

ECONOMIC DEVELOPMENT & CULTURE COMMITTEE

Agenda Item 4

Brighton & Hove City Council

Subject:	Constitutional Matters		
Date of Meeting:	21 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 Economic Development & Culture Committee – Terms of Reference

- 3.3 The terms of reference of the Economic Development & Culture Committee are set out in the new constitution. This Committee discharges the Council's functions in relation to culture, arts and heritage; tourism and marketing; libraries and museums; events; leisure, sports and recreation; planning policy;

economic growth and regeneration; major built environment projects; conservation and design; building control; and as local planning authority (except for the development control functions delegated to the Planning Committee).

[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 The membership of the committee is set at 10 Members of the council.
- 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 Economic Development & Culture 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:

Thursday 21 June 2012
Thursday 20 September 2012
Thursday 15 November 2012
Thursday 10 January 2013
Thursday 7 March 2013
Thursday 25 April 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

ECONOMIC DEVELOPMENT & CULTURE COMMITTEE

Explanatory Note

This Committee is responsible for the council's functions relating to planning policy, employment, economic growth and regeneration, culture, tourism and leisure.

Delegated Functions

1 Planning

To exercise the Council's functions as local planning authority (to the extent that they are not development control functions delegated to the Planning Committee), including the formulation and development of the Development Plan Documents prior to their adoption by Full Council.

2. Economic Growth and Regeneration

- (a) To exercise the Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business.
- (b) To promote and develop the economic fundamentals of the City in areas such as adult skills, productivity, development sites etc.

3. Major Built Environment Projects

- (a) To oversee the progress of major projects (including major building, infrastructure or other projects involving the erection or significant alteration of major permanent structures or landmarks) undertaken by

the Council, and advise the Policy & Resources Committee as appropriate.

- (b) To review major projects and any project Boards having regard to capacity to deliver, corporate priorities and resources, and advise the Policy & Resources Committee as appropriate.

4. Conservation and Design

To exercise the Council's functions in relation to Conservation and Design including the Hove Borough Council Act 1976.

5. Building Control

To exercise the Council's functions regarding building control.

6. Culture, Arts and Heritage

To exercise the Council's functions in relation to culture, including arts, entertainment, cultural activities and heritage.

7. Tourism & Marketing

To exercise the Council's functions in relation to tourism, marketing and conferences.

8. Libraries and Museums

To exercise the Council's functions in relation to libraries, museums, art galleries, historic buildings and their gardens and the functions of the Council regarding public records.

9. Events

To exercise the Council's functions in relation to events, including the annual programme of entertainment events (providing that if the relevant Strategic Director, or other officer with delegated powers, is of the view that the event is a major event or has corporate budgetary or policy implications the matter shall be referred to the Policy & Resources Committee).

10. Leisure, Sports and Recreation

To exercise the Council's functions in relation to the provision and management of leisure, sports and recreation facilities.

