEDURAL BUSINESS

1a Declaration of Substitutes

1a.1 Councillor Watkins declared that he was attending the meeting as a substitute for Councillor Elgood.

1b Declarations of Interest

1b.1 There were none.

1c Exclusion of Press and Public

1c.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).

1c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 15 onwards.

2. MINUTES OF THE PREVIOUS MEETING

2.1 The Chairman apologised for the omission of the minutes from the agenda. The minutes had been circulated and Members given time to consider them.

2.2 **RESOLVED** - That the minutes of the meeting held on 28 April 2009 be approved as a correct record.

3. CHAIRMAN'S COMMUNICATIONS

- 3.1 The Chairman thanked the Leaders of all Groups for engaging with him on the important issues that would influence the forthcoming work of the committee.
- 3.2 The Chairman explained the importance of civic history and made a commitment to improving the council's 'civic offer' through consultation and with cross-party support.
- 3.3 The Chairman reported that he intended to bring forward proposals to enable members to make better use of the opportunities available within the council's Constitution for Members to raise issues of local concern as well as strategic city-wide matters.
- 3.4 The Chairman explained the role of Cabinet Member Meetings and Scrutiny Panels in decision-making and pledged work with both the Executive and Scrutiny Members to ensure that all parts of the process worked well.

4. CALLOVER

- 4.1 **RESOLVED** - That all the items be reserved for discussion.

5. PETITIONS

- 5.1 There were none.

6. PUBLIC QUESTIONS

- 6.1 There were none.

7. DEPUTATIONS

- 7.1 There were none.

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

- 8.1 There were none.

9. DRAFT GOVERNANCE COMMITTEE WORK PLAN

- 9.1 The Committee considered a report of the Acting Director of Strategy & Governance concerning draft work programme for the Committee (for copy see minute book).
- 9.2 Councillor Simpson welcomed the work programme, which could be further developed throughout the year. With reference to the work programme, she queried the absence of the report on 'Change of Ward Names' from the agenda.
- 9.3 The Head of Law explained that due to the European Elections and the upcoming by-election, officers had been unable to complete the work, but that the proposed

names had been considered at the Leaders' Group and the report would come to the Committee in September.

9.4 The Head of Law added that the work programme was meant to be indicative and that 'Future Business' would be a standing item on future agendas.

9.5 Councillor Watkins supported the idea of standing item as it would serve to inform Members of upcoming business in good time.

9.6 **RESOLVED –**

(1) That the Committee approves the draft work programme.

(2) That the Committee requests the Acting Director of Strategy and Governance to keep the work plan updated to reflect new items as they are identified.

10. METHODOLOGY FOR 12 MONTH REVIEW OF THE CONSTITUTION

10.1 The Committee considered a report of the Acting Director of Strategy & Governance concerning the proposed approach and timescale for the 12 month review of the council's Constitution (for copy see minute book).

10.2 Councillor Mitchell praised the six month review and hoped that the 12 month review would be similarly thorough.

10.3 In response to queries from Councillor Randall regarding the six month review, the Chairman offered to provide him with a copy of the report and accompanying information detailing the process and outcomes.

10.4 Councillor Mears commented that the review process was very important; it allowed the council to stay on track and make the way forward clear.

10.5 **RESOLVED** - That the Committee approves the steps and timescale for the 12 month review of the constitution set out at paragraph 3.5 and 3.6 of the report.

11. UPDATE ON IMPLEMENTATION OF THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

11.1 The Committee considered a report of the Acting Director of Strategy & Governance updating Members on latest situation regarding implementation of the Local Government and Public Involvement in Health Act 2007 ('the LGPIH Act') (for copy see minute book).

11.2 Councillor Watkins commented that the provisions relating to the new procedure for making byelaws would generate a lot of interest locally when there were implemented, as some work had already been done on this by Residents Associations and officers.

11.3 Councillor Simpson queried whether it would give the council the opportunity to legislate regarding bonfires.

- 11.4 The Head of Law explained that there was the opportunity for a wide interpretation in some areas, but that it was important to be selective and be mindful of resource implications.
- 11.5 Councillor Mears suggested that a review of the byelaws be initiated, in order for the council to focus on the relevant ones.
- 11.6 Councillor Mitchell echoed the need for a review and added that the council would need to look at the inconsistencies between Brighton byelaws and Hove byelaws.
- 11.7 The Head of Law reported that an ad-hoc review had been undertaken at some point, but it had not been comprehensive. He suggested bringing a report to the Committee in September or November to provide Members with a snapshot of the current situation. A thorough review could follow once the powers were implemented.
- 11.8 **RESOLVED -**
- (1) That the latest situation as regards the implementation of key governance provisions in the LGPIH Act be noted.
- (2) That officers be instructed to keep the Governance Committee informed about the implementation of any outstanding provisions in the Act relevant to the council.

12. REVIEW OF WEBCASTING

- 12.1 The Committee considered a report of the Acting Director of Strategy & Governance requesting Members to consider the continued provision of web casting selected council meetings following the conclusion of the pilot project (for copy see minute book).
- 12.2 Councillor Brown and Randall welcomed the proposal to fund an apprenticeship to resource the continued provision of web casting.
- 12.3 **RESOLVED –**
- (1) That the Committee approves the continued provision of web casting based on the options outlined in paragraph 3.15 of the report
- (2) That the Committee approves the revised web casting Protocol attached at Appendix 2.

13. MEMBERSHIP OF SOUTH EAST ENGLAND COUNCILS (SEEC)

- 13.1 The Committee considered a report of the Acting Director of Strategy & Governance recommending that Brighton & Hove City Council joins the new regional body South East England Councils (SEEC) following the discontinuation of the South East England Regional Assembly (SEERA) at the end of March 2009. The Committee's approval was sought to appoint Councillor Mary Mears as Brighton & Hove City

Council's representative, subject to Cabinet approval to join SEEC (for copy see minute book).

- 13.2 The Chairman explained that the report had come to the Committee to approve a representative prior to obtaining the approval of Cabinet to join SEEC; this was due to the timetabling of the meetings, with Cabinet taking place two days later.
- 13.3 Councillor Mitchell welcomed the recommendations and was supportive of the focus on regeneration monitoring and reporting at local level.
- 13.4 In response to a query from Councillor Randall regarding the absence of sustainability issues from the draft work programme the Acting Director of Strategy & Governance explained that this and other issues could be raised when SEEC meets.
- 13.5 In response to a query from Councillor Watkins the Acting Director of Strategy & Governance confirmed that the reference to the impact of a General Election had been included because officers needed to be aware of the potential for changes in policy that may result.
- 13.6 Councillor Mears made a commitment to ensure that regular updates on SEEC activities were reported to the Committee.
- 13.7 **RESOLVED** - That the Governance Committee approve Councillor Mary Mears as the representative for Brighton & Hove City Council, subject to the Cabinet giving approval to join SEEC.

14. ITEMS TO GO FORWARD TO COUNCIL

- 14.1 The Committee considered whether any items should be submitted to the 16 July Council meeting for information.
- 14.2 **RESOLVED** – That Members inform officers following the meeting of any items they wish to be referred to Council.

PART TWO SUMMARY

15. FUTURE PAY

- 15.1 The Committee considered a report of the Acting Director of Strategy & Governance concerning future pay (copy circulated to members only).
- 15.2 **RESOLVED** – That the recommendations be agreed as amended.

16. PART TWO ITEMS

- 16.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.
- 16.2 **RESOLVED** – That item 15, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of