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| <b>Subject:</b>         | <b>Constitutional Matters</b>                 |                     |  |
| <b>Date of Meeting:</b> | <b>14<sup>th</sup> June 2012</b>              |                     |  |
| <b>Report of:</b>       | <b>Monitoring Officer</b>                     |                     |  |
| <b>Contact Officer:</b> | Name: <b>Mark Wall</b>                        | Tel: <b>29-1006</b> |  |
|                         | E-mail: <b>mark.wall@brighton-hove.gov.uk</b> |                     |  |
| <b>Key Decision:</b>    | No  |                     |  |
| <b>Wards Affected:</b>  | All   |                     |  |

**For General Release**

**1. SUMMARY AND POLICY CONTEXT**

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of its sub-committees.

**2. RECOMMENDATIONS**

- 2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted; and
- 2.2 That the establishment of a Corporate Parenting Sub-Committee and a Personnel Appeals Panel with terms of reference and membership as set out in paragraphs 3.9 – 3.10 and Appendix 'B' of this report be approved.
- 2.3 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to 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 Committee be approved.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Council meeting on 26 April 2012 agreed the new constitution for the City Council. The new constitution came into force at the conclusion of the Annual Council meeting on 17 May.
- 3.2 Article 6 of the constitution, which incorporates a schedule of all the Committees/Sub-committees established in the new constitution together with a summary of their respective functions, is reproduced at Appendix 'A' to this report.

**The Policy & Resources Committee – Terms of Reference**

- 3.3 The terms of reference of the Policy & Resources Committee were agreed by Council on the 26<sup>th</sup> April when adopting the new constitution. 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.

- 3.4 A copy of the terms of reference for the committee is attached in appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

### **Membership**

- 3.5 The membership of the committee is set at 10 Members of the council.
- 3.6 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18 to 24, apply to meetings of the Policy & Resources Committee.

### **Programme Meetings**

- 3.7 Ordinary meetings of the Policy & Resources Committee are scheduled to take place on the following dates during 2012/13:

Thursday 14 June 2012  
Thursday 12 July 2012  
Thursday 11 October 2012  
Thursday 29 November 2012  
Thursday 17 January 2013  
Thursday 14 February 2013 (Budget)  
Thursday 21 March 2013  
Thursday 2 May 2013

- 3.8 Meetings of the Committee will normally be held at Hove Town Hall and will start at 4.00 p.m. and will be web cast.

### **Sub-Committees**

- 3.9 The Constitution provides for the establishment of two Sub-Committees and it is necessary for the Committee formally to appoint these bodies as follows:

#### ***Corporate Parenting Sub-Committee***

- 3.10 This Sub-Committee of Policy and Resources 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. Its membership will include 5 Councillors plus 3 non-voting co-optees. The Sub-Committee's terms of reference are attached at Appendix 'B' to this report.

### ***Personnel Appeals Panel***

- 3.11 This Panel, which has the status of a Sub-Committee of Policy and Resources Committee, deals with appeals against dismissals, grading and other grievances in accordance with agreed human resources procedures. Each Panel will consist of 3 Members and will wherever possible include Members from at least two of the political groups represented on the council. The Sub-Committee's terms of reference are attached at Appendix 'B' to this report.

### **Urgency Sub-Committee**

- 3.12 The Constitution states that 'each Committee of the Council except the Audit & Standards Committee 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. Under current allocations this would mean an urgency sub-committee will consist of one Member from each of the three political groups on the Council.
- 3.13 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.'

## **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 All Members considered and approved the new constitution on the 26<sup>th</sup> April 2012.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 There are no specific financial implications arising from this report. It is expected that the overall effect of the introduction of the new constitution will be cost neutral.

*Finance Officer Consulted: Name Anne Silley Date: 23/05/12*

### Legal Implications:

- 5.2 The Council's constitution complies with the requirements of the Localism Act 2011, the Local Government Act 2000, the Local Authorities (Constitutions) Direction and relevant guidance.
- 5.3 There are no adverse Human Rights Act implications arising from this report.

*Lawyer Consulted:*

*Elizabeth Culbert*

*Date: 23/05/12*

Equalities Implications:

- 5.4 There are no equalities implications arising from the report.

Sustainability Implications:

- 5.5 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.6 There are no crime & disorder implications arising from the report.

Risk and Opportunity Management Implications:

- 5.7 The provision of this pay policy statement provides greater transparency to enable the public to understand and challenge local decisions of pay and reward of the council's workforce.

Public Health Implications:

- 5.8 There are no public health implications arising from the report.

Corporate / Citywide Implications:

- 5.9 There are no corporate or city wide implications arising from the report..

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The recommendations are being put forward in line with the requirements of the constitution.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. (A) Policy & Resources Committee Terms of Reference
2. (B) Corporate Parenting and Personnel Appeals Panel Terms of Reference.

**Background Documents**

1. The Constitution

## **POLICY AND RESOURCES COMMITTEE**

### **Explanatory Note**

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. Its specific functions are set out in the following paragraphs.

### **Delegated Functions**

To exercise the functions of the Council as follows:

#### **1. Policy and Strategy**

To formulate, co-ordinate and implement corporate policies and strategies and make decisions relating to such matters to the extent that they are not reserved to full Council.

#### **2. Finance and Other Resources**

- (a) To establish the framework for the allocation, control and management of the Council's resources including finance, assets, IT, land and other property;
- (b) To formulate budget proposals for adoption by the Council;
- (c) To calculate of the Council Tax Base;
- (d) To make decisions or grant authorisations on expenditure in accordance with the requirements of financial standing orders;
- (e) To deal with all financial services, including risk management, insurance and external and internal audit arrangements;

#### **3. Partnerships**

- (a) To set up, develop and review partnerships, including, but not limited to, the Local Strategic Partnership;
- (b) To co-ordinate, develop, adopt and review the Sustainable Community Strategy and make recommendations to full Council.

#### **4. Corporate Parenting**

- (a) To discharge the Council's functions as Corporate Parent for its children in care and care leavers, in conjunction with relevant Council Committees, Partnership Boards and other agencies; and
- (b) To receive reports from the Corporate Parenting Sub-Committee in relation to the Council's looked after children.

#### **5. Adult Learning and Employment**

- (a) To discharge the Council's functions under the arrangements with the Skills Funding Agency and Young People's Learning Agency for the provision of adult education; and

- (b) To discharge the Council's regarding the employment of physically disabled persons and youths, providing that the functions regarding youth employment shall be limited to the management of the existing establishment in Hove.

## **6. Neighbourhood Renewal**

To discharge the Council's functions in respect of neighbourhood renewal, which include:

- (a) developing and implementing the neighbourhood renewal strategy for the City in order to narrow the gap between the most deprived neighbourhoods and the rest of the City, under the themes set by national Government of: housing, health, liveability, crime, education and employment and
- (b) acting as the accountable body for the neighbourhood renewal fund on behalf of the Local Strategic Partnership.

## **7. Grants**

To deal with grants to community organisations and non-profit making bodies in the area of the Council providing that this shall not include grants in respect of educational charities which are the responsibility of the Children and Young People Committee.

## **8. Management of Establishments**

To deal with all matters concerning establishments as are more particularly set out under the scheme of delegation to the Strategic Director of Communities and the Head of Tourism and Leisure.

## **9. Catering Services in Council Establishments**

To deal with all matters in connection with the provision of catering services in Council establishments used primarily by Council employees.

## **10. Best Value**

To establish the framework for the achievement of Best Value by the Council.

## **11. Human Resources**

To establish the framework for human resources policies and procedures and discharge the Council's functions as an employer where this is exercisable by a Committee.

## **12. Property Management**

- (a) To manage land held for the purposes of the functions of the Committee, corporately held property and land declared surplus to the

requirements of a Committee or the service area of a Chief Officer by the relevant Committee or Chief Officer.

- (b) To authorise the acquisition or disposal of any land held by the Council providing that any proposal for the transfer of housing land which requires the consent of the Secretary of State shall be referred to full Council with recommendations.

### **13. Appointment to outside bodies**

To appoint representatives to outside bodies between annual Council meetings where the timing is such that it will be more expedient for the appointment to be made by Policy & Resources Committee rather than full Council.

### **14. Public Safety – Civil Contingencies**

To exercise the Council's functions in relation to emergency planning and business continuity, including the Council's functions under the Civil Contingencies Act 2004.

### **15. Community Safety**

To co-ordinate the Council's functions regarding the police and public safety and to take such action as is necessary, including:

- (i) making consultative arrangements under the Police Act 1996;
- (ii) drawing up community safety plans;
- (iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of strategies for reducing crime and disorder and the making of child curfew schemes, providing that this shall not include the adoption of the Crime and Disorder Reduction Strategy

### **16. Communities**

To co-ordinate and lead on the Council's functions in connection with community engagement and voluntary organisations.

### **17. Equalities**

To co-ordinate and lead on the Council's functions in relation to Equalities and Inclusion.

### **18. Constitution**

- (a) To receive reports on and monitor the operation of the Constitution;
- (b) To make recommendations to Council or Overview & Scrutiny as Appropriate, with a view to improving the effectiveness, accountability and transparency of the decision-making process.

## **19. Members' Allowances**

To consider the recommendations of the Independent Remuneration Panel and advise Council as appropriate.

## **20. General Powers**

- (a) To discharge all other functions of the Council not specifically delegated to another Committee or reserved to full Council under the law, this scheme of delegation, standing orders or procedure rules;
- (b) To deal with matters referred to the Committee by other Committees or Sub-Committees as having corporate budgetary or policy implications.

## **21. Sub-Committees, Task Groups and Consultation Forums**

To be responsible for the setting up, review and abolition of Joint Committees, Sub-Committees, permanent task groups, consultation forums and commissions.

## **22. Miscellaneous Service Functions**

To exercise the Council's functions in relation to the following services/functions:

- (a) Electoral and ceremonial matters relevant to the Council;
- (b) Matters concerning the Fire Authority;
- (c) Legal services;
- (d) Complaints services;
- (e) Performance management
- (f) Corporate procurement;
- (g) Health and safety at work (in so far as it relates to the Council as an employer);
- (h) Revenues and Benefits, including Housing Benefit and Council Tax Benefit, the administration, collection and enforcement of Council Tax and Non-Domestic Rates;
- (i) Registration of births, deaths, marriages, partnerships and associated functions;
- (j) Local Land Charges;
- (k) Corporate Information and Communication Technology Services;
- (l) Corporate communications;
- (m) Democratic services.

## **CORPORATE PARENTING SUB-COMMITTEE**

### **Explanatory Note**

The Corporate Parenting Sub-Committee has the status of a Sub-Committee of the Policy and Resources Committee. It acts as an advisory committee to the Council, its partners and its Committees on matters related to the Council's looked after children. Its role is to ensure that the Council and its partner agencies have a joint commitment to:-

- (a) Achieving improved outcomes for children in care and care leavers;
- (b) Developing and overseeing implementation of the Corporate Parenting Strategy to drive improved outcomes;
- (c) Providing challenge to ensure that the Council's duties as Corporate Parent are carried out effectively and consistently.

### **Delegated Functions**

1. To assist in the development, operation, monitoring and review of the Council's policies and strategies as they affect children in care and care leavers.
2. To develop, monitor and review a Corporate Parenting Strategy and work plan.
3. To promote a co-ordinated and partnership approach to the delivery of Council services as they affect children in care and care leavers and to challenge services where this is not evidenced or effective.
4. To advise the Council and its Committees on issues relevant to children in care and care leavers and to ensure that policies implemented by the Council which affect these children and young people are effective and appropriate.
5. To review and monitor outcomes for looked after children and care leavers, including data from the Corporate Parenting Report Card and feedback from the Standards & Complaints and Quality Assurance Framework officers in respect of children in care and care leavers.
6. To ensure that clear and accessible information is readily available to children in care and care leavers on the corporate parenting they can expect from the council.
7. To ensure that systems are in place which mean that the views of children and young people are represented in the development of services that affect them.
8. To report to the Council's Policy and Resources Committee and Council on a twice yearly basis.
9. To make recommendations to the relevant Committee where responsibility for a particular function rests with that Committee.

10. To appoint non voting Co-opted Members.
11. To ensure arrangements are made for the training and development of Councillors (and others as appropriate) on the Corporate Parenting role.
12. To receive reports on the discharge of the Council's functions regarding the provision of accommodation for looked after children and care leavers, and to make recommendations to the appropriate body of the Council.

## **PERSONNEL APPEALS PANEL**

### **Explanatory Note**

This Panel has the status of a Sub-Committee of Policy & Resources Committee and will deal with appeals against dismissals, grading and other grievances in accordance with agreed personnel procedures.

### **Delegated Functions**

To exercise the functions of the Council in relation to determining appeals against dismissals, grading and other personnel related grievances in accordance with corporate policies and procedures.

[NOTE: A pool of trained Councillors will be maintained for this Sub-Committee and members of the pool will be called on in the first instance to form an appeals panel. However, any Councillor will be able to sit on an appeals panel and substitute for any designated member of the Sub-Committee].