

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 10 MARCH 2009

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Simpson (Deputy Chairman), Mrs Brown, Kennedy, Mears, Morgan, Oxley, Simson, Taylor and Watkins

PART ONE

69. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

69.1 Councillors Kennedy, Morgan, Simson and Watkins declared that they were attending the meeting as substitutes for Councillors Duncan, Mitchell, Cobb and Elgood respectively.

(B) Declarations of Interest

69.2 There were no declarations of interest.

(C) Exclusion of the Press and Public

69.3 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).

69.4 **RESOLVED** – That the public be excluded from the meeting during the consideration of the items listed in Part Two on the agenda.

70. MINUTES

70.1 The minutes of (a) the last ordinary meeting held on the 13 January and (b) the special meeting held on the 22 January 2009 were agreed as a correct record of the proceedings.

71. CHAIRMAN'S COMMUNICATIONS

71.1 The Chairman stated that she had no communications.

72. CALLOVER

72.1 The Chairman stated that she wished to consider all the items listed on the agenda and therefore reserved item numbers 79, 80, 81, 82, 83, 84, 85 and 87.

72.2 **RESOLVED:** That item numbers 79, 80, 81, 82, 83, 84, 85 and 87 be reserved for debate and determination.

73. PETITIONS

73.1 The Chairman noted that no petitions had been submitted for the meeting.

74. PUBLIC QUESTIONS

73.2 The Chairman noted that no public questions had been submitted for the meeting.

75. DEPUTATIONS

73.3 The Chairman noted that no public questions had been submitted for the meeting.

76. WRITTEN QUESTIONS FROM COUNCILLORS

73.4 The Chairman noted that no written questions from Members had been submitted for the meeting.

77. LETTERS FROM COUNCILLORS

73.5 The Chairman noted that no letters from Members had been submitted for the meeting.

78. NOTICES OF MOTIONS

78.1 The Chairman referred to the Notice of Motion listed under Item No.78 on the agenda, which had been referred from Council for consideration and invited Councillor Taylor to speak to the motion.

78.2 Councillor Taylor stated that he remained unsure about the process for the review of senior staff salaries and that of the new Chief Executive and hoped that the recommendations listed in the motion would be taken on board.

- 78.3 Councillor Mears stated that the review had been commissioned by the previous Chief Executive and a report was due to come to the committee in April. With regard to the appointment of the new Chief Executive, a cross-party appointments panel had been established and details of the post would be included in the report.
- 78.4 The Director of Strategy & Governance noted that the report would outline the framework for the salary ranges for the various grades with respective line managers then having the ability to determine salary points for their staff.
- 78.5 **RESOLVED** – That the Notice of Motion be noted and officers be instructed to bring a report back to the next committee meeting on the subject of senior staff salaries.

79. MEMBERS ALLOWANCES - REPORT OF THE INDEPENDENT REMUNERATION PANEL

- 79.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the report of the Independent Remuneration Panel (IRP), in respect of its work in reviewing Members' Allowances (for copy see minute book).
- 79.2 The Head of Democratic Services introduced the report and explained that the IRP was currently undertaking a review of Members' Allowances with a view to bringing forward recommendations in 2010. However, the IRP had wanted to inform the council of its current position in respect of the review and having previously indicated its view that the level of Basic Allowance should be increased annually in line with the council's salary inflationary rate. However, the Panel had been informed of the indication given at the Budget Council that the Conservative Group were mindful of the current economic climate and would therefore not be taking any inflationary increase for 2009/10. With this in mind the Panel had therefore put forward the recommendation that the council should determine whether or not to implement the potential increase for the Basic Allowance based on the assumed salary rate of inflation of 2.3%.
- 79.3 Members of the Committee noted that the information and expressed the view that the decision whether or not to take any increase in the level of allowances should be for each individual councillor to determine. Members were very appreciative of the Panel's work and its independence and wanted to ensure that this situation was preserved and asked for clarification in respect of the recommendations to be put forward to the council.
- 79.4 The Head of Law stated that the committee had a number of options open to them, i.e. they could endorse the Panel's recommendations, propose no change to the current level of allowances, or propose that the level of basic allowance is increased in line with the rate of inflation in accordance with the Panel's previous presumptions. If the increase was proposed then it could be on the understanding that the decision whether or not to accept the increase would be for each individual councillor to take.
- 79.5 **RESOLVED TO RECOMMEND** –
- (1) That the recommendations of the Independent Remuneration Panel, as set out in its report be noted;

- (2) That in accordance with the recommendations of the Independent Remuneration Panel as agreed by Council in April 2008, the level of Basic Allowance be increased by the assumed salary rate of inflation of 2.3% for the municipal year commencing 15 May 2009; subject to individual Members' rights to accept or decline the increase;
- (3) That the position be reviewed following the receipt of the Independent Remuneration Panel's report in 2010; and
- (4) That the allowance payable to each of the members of the Independent Remuneration Panel continue to be increased by the council's salary inflation assumption of 2.3% for 2009 with effect from 15 May 2009, in recognition of their time commitment and their important role.

80. SIX MONTH REVIEW OF THE CONSTITUTION

- 80.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the outcome of the six month review of the Council's Constitution and put forward a number of amendments for consideration resulting from the review (for copy see minute book).
- 80.2 The Head of Law introduced the report and explained the process for the review and outlined the feedback from the various consultees and the proposed amendments to the constitution that resulted from the review. He stated that should the committee be minded to accept the proposed changes, a report would be submitted to the council in April with a view to the changes being implemented with effect from the date of Annual Council in May.
- 80.3 Councillor Kennedy expressed concern over the figure of £1m which was proposed as the level to which the Cabinet Member for Central Services could approve the acquisition or disposal of properties held centrally or by service areas.
- 80.4 Councillor Morgan referred to paragraph 4.3.2 and suggested that any report should be considered by the Overview & Scrutiny Commission in the first instance with its views/recommendations then put to the Cabinet.
- 80.5 The Head of Law stated that the level of delegation to Cabinet Members was within the Leader's power to determine as the matter was an executive function. The proposed changes to portfolio of the Cabinet Member for Central Services were being reported to the Governance Committee in accordance with the Constitution, and the committee could put forward its views to the Leader/Cabinet for consideration. He noted that the figure of £1m was a maximum and that it was likely any matter of significance or with corporate implications would be referred to the Cabinet for determination rather than being decided by the Cabinet Member. This had proved to be the case with other Cabinet Member portfolios. He also noted that in order for any authority to be given both conditions outlined in the delegations would have to be met.

- 80.6 The Director of Strategy & Governance stated that the intention was for a report to be made to the Overview & Scrutiny Commission and to then report its views to the Cabinet.
- 80.7 Councillor Watkins referred to the City Inclusion Partnership and expressed concern over the proposed move away from the council in terms of its reporting lines, as he felt that the partnership was too large a body to enable communities of interest to feel a part of the process. He believed that the previous Equalities Forum had worked well and a similar body was required to fill the gap that had been created with the establishment of the partnership.
- 80.8 Councillor Simson noted the comments and stated that she believed the Equalities Coalition would be able to fulfil the role and enable those interest groups to be a part of the consultative process and feed into the work of the partnership. She suggested that there was a need to give the new arrangements time to bed in and see how things progressed.
- 80.9 Councillor Oxley stated that there was a need to keep in mind why the City Inclusion Partnership had been established and to enable it to develop and build working relations. A review could then be undertaken and the need for an internal forum considered in due course.
- 80.10 The Director of Strategy & Governance stated that the role of partnerships came under the remit of the Local Strategic Partnership (LSP), hence the need to make the change. However, the situation could be included in the 12-month review of the constitution if there were any on-going concerns.

80.11 **RESOLVED –**

- (1) That the responses received to the invitation for feedback on the sixth month review of the Constitution be noted;
- (2) That the proposals set out at paragraph 4 of the report, save those reserved to Full Council for decision at (3) below, be recommended to the Cabinet for adoption;
- (3) That the proposals for amendments to the Constitution as set out in paragraphs 4.2, 4.3, 4.4.4, 4.4.6, 4.4.7 and 4.4.9 of the report be recommended to the 30 April Council meeting for approval;
- (4) That the Head of Law be authorised to make the necessary amendments to the Constitution to reflect the above proposals as approved by the relevant body and for those amendments to come into effect from the date of Annual Council, (14 May 2009).

81. **LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION BILL**

- 81.1 The Committee considered a report of the Director of Strategy & Governance, which outlined the provisions and implications for governance arrangements in the council,

resulting from the Local Democracy, Economic Development and Construction Bill (for copy see minute book).

81.2 The Lawyer introduced the report and stated that it was intended to bring a further report to the committee once the Bill had received Royal Assent, which was anticipated to be late July 2009, with Commencement Orders and Regulations following after the summer recess and likely implementation for April 2010.

81.3 Members of the Committee welcomed the report and noted the proposed changes that could affect how the council operated in the future.

81.4 **RESOLVED –**

(1) That the provisions of the Local Democracy, Economic Development and Construction Bill (“the Bill” and their implications for the council be noted; and

(2) That officers be instructed to track the passage of the Bill and to bring a further report to the committee once the Bill is enacted and the timescale for implementing its key provision is known.

**82. EAST SUSSEX COUNTY COUNCIL AND BRIGHTON & HOVE CITY COUNCIL
INTEGRATED WASTE MANAGEMENT SERVICES CONTRACT COMMITTEE**

82.1 The Committee considered a report of the Director of Strategy & Governance, concerning the proposed dissolution of the Integrated Waste Management Services Contract Committee (for copy see minute book).

82.2 The Head of Law introduced the report and stated that both East Sussex County Council and the Council had concluded that there was no need to maintain the Joint Committee. He noted that the responsibility for the contract would lie with the Cabinet for each authority and therefore any decisions at Member level would be brought to the respective meetings, with the Overview & Scrutiny Commission being the appropriate body to oversee the operation of the Waste PFI contract.

82.3 **RESOLVED –**

(1) That the Cabinet be recommended to approve the dissolution of the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services and Contract Committee with immediate effect; and

(2) That the Head of Law be authorised to make the relevant changes to Brighton & Hove City Council’s Constitution and to the Joint working Agreement.

83. PROPOSED MEETINGS TIMETABLE FOR 2010/11

83.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the proposed time table of meetings for 2010/11 (for copy see minute book).

- 83.2 The Head of Democratic Services introduced the report and noted that the proposed date for the Budget Council meeting in 2011 needed to be moved back a week to the 3rd March, as the previous week was a school holiday. He informed the committee that he had been waiting for confirmation that the change would not adversely affect the time frame for the setting of a lawful budget and the arrangements to be made for the purpose of issuing council tax bills. He also noted that other changes made be required in due course to enable the decision-making process to operate effectively, however the intention had been to provide Members with a schedule of meetings up until the elections in May 2011.
- 83.3 Councillor Morgan queried the need for the Cabinet meeting scheduled for the 12 May 2011, bearing in mind that the Annual Council meeting was set for the 19 May.
- 83.4 The Head of Law confirmed that whilst the elections were set for the 5 May, the council would continue to operate and there may be a need for the Cabinet to take decisions. He acknowledged that any Member may not be re-elected, however that situation could be accounted for and the Cabinet could continue to operate.
- 83.5 Councillor Taylor stated that the Green Group still believed that there was a need for more council meetings and that the Environment Cabinet Member meetings should be held every four weeks because of the amount of business to be considered. He also suggested that the Annual Council meeting should be split into two parts so that any necessary business could be dealt with and the ceremonial aspects could then follow. This would enable the 'political' considerations to be kept out of the ceremonial event.
- 83.6 Councillor Kennedy noted that the Planning Committee was scheduled to meet on the day before the Full Council on a number of occasions and asked if consideration could be given to avoiding this clash wherever possible. She also asked if the details of the four consultative bodies could be included in the timetable.
- 83.7 The Head of Democratic Services stated that the regularity of the Planning Committee made it difficult to avoid the clashed with the Full Council but he would review the schedule and seek to take account of the situation for the future. He also hoped to get the dates of the various consultative bodies shortly and aimed to include them in the printed council diary in June as well as the on-line calendar.
- 83.8 Councillor Mears welcomed the report and wished to place on record her thanks to the Head of Democratic Services for his work in putting the time table together and enabling Members to have a schedule of meetings through from 2009 to 2011.
- 83.9 The Chair noted the comments on the number of council meetings and frequency of Environment Cabinet Member meetings and suggested that the points could be raised as part of the 12-month review of the constitution. She also wished to add the Committee's thanks to the Head of Democratic Services.
- 83.10 **RESOLVED –**
- (1) That the proposed timetable of meetings for 2010/11 be approved, subject to any necessary changes being identified; and

- (2) That the Head of Democratic Service be thanked for bringing forward the proposed timetable to enable Members to plan their schedules through to 2011.

84. CONSULTATION ON CHANGES TO LOCAL GOVERNANCE ARRANGEMENTS

- 84.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Department of Communities & Local Government's consultation paper regarding proposals to change the requirements which govern how a council moves from one form of executive model of governance to another (for copy see minute book).
- 84.2 The Head of Law introduced the report and outlined the proposed responses to the consultation questions that were listed in the paper and sought comments from Members on the proposed responses.
- 84.3 Members welcomed the report and the opportunity to comment on the responses.
- 84.4 **RESOLVED** – That the consultation questions be noted and the proposed responses as detailed in appendix 1 to the report be agreed.

85. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

- 85.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Department of Communities & Local Government's (DCLG), consultation paper regarding the code of recommended practice on local authority publicity (for copy see minute book).
- 85.2 The Director of Strategy & Governance introduced the report and noted that the report outlined the proposed responses to the consultation questions contained in the paper. He also noted that the report had been considered by the Standards Committee at its meeting on the 3 March and an extract from the proceedings had been tabled.
- 85.3 Members of the Committee expressed their concern over the lack of clarity within the report and suggested that it would be beneficial if officers could revise it so that the proposed responses were clear and that they complemented the changes that had been agreed in respect of the constitution e.g. with regard to Notices of Motion at Full Council. Members noted that the deadline for responses was such that it would prevent the report from being brought back to the Committee for further consideration and therefore sought assurances as to how the matter could be dealt with.
- 85.4 The Head of Law informed the Committee that the DCLG had granted an extension to the deadline of the 20 March 2009 and therefore suggested that the Director of Strategy & Governance be authorised to submit the revised response on the council's behalf.
- 85.5 The Director of Strategy & Governance stated that he had noted the concern and would ask the Head of Communications to revise the report and to circulate it to the Committee to seek their agreement for its submission to the DCLG as the council's response to the consultation paper.

85.6 RESOLVED –

- (1) That the report be noted;
- (2) That in light of the concerns raised, officers be instructed to redraft the report and consult with the Leaders of the Groups so that a formal response to the consultation paper could be submitted by the deadline of the 20 March 2009; and
- (3) That the Director of Strategy & Governance be authorised to submit the response to the consultation paper on behalf of the council.

86. ITEMS TO GO FORWARD TO COUNCIL

- 86.1 The Committee considered whether any items should be submitted to the 19 March Council meeting for information.
- 86.2 **RESOLVED –** That no items be referred to the forthcoming council meeting for information and that it be noted Item 80, Six Month Review of the Constitution would be reported to the 30th April Council meeting.

PART TWO SUMMARY**87. PART TWO MINUTES - EXEMPT CATEGORIES 1, 3, 4 & 5**

- 87.1 The part two minutes of (a) the last ordinary meeting held on the 13 January and (b) the special meeting held on the 22 January 2009 were agreed as a correct record of the proceedings.

88. PART TWO ITEMS

- 88.1 The Committee considered whether or not the above items and the decisions thereon should remain exempt from disclosure to the press and public.
- 88.2 **RESOLVED –** That Items 87(a) and 87(b) and the decisions thereon should remain exempt from disclosure to the press and public.

The meeting concluded at 6.30pm

Signed

Chairman

Dated this

day of