

# Brighton & Hove City Council

## Council

## Agenda Item 22

**Subject:** Review of the Council's Constitution

**Date of meeting:** 20 July 2023

**Report of:** Executive Director, Governance, People & Resources

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**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 The Council is under a statutory duty to keep its Constitution under regular review. This report proposes changes to the Council's Constitution for approval by Full Council.
- 1.2 The proposals have been designed to assist in the smooth running of Committee and Council meetings.

#### 2. Recommendations

That Council:

- 2.1 Approves the proposed changes listed below, to come into effect immediately following their approval by Council, and
- 2.2 Authorises the Chief Executive and Monitoring Officer to take all steps necessary or incidental for the implementation of the changes and authorises the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes.

#### 3. Context and background information

##### **Proposal to amend the Officer Employment Procedure Rules - Part 7.6 of the Council's Constitution**

- 3.1 The appointment of the Head of Paid Service is required by law to be made by full Council. The Council's Officer Employment Procedure Rules set out that a recommendation to full Council on the Head of Paid Service appointment should be made by an Appointments and Remuneration Panel of 6 members. The Rules also provide that the Chief Executive may appoint Chief Officers where the appointment is on an Acting basis or where the appointment is of a candidate recommended by the a panel.

- 3.2 The Appointments and Remunerations Panel is currently required to comprise 6 members appointed to reflect the political composition of the Council and providing all Groups in the Council are represented.
- 3.3 In view of the current political composition of the Council, if the Panel were to be established on a politically proportionate basis with all Groups represented it would be a Panel of 27 members, which would not be practical for an Interviewing Panel. Therefore it is proposed to retain the Panel size of 6 members and apply political proportionality as follows:-
- o 4 Labour
  - o 1 Green
  - o 1 Conservative
- 3.4 The proposal is therefore to amend the Officer Employment Procedure Rules to reflect that the composition of the Appointment and Remuneration Panel will consist of 6 members on a politically proportionate basis without the requirement for all political groups to be represented in all cases.

#### **Proposal to amend the Scheme of Delegations to Officers - Part 6 of the Council's Constitution**

- 3.5 Currently the Council's Chief Executive has delegated responsibility for acting as the organisation's Senior Information Risk Officer, or 'SIRO': a best practice role which is not a legal requirement, but is considered to be a means of ensuring oversight at Chief Officer level of the many aspects of the Council's information governance functions.
- 3.6 It is proposed that the role of SIRO is more appropriately carried out by a chief officer other than the Chief Executive, and that the Executive Director Governance People & Resources is best placed to undertake it. The proposal is therefore that Part 6 of the Constitution be updated accordingly.

#### **Proposal to update other parts of the Scheme of Delegations to Officers to better reflect how the organisation discharges its functions**

- 3.7 A review of the enforcement powers delegated to the Executive Director Economy, Environment & Culture has generated a proposal to update the existing wording relating to travel concession and Blue Badge fraud so that effective enforcement action can be taken when necessary. The proposed updated wording is attached as Appendix 1.

#### **Proposal to update the membership of the Joint Staff Consultation Forum**

- 3.8 The Joint Staff Consultation Forum (JSCF) is an advisory board to the Strategy, Finance & City Regeneration Committee. It is a mechanism for regular and meaningful consultation in support of Brighton & Hove City Council's approach to working in partnership with its recognised trade unions. It provides employees, through their elected representatives, with direct access to elected members and members of the Executive Leadership Team.

- 3.9 The JSCF provides an opportunity for the Trade Unions to bring suggestions that will improve the council's employment offer, engage with strategic proposals, comment on potential solutions to issues or offer alternatives and be provided with information from the council's leadership about the future direction of the council.
- 3.10 To ensure the format of JSCF can meet these objectives through open debate and genuine sharing of information, it is proposed that the elected members on the forum are taken from the administration, rather than the current cross-party representation.
- 3.11 The Forum currently has wider membership or attendance including trade union reps and officers. It is proposed that these are reviewed by the Director of HROD following consultation with the TU's, and updated accordingly following discussion and agreement at the next JSCF. This will include reviewing the officer membership and the number of TU representatives and making consequential amendments to the terms of reference and ways of working of the forum.
- 3.12 The recognised TU's have been consulted on these proposals and have been positive about the suggested change. They are keen that the forum provides the opportunity for confidential and open debate about issues that impact the council's staff and are also keen that arrangements are made in the near future for the first reconstituted meeting. The NEU were also consulted as they are the union that represents the wider group of TU's recognised for the purposes of schools. At the point of writing, no comments have been received from NEU.

#### **Additional member of Sussex Police and Crime Panel**

- 3.13 At Annual Council in May 2023 a Labour representative was appointed to the Sussex Police and Crime Panel (the Panel). The Council's second representative was not able to be appointed at that stage because it was not known which political group the second member would be from. The Panel have now concluded their calculations in relation to proportionality across their area and have invited the Council to make its second nomination from the Conservative group.
- 3.14 The proposal is therefore to appoint a Conservative member to the Sussex Police and Crime Panel as the Council's second representative for a term of 1 year, in accordance with the invitation from the Panel. It is proposed that the Executive Director for Governance, People and Resources be authorised to make the appointment in accordance with the wishes of the Conservative Group.

#### **Analysis and consideration of alternative options**

- 4.1 The Committee could decide not to implement the changes set out in this report. However the proposals are recommended for approval in order to achieve effective processes.

## **Community engagement and consultation**

- 5.1 The proposals in this Report are not considered to involve substantial changes to the Council's decision-making structure or framework.

## **Conclusion**

- 6.1 The proposals reflect the Council's ongoing efforts to review its Constitution to ensure that it is reflective of current practice and priorities and to achieve clarity and increased efficiency. As a result, it is recommended that the proposals in this report be approved.

## **Financial implications**

- 7.1 There are no material financial implications arising from this report. Where costs do occur it is expected that these would be contained within existing resources.

Name of finance officer consulted: James Hengeveld Date: 10.07.23

## **Legal implications**

- 8.1 Full Council has the authority to make the changes to the Council's Constitution which are set out in the report. It is proposed that the proposals to be implemented with immediate effect once approved unless there is an express indication to the contrary.

Name of lawyer consulted: Victoria Simpson Date: 30.06.23

## **Equalities implications**

- 9.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not. The Council's public sector equality duty has been considered by officers and the proposals of this report have been assessed for their equalities impact. The majority of the proposals in the report relate to internal procedures which do not have an impact on those with protected characteristics.

## **Sustainability implications**

- 10.1 None

## **Supporting Documentation**

**1. Appendices**

Appendix 1 – Constitution Update

