

Subject:	Constitutional Matters		
Date of Meeting:	11 June 2012		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	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 Urgency Sub-Committee.

2. RECOMMENDATIONS

- 2.1 That the committee's terms of reference as set out in this report, be noted; and
- 2.2 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 Children & Young People Committee – Terms of Reference

- 3.3 The terms of reference of the Children & Young People Committee are set out in the new constitution. This Committee is responsible for education, social care services and health services to children and young people and exercises the functions of the Council as Local Education Authority. The Committee is also responsible for the exercise of the Council's functions in respect of public health relating to children which transfer to the Council under the Health and

Social Care Act 2012. The Committee is also the Council's Children and Young Peoples Trust Board for the purposes of the Children Act 2004.

[Note: These terms of reference 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. For ease of reference these sections are attached at Appendix 'B' to this report]:

Membership

- 3.4 10 Members of the authority and up to 11 non voting co-optees
- 3.5 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 Children & Young People Committee.

Programme Meetings

- 3.6 Ordinary meetings of the Economic Development & Culture Committee are scheduled to take place on the following dates during 2012/13:

Monday 11 June 2012
Monday 17 September 2012
Monday 12 November 2012
Monday 14 January 2013
Monday 11 March 2013

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

Urgency Sub-Committee

- 3.8 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. 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 26th 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) Article 6 – Committees and Sub-Committees
2. (B) Terms of Reference

Background Documents

1. The Constitution

ARTICLE 6 – COMMITTEES AND SUB-COMMITTEES

6.01 Introduction

The implementation of the Council's budget and policy framework, and the discharge of its regulatory functions, is undertaken by a number of Committees and Sub-Committees with powers delegated from the full Council. The Council has also devolved powers to Partnership Boards with health bodies, under the National Health Service Act 2006, the Children Act 2004 and the Health and Social Care Act 2012.

The Council will appoint or make appointments to the Committees, Sub-Committees, Joint Committees and Partnership Boards as set out in the left hand column of the tables below. An indication of the functions of each Committee/Sub-Committee/Joint Committee/Partnership Board is shown in column 3 of the table. The terms of reference and powers delegated to each Committee, Sub-Committee, Joint Committee and Partnership Board are more particularly set out in Part 4 of the constitution.

6.06 Urgency Committee/Sub-Committees

- (a) The Council shall establish an Urgency Committee to exercise its powers. The membership of the Urgency Committee shall consist of 7 Members. The Urgency Committee may 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 Council. Every decision of the Urgency Committee shall be reported for information to the next ordinary meeting of the full Council.
- (b) Each Committee of the Council 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. 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.

Procedural Rules:

Rule 22: Urgency Sub-Committees

- 22.1 Each Committee of the Council shall 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.
- 22.2 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.

Scheme of Delegation to Committees and Sub-Committees: Introduction and General Delegations

TERMS OF REFERENCE OF COMMITTEES

CHILDREN & YOUNG PEOPLE COMMITTEE

Explanatory Note:

This Committee is responsible for education, children's health and social care services, public health relating to children and young people, including services to young people up to the age of 19, and exercises the council's functions as Local Education Authority. Most of these services are delivered jointly with the Health Service and, to reflect this, the Committee is also the Council's Children and Young People's Trust Board for the purposes of the Children Act 2004.

Delegated Functions

To exercise the functions of the Council:

1. as a Local Education Authority under any enactment relating to education, youth services and the employment of children;
2. in relation to educational charities;
3. in partnership arrangements with other bodies connected with the delivery of education;
4. in relation to social services for children and young people;
5. in partnership arrangements with other bodies connected with the delivery of services for children, young people and families;

6. regarding families in connection with the functions of the Committee set out above or where there are no other arrangements made under this scheme of delegation;
7. under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004 ("the section 75 Agreements");
8. in relation to children's public health including but not limited to:
 - sexual health
 - physical activity, obesity, tobacco control programme

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 - prevention and early detection
 - immunisation
 - mental health
 - NHS health check and workplace health programmes
 - dental health
 - social exclusion
 - seasonal mortality;
9. in relation to those aspects of children's public health which transfer to the council under the Health and Social Care Act 2012.

NOTE

- (a) All the above functions shall be exercised subject to any limitations in the section 75 Agreements.
- (b) Policy issues which are relevant both to this Committee and the Adult Care & Health Committee may be considered by either of those Committees or by the Policy & Resources Committee.

