

## **PART 2 ARTICLES OF THE CONSTITUTION**

### **ARTICLE 1 – THE CONSTITUTION**

#### **1.01 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

#### **1.02 The Constitution**

This Constitution and all its appendices is the Constitution of Brighton & Hove City Council.

#### **1.03 Purpose of the Constitution**

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Members represent their wards and local residents effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) provide a powerful and effective means of holding decision-makers to public account;
- (f) ensure that those responsible for decision making are clearly identifiable to local people and that the Council explains the reasons for decisions;
- (g) ensure that no one will review or scrutinise a decision in which they were directly involved; and
- (h) provide a means of supporting the Council to deliver its Corporate Plan 2020-2023, and specifically its priorities of:-
  - A city to call home
  - A city working for all
  - A stronger city
  - A growing and learning city
  - A sustainable city
  - A healthy and caring city

#### **1.04 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13 – Review, Revision, Suspension, Interpretation and Publication of the Constitution.

## ARTICLE 2 – MEMBERS OF THE COUNCIL

### 2.01 Composition and eligibility

- (a) **Composition.** The Council comprises 54 Members (otherwise called Councillors). There are 21 electoral wards and 2 or 3 Members are elected by the voters of each ward. One of the Members is elected annually as the Mayor by the elected Members to chair the Council meetings and attend to ceremonial duties.
- (b) **Eligibility.** Only registered voters of the city of Brighton & Hove or those living or working there will be eligible to hold the office of Member.

### 2.02 Election and terms of Members

**Election and terms.** The regular election of Members will be held on the first Thursday in May every four years. The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and functions of all Members

- (a) **Key roles.** All Members will:
- (i) maintain the highest standards of conduct and ethics;
  - (ii) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;
  - (iii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocates of and for their communities;
  - (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (v) balance different interests identified within the ward and represent the ward as a whole;
  - (vi) be involved in decision-making and scrutinising decisions made by others under the scrutiny arrangements;
  - (vii) be available to represent the Council on other bodies; and
  - (viii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making.

(b) **Rights and duties of Members**

- (i) Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their role as Members and in accordance with the law.
- (ii) Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Member or Officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 7 of this Constitution.

**2.05 Conduct**

Members will at all times observe the Members’ Code of Conduct and the Code of Conduct for Member/Officer Relations set out in Part 8 of this Constitution.

**2.06 Allowances**

Members will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 9 of this Constitution.

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.01 Citizens' rights

Citizens have the rights set out below. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 7 of this Constitution:

- (a) **Voting.** Citizens on the electoral roll for the area have the right to vote in any European, national or local elections.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council, its Committees and Sub-committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) find out from the Committee Work Programme what key decisions will be taken by Members or Officers and when;
  - (iii) see non-confidential reports and background papers, and a record of decisions made by the Council, its Committees and Sub-Committees;
  - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by Policy Panels subject to compliance with the relevant procedures.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Local Government and Social Care Ombudsman after using the Council's own complaints scheme;
  - (iii) the Monitoring Officer about an alleged breach of the Code of Conduct for Members.

### 3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to Members or Officers and must not wilfully harm property owned by the Council, Members or Officers. They should also comply with the law (including byelaws) and the Council's procedures when dealing with the Council.

## **ARTICLE 4 – THE MAYOR**

### **4.01 Role and function of the Mayor**

The Mayor will be elected by Council annually. The Mayor and in their absence, the Deputy Mayor, will have the following roles, functions and responsibilities:

#### **(a) Chairing the Council Meeting**

- (i) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and (subject to the arrangements for scrutiny discussed in Article 7) a place at which Members are able to ask questions of the Leader of the Council and the Chairs of Committees and Sub-Committees;
- (iv) to promote public involvement in the Council's activities.

#### **(b) Civic and Ceremonial Role**

The Mayor shall be the first citizen of the city of Brighton & Hove and shall have the following civic responsibilities:

- (i) to attend such civic and ceremonial functions as the Council and the Mayor may determine.
- (ii) to promote the Council as a whole and act as a focal point for the community.

## **ARTICLE 5 – FULL COUNCIL**

5.01 The Full Council is made up of the 54 elected Members of the Council.

5.02 The responsibilities of Full Council include:

- Approving all key plans and strategies collectively known as the Policy Framework;
- Approving the budget;
- Adopting the Constitution;
- Making appointments to Outside Bodies;
- Adopting a Members' Allowances scheme;
- Adopting a Code of Conduct for Members;
- Appointing Lead Members;
- Endorsing, approving or otherwise committing the Council to any charter, alliance or pledge.

5.03 The full details of the functions and procedures of the Council are set out in Part 3 of the Constitution.

## ARTICLE 6 – COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES

### 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 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.

### 6.02 Policy and Regulatory Committees

Committee/Sub-Committee	Membership	Functions
Housing	10 Members of the Council	This Committee has overall responsibility for the Council's housing functions including: Council housing; private sector housing; strategic housing including the housing investment program; homelessness and allocations; tenancy relations; housing loans and grants. It has responsibility for housing related support services and for co-ordinating the Council's policies on street homelessness.
Children, Young People & Skills Committee	10 Members of the Council and up to 11 non-voting co-optees, including from:  Community and Voluntary sector; Youth representative; Parent and Carers' Council;	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 corporate parent for children in care and care leavers. It discharges the Council's functions relating to children's learning disabilities and exercises the functions of the Council as Local Education Authority. Many of these services are delivered or commissioned jointly with the National

	<p>Anglican Church; Catholic Diocesan; Parent Governor (Mainstream); Parent Governor (Special School); Parent Carers' Council.</p>	<p>Health Service. The Committee is also the Council's Children and Young Peoples Trust Board pursuant to the Children Act 2004.</p>
<p>Environment, Transport &amp; Sustainability Committee</p>	<p>10 Members of the Council and one non voting co-optee to represent the perspective of disabled people</p>	<p>This Committee is responsible for sustainability, parks and open spaces, authorised and unauthorised sites and encampments, waste, coast protection and flood defence, the seafront, environmental health, trading standards, the bereavement and coroner's services, highways management, traffic management and transport, parking and public spaces.</p>
<p>Tourism, Equalities, Communities &amp; Culture</p>	<p>10 Members of the Council and the following: one non voting standing invitee to assist the committee in raising and addressing issues of interest and importance to people from a Black and Minority Ethnic background; one non voting co-optee from each of the Community and Voluntary Sector; Sussex Police and the CCG.</p>	<p>This Committee discharges the Council's functions in relation to communities, neighbourhoods and the third sector, including community safety and inclusion, and (concurrently with Policy &amp; Resources Committee) for equalities. It is also responsible for culture, tourism and leisure, including libraries and museums, and for building control and planning policy and for exercising the council's functions as a local planning authority (other than the development control functions delegated to Planning Committee).</p>

Planning Committee	10 Members of the Council and 1 non-voting co-optee (Conservation Advisory Group).	This Committee exercises the Council's functions in relation to development control matters.
Policy and Resources Committee	10 Members of the Council and one non voting standing invitee to assist the committee in raising and addressing issues of interest and importance to people from a Black and Minority Ethnic background	This Committee has overall responsibility for the financial and other resources of the Council, for developing the Council's strategy and policy based on national government and local priorities and for the development of partnership working. It is responsible for economic growth and regeneration and for major built environment projects. It also has responsibility for many of the services delivered to residents and customers, including electoral and ceremonial matters and complaints, and has responsibilities (concurrently with Tourism, Equalities, Communities and Culture Committees) in respect of equalities and communities as well as for revenues and benefits, registration, legal services and local land charges. It has responsibility for customer services, including for the programmes which deliver those digitally, and has concurrent responsibility (with Audit & Standards Committee) for information governance.
Personnel Appeals Panel	3 Members of the Council	This Panel, which has the status of a Sub-Committee of the Policy and Resources Committee, deals with appeals against dismissals, grading and other grievances in accordance with agreed personnel procedures.
Licensing Committee	15 Members of the Council	This Committee, sitting as the Licensing Committee (Licensing Act 2003 functions), discharges the Council's functions under the Licensing Act 2003. The Licensing Committee sitting as the Licensing Committee (Non-Licensing Act 2003 Functions) also has

		responsibility for all licensing and registration functions not covered by the Licensing Act 2003. The day to day decisions on individual applications are dealt with by the Licensing Panel. The approval of the Statement of Licensing Policy is reserved to Full council. N.B. The Licensing Committee operates as two separate Committees with identical membership. The functions of the two separate Committees relate to Licensing Act and non-Licensing Act functions respectively.
Licensing Panel	3 Members of the Council	The Licensing Panel (Licensing Act 2003 Functions) is a Sub-Committee of the Licensing Committee. It hears applications under the Licensing Act 2003 where the matter is authorised or required to be dealt with by a Committee. The Licensing Panel (Non Licensing Act 2003 Functions) deals with appeals against licensing and registration decisions and cases where officers do not have the power to make determinations. It also has general powers to hear and determine matters, which include serving as the appellate Committee where there is a right of appeal from a decision of an officer and no other arrangements have been made under the Constitution. The Sub-Committees operate as two separate Committees with identical membership.
Audit & Standards Committee	8 Members of the Council plus 2 Independent Persons	The Audit & Standards Committee deals with (a) financial governance and stewardship, risk management and audit and information governance (the latter concurrently with the Policy & Resources Committee), as well as (b) issues of conduct among Members. Its responsibilities include and promoting high ethical standards amongst Members and dealing with complaints against them.
Standards Panel	Members drawn from the Audit and Standards Committee plus	The Panel is a Sub-Committee of the Audit and Standards Committee and its main delegated functions relate to the determination of those alleged breaches of the Code of Conduct for Members

	one Independent Person	which have been the subject of a formal investigation.
Health and Wellbeing Board	5 Members of the Council, 5 further voting members – determined having regard to the requirements of the Health and Social Care Act 2012 – and ten further non-voting members.	This Board is established as a Council Committee pursuant to the requirements of the Health and Social Care Act 2012. The Board works with key local leaders to improve the health and wellbeing of the population of Brighton & Hove through the development of a shared understanding of the needs of communities and the most vulnerable residents. It provides systems leadership to ensure collaboration and exercises strategic influence over commissioning decisions, taking into account the input of key stakeholder representatives. The Health and Wellbeing Board is responsible for the co-ordinated delivery of services across adult social care and public health.
Adult Social Care & Public Health Sub Committee	5 Members (expected will be the Council's 5 elected members appointed to the Health and Wellbeing Board)	The Brighton & Hove Council Adult Social Care and Public Health Sub-Committee is established as a sub-committee of the Brighton & Hove Health & Wellbeing Board pursuant to s102 4B of the Local Government Act 1972 (as modified by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013). Its purpose is to discharge Brighton & Hove City Council's functions in relation to adult social care, learning disabilities and public health.

### 6.03 Joint Committees and Partnership Boards

Committee/Sub-Committee	Membership	Functions
Police and Crime Panel	As determined under the relevant legislation (the Council has the right to appoint one Member).	The Police and Crime Panel is a joint committee of all local authorities in East and West Sussex and its function is to scrutinise the elected Police and Crime Commissioner.

Greater Brighton Economic Board	2 Members of the Council plus one Member on the Call-in Panel.	The Greater Brighton Economic Board is a partnership which brings together political and business leaders from across the city region. The Board will be the investment agency to work in conjunction with the Coast to Capital Local Enterprise Partnership (LEP), to set and agree the area's growth priorities and negotiate and secure funding from Government.
Orbis Joint Committee	2 Members of the Council plus two members from each of Surrey County Council and East Sussex County Council	The purpose of the Orbis Joint Committee is to facilitate an effective joint approach between the Council, Surrey County Council and East Sussex County Council in relation to specified Council services.

#### 6.04 Other Committees

Committee/Sub-Committee	Membership	Functions
Health Overview and Scrutiny Committee	10 Members of the Council plus 4 non-voting co-optees	This Committee discharges on behalf of the Council the overview and scrutiny functions of health services as set out in the National Health Service Act 2006 (as amended). The Committee can scrutinise matters relating to the health and social care of the Council's population, including both adults and children, and make reports and recommendations to the NHS, the Council, its Committees and other relevant bodies.

#### 6.05 Delegations to Officers

Some of the functions of the Committees and Sub-Committees and other bodies listed above may be discharged by an Officer under delegated powers. Details of the functions of Committees and Sub-Committees delegated to officers are contained in the Scheme of Delegation to Officers at Part 6 of the Constitution and summarised at Article 10.

#### 6.06 Urgency Committee/Sub-Committees

- (a) The Council shall establish an Urgency Committee consisting of 7 Members to exercise its powers. 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 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 relevant 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 relevant Committee.

## 6.07 Other Advisory Bodies

The Council or its Committees may from time to time establish task groups, consultative forums, commissions, working groups, ad hoc panels or other advisory bodies, the membership of which shall be drawn from Members of the Council and may include non-voting co-optees. Permanent member working groups (as opposed to ‘task and finish’ groups, set up on a time-limited basis) may only be established by the Policy & Resources Committee. The terms of reference of all permanent groups and other bodies shall be included at Part 4 of the Constitution and shall be reviewed annually, while the proceedings of any group shall be reported to the appropriate Committee and should include any recommendations or advice from that group. No Committee or Sub-Committee may delegate its functions to any such group.

## 6.08 List of advisory bodies, which shall also include the Housing Area Panels

Advisory Group/Forum	Membership	Functions
Arts & Creative Industries Commission	3 Members of the Council and up to 24 representatives from relevant local sectors.	To help the Council support, promote and develop the arts and creative industries in Brighton & Hove.
Independent Remuneration Panel	Between 3 and 5 members who are not Members of the Council.	To produce reports to the Council making recommendations in respect of Members’ allowances.
Conservation Advisory Group	Membership is drawn from representative local groups and societies	This group advises the Council on the implementation of its Conservation Strategy, major planning applications or council proposals affecting the development of policies for the protection of the historic built environment. The Group reports principally to the Planning Committee.
Brighton & Hove, and Barnardo’s Link Plus, Joint Fostering Panel	1 Member of the Council and such other persons as may form part of the Panel.	To be the fostering panel in accordance with the Fostering Services (England) Regulations 2011 and to carry out the responsibilities of a fostering panel under the relevant legislation.

Youthwise	3 Members of the Children, Young People & Skills Committee and young people from different areas, groups and youth services in the city	To provide views and recommendations to the Children, Young People & Skills Committee.
-----------	---	--

## 6.09 List of Permanent Working Groups

Note: the terms of reference for these permanent Member Working Groups are published in Part 4 of this Constitution.

1. Asset Management Board
2. Budget Review Group
3. Constitution Working Group
4. Corporate Parenting Board
5. Joint Staff Consultation Forum
6. Leaders Group
7. Member Development Working Group
8. Member Advisory Group: Grants
9. Planning Committee Working Group
10. Procurement Advisory Board
11. Strategic Delivery Board
12. Housing Supply Member Board
13. King Alfred Project Board
14. Waterfront Project Board
15. Madeira Terraces Project Board
16. Brighton i360 Working Group
17. School Organisation Working Group
18. Cross Party Youth Group
19. Performance & Information Group
20. Community Safety Partnership Board
21. Cross-Party KPI Development Group
22. Brexit Working Group
23. Community Wealth Building Group
24. Valley Gardens Member Working Group
25. Local Cycling & Walking Infrastructure Plan Group
26. Stanmer Park Restoration Project Member Working Group
27. Homelessness Reduction Board
28. 2030 Carbon Neutral Member Working Group
29. City Downland Estate Advisory Panel
30. Cross-Party Working Group for Planning Policy

## **ARTICLE 7 – HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

### **7.01 Introduction**

- (a) The Health Overview & Scrutiny Committee (HOSC) represents a public forum through which Members and co-optees can monitor the implementation of the Council's policies and the quality of its services in relation to health and social care; make recommendations on the discharge of the authority's health functions and/or other matters affecting the health of the population of Brighton & Hove.
- (b) The Health Overview & Scrutiny Committee is concerned with the overall health of the city of Brighton & Hove and all factors affecting this, including Council services and services of other agencies (with a particular statutory role in respect of health services).
- (c) This Article outlines the basic elements of the Health Overview and Scrutiny function. It should be read in conjunction with the Health Overview and Scrutiny Terms of Reference which appear at Part 5 of the Constitution and provide a more detailed framework for the operation of Health Overview and Scrutiny in Brighton & Hove.

### **7.02 The Health Overview and Scrutiny function**

The Health Overview & Scrutiny Committee has delegated powers to discharge the Council's overview and scrutiny function in relation to local health services as set out in the National Health Service Act 2006.

The membership arrangements and detailed terms of reference of the Health Overview and Scrutiny Committee are set out in the Health Overview and Scrutiny Procedure Rules at Part 5 of this Constitution.

Within these terms of reference, the Health Overview & Scrutiny Committee has the following functions:

- Responding to consultations and making comment on proposals including for a substantial development or variation in the provision of the health service in the Council's area;
- Making reports and recommendations to the National Health Service and other health service providers, the Council, the Committees and Sub-Committees, and to other relevant bodies and individuals;
- Requesting that healthcare providers attend to answer questions or provide information in accordance with prescribed process;
- Reviewing and scrutinising the impact of the Council's own services and of key partnerships on the health of its population and to contribute

to the development of policy and services to improve health and reduce health inequalities;

- Encouraging the Council as a whole to take into account the implications of their policies and activities on health and health inequalities;
- Monitoring and reviewing the outcomes of its recommendations;
- Receiving and responding to referrals from a Local Healthwatch organisation or Local Healthwatch contractor in accordance with relevant Regulations.

#### **7.05. Proceedings of the Health Overview and Scrutiny Committee**

The Health Overview & Scrutiny Committee will conduct its proceedings in accordance with the Health Overview and Scrutiny Terms of Reference in Part 5 of this Constitution.

## **ARTICLE 8 – THE AUDIT AND STANDARDS COMMITTEE**

### **8.01 Audit & Standards Committee**

The Audit & Standards Committee will be the Council's Standards Committee for the purpose of the Local Government Act 2000 and the Localism Act 2011.

### **8.02 Role and Composition**

- (a) The Audit & Standards Committee deals with:-
- financial governance and stewardship, risk management and audit and (concurrently with Policy & Resources Committee) information governance;
  - issues of conduct among Members which includes dealing with complaints against Members, granting dispensations regarding Members' interests and generally promoting high ethical standards.
- (b) The full terms of reference of the Audit & Standards Committee are set out in the Scheme of Delegation to Committees and Sub-Committees at Part 4 of the Constitution.
- (c) The Audit and Standards Committee consists of 8 Members and two Independent Persons to advise on standards matters, neither of whom are Members or Officers of the Council.
- (d) All members of the Audit & Standards Committee are entitled to vote at meetings except the Independent Persons who advise on standards matters.
- (e) The Standards Panel, which has the status of a Sub-Committee of the Audit and Standards Committee, deals with (a) allegations that Members or co-opted Members have breached the Code of Conduct for Members and (b) the granting of dispensations to Members or co-opted Members with pecuniary interests.

## **ARTICLE 9 – JOINT ARRANGEMENTS**

### **9.01 Arrangements to promote well being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- (c) exercise on behalf of that person or body any functions of that person or body.

### **9.02 Joint local government arrangements**

- (a) The Council may establish joint arrangements with one or more Local Authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's Scheme of Delegations to Committees and Sub-Committees in Part 4 of this Constitution.

### **9.03 Delegation to and from other local authorities**

- (a) The Council may delegate functions to another Local Authority or, in certain circumstances, the executive of another Local Authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to Full Council.

### **9.04 Contracting out**

The Council may contract out to another body or organisation any of its functions:

- a) which may be exercised by an officer and which is subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or
- b) under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

### **9.05 Joint arrangements with other public bodies**

Under Section 75 National Health Service Act 2006, Section 10 of the Children Act 2004 and the Health and Social Care Act 2012, local

authorities, national health bodies and a number of other bodies have powers to delegate the exercise of some of their functions to each other and to co-operate in the exercise of their functions.

## ARTICLE 10 – OFFICERS

### 10.01 Terminology

The use of the word “Officers” means all employees and staff engaged by the Council to carry out its functions.

### 10.02 Management structure

- (a) **General.** The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions. This shall include a **Data Protection Officer**, appointed to discharge the duties specified in Part 6 of the Constitution.
- (b) **Chief Officers.** The Council will engage persons for the following posts. Their functions are more particularly set out in Part 6 of the Constitution:

Post	Main Functions and areas of responsibility
<b>Chief Executive</b>	<ol style="list-style-type: none"><li>1. Head of Paid Service under section 4 of the Local Government and Housing Act 1989, including all workforce matters not specifically reserved to Members</li><li>2. Overall corporate management and operational responsibility (including overall management responsibility for all Officers)</li><li>3. Provision of professional advice to all parties in the decision-making process</li><li>4. Responsibility for various matters in relation to Members (including taking declarations of acceptance of office and receiving resignations)</li><li>5. Representing the Council on partnership and external bodies (as required by statute or the Council)</li><li>6. Exercising functions delegated to other Officers unless the function is required by law or the Scheme of Delegation for Officers to be exercised by another person (e.g. the Monitoring Officer and Chief Finance Officer)</li><li>7. Acting as the Returning Officer with overall responsibility for conduct of Local and National Elections.</li></ol>
<b>Executive Director of Finance &amp; Resources</b>	<ol style="list-style-type: none"><li>1. Chief Finance Officer, responsible for the proper administration of the Council’s financial affairs under section 151 Local Government Act 1972</li><li>2. Strategic finance, Financial Services, Audit and Business Risk, including the Corporate Debt Policy</li><li>3. Procurement</li><li>4. Revenues and Benefits</li><li>5. ICT, including Information Management and Information Governance</li><li>6. Human Resources and Organisational Development</li><li>7. Senior Information Risk Officer</li></ol>
<b>Executive Lead for</b>	<ol style="list-style-type: none"><li>1. Legal Services</li></ol>

<b>Strategy, Governance &amp; Law (and Monitoring Officer)</b>	<ol style="list-style-type: none"> <li>2. Democratic Services</li> <li>3. Health Overview and Scrutiny</li> <li>4. Ethical Standards</li> <li>5. Electoral Registration Officer, and Elections</li> <li>6. Local Land Charges</li> <li>7. Registration Service</li> <li>8. Coroners Service</li> <li>9. Bereavement Services</li> <li>10. Policy</li> <li>11. Performance Improvement and Programmes</li> <li>12. Corporate Communications</li> <li>13. Leadership Support Office</li> </ol>
<b>Executive Director of Economy, Environment &amp; Culture</b>	<ol style="list-style-type: none"> <li>1. Tourism</li> <li>2. Arts and Creative Industries</li> <li>3. Management of Museum and Leisure Establishments</li> <li>4. Venues</li> <li>5. Archives</li> <li>6. Seafront</li> <li>7. Parks and Green Spaces</li> <li>8. Events</li> <li>9. Leisure</li> <li>10. Highways</li> <li>11. Traffic Management</li> <li>12. Parking Management</li> <li>13. Transport</li> <li>14. Land Use Planning</li> <li>15. Town and Country Planning</li> <li>16. Assets of Community Value</li> <li>17. Conservation and Design</li> <li>18. Building Control and Sports Grounds</li> <li>19. Waste Management</li> <li>20. Economic Development and European Union</li> <li>21. Property</li> <li>22. Environmental Awareness</li> <li>23. National Parks</li> <li>24. Markets</li> <li>25. Sustainability</li> <li>26. Major Projects</li> <li>27. Miscellaneous <ol style="list-style-type: none"> <li>(1) Coastal protection.</li> <li>(2) Allotments and smallholdings.</li> <li>(3) Numbering of housing and naming of streets</li> </ol> </li> </ol>
<b>Executive Director of Families, Children &amp; Learning</b>	<ol style="list-style-type: none"> <li>1. Director of Children's Services under section 18 of the Children Act 2004</li> <li>2. Children and Young People, including joint working arrangements under section 75 of the National Health Service Act 2006</li> <li>3. Education</li> </ol>

	<ol style="list-style-type: none"> <li>4. Children and Young People’s Social Services</li> <li>5. Assistance to Pupils/Students</li> <li>6. Adult Learning and Supported Employment, including Print &amp; Sign</li> <li>7. Adult Learning Disability</li> <li>8. Human Resources Functions – Schools</li> <li>9. Buildings/Premises</li> <li>10. Miscellaneous</li> </ol>
<b>Executive Director of Health &amp; Adult Social Care</b>	<ol style="list-style-type: none"> <li>1. Director of Adult Social Services</li> <li>2. General Adult Social Services</li> <li>3. Joint working arrangements under section 75 of the National Health Service Act 2006</li> <li>4. Housing Related Support</li> <li>5. Public Health</li> <li>6. Coronavirus-related Enforcement Functions</li> <li>7. Adult Disability</li> <li>8. Integrated Commissioning</li> </ol>
<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>	<ol style="list-style-type: none"> <li>1. Authorised and unauthorised sites and encampments</li> <li>2. Neighbourhood Renewal</li> <li>3. Housing Related Support Services</li> <li>4. Housing</li> <li>5. Emergency Planning</li> <li>6. Community Safety and Drug Action Team</li> <li>7. Environmental Health</li> <li>8. Licensing and Registration</li> <li>9. Trading Standards</li> <li>10. Communities</li> <li>11. Libraries</li> <li>12. Customer Services, including Digital First</li> <li>13. Prevent Duty</li> <li>14. Safety at Sports grounds</li> </ol>

(c) **Structure.** The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.

(d) **Authorisation.** Under the Council’s Scheme of Delegation to Officers in Part 6 of the Constitution the powers delegated to the Officers listed above may be exercised by other Officers reporting to those Officers.

### 10.03 Functions of the Chief Executive

(a) **Discharge of functions by the Council.** The Chief Executive will report to Full Council and/or the Policy & Resources Committee as they consider appropriate on the manner in which the discharge of the

Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

- (b) **Proper officer for access to information.** The Chief Executive will ensure that there are arrangements in place for decisions, together with the reasons for those decisions and relevant Officer reports and background papers to be made publicly available as soon as possible.
- (c) **Restrictions on functions.** The Chief Executive, as the Head of Paid Service, may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are a qualified accountant.

#### **10.04 Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Audit and Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit & Standards Committee.
- (d) **Code of Conduct for Members.** The Monitoring Officer will ensure that all allegations of breaches of the Code of Conduct for Members are dealt with under the approved procedures.
- (e) **Conducting investigations.** When necessary, the Monitoring Officer will conduct investigations into allegations of breaches of the Code of Conduct for Members and issue reports to the Standards Panel to assist the Standards Panel in determining whether or not the Code of Conduct for Members has been breached.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Members.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer.

## **10.05 Functions of the Chief Finance Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take financial decisions, maladministration, financial impropriety, probity to all Members and will support and advise Members and Officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will be responsible for providing financial information to the media, members of the public and the community where appropriate.

## **10.06 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **10.07 Conduct**

Officers will comply with the Code of Conduct for Employees and the Code of Conduct for Member/Officer Relations set out in Part 8 of the Constitution.

## **10.08 Employment**

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules set out in Part 7.6 of the Constitution.

## **ARTICLE 11 – DECISION MAKING**

### **11.01 Responsibility for decision making**

The Council will issue and keep up to date a record of which individual or function within the Council has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 4 and 6 of this Constitution (Scheme of Delegations to Committee and Sub-Committees and Scheme of Delegation to Officers).

### **11.02 Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (the authority will give particular consideration to the implications for human rights of any proposals at an early stage in the decision making process);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes.

### **11.03 Types of decision**

- (a) **Decisions reserved to Full Council** relating to the functions listed in Part 3 of the Constitution will be made by the Full Council and not delegated.
- (b) **Key decisions**

These are decisions which are likely to:-

- result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, namely above £500k per annum;

**or**

- be significant in terms of its effect on communities living or working in an area comprising of two or more wards or electoral divisions in the Brighton & Hove area.

(c) **Forum for key decisions**

Key decisions can be made at the Policy & Resources Committee, by other Committees and Sub-Committees in accordance with the Scheme of Delegation to Committees and Sub-Committees or by Officers in accordance with the Scheme of Delegations to Officers.

**Note:** Any proposal made to a Committee which has significant corporate or budgetary implications (whether or not it constitutes a key decision) must be referred to the Council's Policy & Resources Committee.

**11.04 Decision making by Full Council**

Subject to Article 5, the Full Council meetings will follow the Council Procedure Rules set out in Part 3 of this Constitution when considering any matter.

**11.05 Decision making by Health Overview and Scrutiny Committee**

Health Overview and Scrutiny Committee will follow the Health Overview and Scrutiny Committee Procedure Rules set out in Part 5 of this Constitution when considering any matter.

**11.06 Decision making by other Committees and Sub-Committees established by the Council**

Subject to Article 11.07, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 3 of this Constitution as apply to them.

**11.07 Decision making by Council bodies acting as tribunals or in partnership with other bodies**

The Council, a Committee/Sub-Committee or an Officer

- (a) acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- (b) acting or meeting with any other body pursuant to any arrangements under section 75 of the National Health Service Act 2006, section 10 the Children Act 2004, the Health and Social Care Act 2012 or any other partnership arrangements will follow any proper procedures which have been agreed with that body for those arrangements.

## **ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **12.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 7 of this Constitution.

### **12.02 Contracts**

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 7 of this Constitution.

### **12.03 Legal proceedings**

The Executive Lead for Strategy, Governance & Law is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Executive Lead for Strategy, Governance & Law considers that such action is necessary to protect the Council's interests.

### **12.04 Seal of the Council**

- (a) The common seal of the Council shall be kept in a safe place in the custody of the Executive Lead for Strategy, Governance & Law.
- (b) The common seal of the Council shall be affixed to a document only on the authority of:
  - (i) a resolution of Full Council;
  - (ii) a resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
  - (iii) a decision by Full Council, or by a Committee, Sub-Committee or Officer exercising delegated functions, to do anything where a document under the common seal is necessary or desirable as part of the action.
- (c) The affixing of the common seal shall be attested by the Monitoring Officer, the Executive Lead for Strategy, Governance & Law, the Head of Law, a Principal Solicitor, Managing Principal Solicitor or the Senior Lawyer (Property) of the Council, or another Solicitor authorised by the Executive Lead for Strategy, Governance & Law. An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

### **12.05 Authentication of documents**

Without prejudice to the powers delegated to the Monitoring Officer and the Executive Lead for Strategy, Governance & Law under the Scheme of Delegation to Officers, where any document is necessary to any legal procedure or proceedings on behalf of the Council, it may be

signed by the Monitoring Officer, Executive Lead for Strategy, Governance & Law, the Head of Law, Senior Lawyer (Property) or other person authorised by the Monitoring Officer.

## ARTICLE 13 - REVIEW AND REVISION, SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### 13.01 Duty to monitor and review the Constitution

The Policy & Resources Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Chief Executive and the Monitoring Officer will report to the Committee from time to time on the operation of the Constitution.

### 13.02 Protocol for monitoring and review of the Constitution

A key role for the Chief Executive and the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the officers may:

- (a) observe meetings of different parts of the Member and Officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with them by Members, officers, the public and/or other relevant stakeholders;
- (d) compare practices in the Council with those in other comparable Local Authorities, or national examples of best practice.

### 13.03 Changes to the Constitution

- (a) **Approval.** Subject to (b) and (c) below changes to the Constitution will only be approved by Full Council after consideration of the proposal by the Policy & Resources Committee, the Audit & Standards Committee, the Chief Executive, or the Monitoring Officer.
- (b) The changes described in the left-hand column of the table below may be made by the person or body mentioned in the right-hand column of the table.

(i)	The establishment or abolition, or any change(s) to the terms of reference of, any Sub-Committee, Advisory Body, permanent Member Working Group or Joint Committee	Policy & Resources Committee
(ii)	Delegation of functions of a Committee to an existing Sub-Committee	Policy & Resources Committee or the relevant Committee

- |        |   |   |
|--------|---|---|
| (iii)  | Changes to the Scheme of Delegation to Officers   | Policy & Resources Committee                    |
| (iv)   | Delegation of powers from a Committee or Sub-Committee to an Officer  | The relevant Committee or Sub-Committee         |
| (v)    | Access to Information Procedure Rules   | Executive Lead for Strategy, Governance & Law   |
| (vi)   | Financial Regulations and Standard Financial Procedures   | Chief Finance Officer                           |
| (vii)  | Officer Employment Procedure Rules  | Executive Director of Finance & Resources       |
| (viii) | Protocol for Public Representations at Planning Committee   | Planning Committee                              |
| (ix)   | Forms for declaration of interests and for declaration of gifts and hospitality under the Code of Conduct for Employees | Executive Director of Finance & Resources       |
| (x)    | Protocol for Public Questions at Committees and Sub-committees  | Executive Lead for Strategy, Governance and Law |
| (xi)   | Code of Corporate Governance  | Audit & Standards Committee                     |
- (c) The Monitoring Officer may make consequential amendments to the Constitution to give effect to a decision of Full Council or other body authorised to change the Constitution under this Article. Paragraph 5 of Part 6.3 Part B III of the Scheme of Delegation to Officers also provides authority for the Executive Lead for Strategy Governance and Law to make consequential changes to the Constitution in their capacity as Monitoring Officer.

#### **13.04 Suspension of the Constitution**

The Articles of this Constitution may not be suspended. The Council Procedure Rules may be suspended in accordance with paragraph 1.7 of those Rules.

### **13.05 Interpretation**

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Full Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **13.06 Publication**

- (a) The Executive Lead for Strategy, Governance & Law will give a printed copy of this Constitution to each Member of the Authority upon delivery to them of that individual's declaration of acceptance of office.
- (b) The Executive Lead for Strategy, Governance & Law will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Executive Lead for Strategy, Governance & Law will ensure that the summary of the Constitution is published online and is updated as necessary.

## **ARTICLE 14 – ROLE AND POWERS OF COMMITTEE AND SUB-COMMITTEE CHAIRS**

### **14.01 Appointment and general Role**

- (a) Council Procedure Rules 20 permits the Council to appoint, from amongst its voting Members, Chairs of Committees and Sub-Committees. Chairs are normally appointed annually, at the Council's annual general meeting in May. If the Council does not appoint a Chair in any particular case, the Chair is elected by the Committee or Sub-Committee. Council Procedure Rule 20.5 bars any Member of the Council from being Chair of more than one Committee without the permission of the Council. The Council has an aspiration of ensuring that at least 50% of its Chairs are women.
- (b) Annual appointments made by the Council usually include one or more Deputy Chair for each Committee and Sub-Committee. Deputies are generally able to exercise the powers vested in their Chairs if the Chairs are unavailable.
- (c) As further explained in paragraphs 14.03 and 14.04 below, the role of Chair has some aspects which are formally recognised by law and relate to the conduct of meetings. The Chair is usually, in practice, a lead Member in a particular area of the Council's work. Paragraph 14.02 outlines the way Chairs are expected to fulfil their roles.

### **14.02 Fulfilling the Role of Chair**

The Council expects that its Chairs will:-

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee which they chair;
- lead in the development of the work of the Committee or Sub-Committee which they chair, also taking into account the wider vision, such as corporate, cross-service and partnership issues;
- lead in service delivery and the implementation of policies approved by the Council where these relate to the Committee or Sub-Committee which they chair;
- be the spokesperson for the Committee or Sub-Committee which they chair;
- meet regularly to progress the Committee's or Sub-Committee's objectives with Deputy Chairs, Opposition Spokespersons, Officers, and as appropriate other people, groups and organisations;

- represent and pursue the interests of the Committee or Sub-Committee which they chair in the community and if appropriate at regional and wider levels;
- in accordance with Council's Constitution and the provisions summarised at paragraphs 14.03 and 14.04 below, ensure that:
  - (1) the meetings of the Committee or Sub-Committee which they chair are properly conducted and
  - (2) reports of proceedings are forwarded on as necessary, for example to Full Council.
- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;
- be a promoter and upholder of:
  - (1) equalities throughout Brighton & Hove - particularly the Council's equalities policies;
  - (2) high standards of ethical conduct by the Council's Members and Officers – particularly the Council's Code of Conduct for Members.

#### **14.03 Legal powers and Duties**

- (a) The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Council Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.
- (b) The following are specific functions which a Chair has under the Local Government Act 1972:-
  - a power to exercise a second (casting) vote in the event of an equality of votes on any matter;
  - a duty to sign the minutes of the previous meeting;
  - a power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.
- (c) To help the Committee or Sub-Committee which they chair make effective decisions, Chairs will not only ensure that the procedural rules

applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound at law. With assistance from Officers as necessary, Chairs will ensure that the Committee or Sub-Committee (1) observes any particular legal duties relevant to a proposed decision and (2) has regard as necessary to any general duties such as:-

- best value;
- compliance with the Human Rights Act 1998;
- equalities;
- the general fiduciary duties to its Council Taxpayers to act with financial prudence.

- (d) Finally, the Chair will ensure that the Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant.

#### **14.04 Powers and Duties under the Council's Constitution**

Under the Council's Constitution, the role and powers of Chairs are recognised in a number of ways, including the following:-

- (a) Appointment as Chair: - Under Council Procedure Rule 20.1 Chairs may be appointed at the Council's annual general meeting.
- (b) Settling the Agenda: - Under the Council Procedure Rules 23.2 and Council Procedure Rule 23.6, Chairs have power to direct that items of business be placed on the agenda of their Committee or Sub-Committee and the order in which business is arranged on the agenda.
- (c) Conducting the meeting: - Under the Council Procedure Rules (and in particular Council Procedure Rule 27) the Chair controls the proper conduct of meetings of their Committee or Sub-Committee. The Chair has discretion to depart from the formality of the Council Procedure Rule 16 and such discretion is regularly exercised.
- (d) Involvement at Urgency and other Sub-Committees:- Council Procedure Rule 22 makes Chairs ex-officio members of any Urgency Sub-Committee of the Committee they chair and permit them to attend and speak at any meeting of a Sub-Committee appointed by their Committee.
- (e) Reserve Power to call special Meetings: - Council Procedure Rule 19.2 permits a Chair to call a special meeting of their Committee or Sub-Committee at any time.
- (f) Reporting to Full Council: - It usually falls to Chairs to present any reports which need approval of Full Council under Council Procedure Rule 24.2.

- (g) Duty to be available for Questions: - Council Procedure Rule 9.2 permits any Member of the Council to give written notice and ask questions of any Chair at Full Council meetings. Council Procedure Rule 9.17 permits a Chair to be questioned about any report which they are putting before the Council.
- (h) Right to be consulted: - Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers after consultation with the relevant Chair.
- (i) Special Responsibility Allowance: - In recognition of the role played by Chairs (which role may be carried out on a jobshare basis if two individuals rather than one are appointed to it), Schedule 1 of the Council's Members' Allowances Scheme allocates differing levels of special responsibility allowance payment to Chairs, the levels of payment being based on the levels responsibility.

## **ARTICLE 15 – ROLE AND POWERS OF THE LEADER OF THE COUNCIL**

### **15.01 Appointment and general Role**

- (a) Council's Procedure Rule 18.10 permits the Council to appoint, from among its voting Members, a Leader of the Council. The Leader of the Council is normally appointed annually, at the Council's annual general meeting in May. If the Council does not appoint a Leader of the Council, the Leader of the Council of the largest political group becomes the Leader of the Council.
- (b) Usually the annual appointments made by the Council include one or more Deputy Leaders who are generally able to exercise the powers vested in the Leader of the Council if they are unavailable.
- (c) As further explained in paragraphs 15.03 and 15.04 below, the role of the Leader of the Council is not a formal legal role, but they are in practice the executive head of the Council, and the Member with greatest responsibility for driving forward the broad policies of the Council. Paragraph 15.02 outlines the way the Leader is expected to fulfil their role.

### **15.02 Fulfilling the Role of Leader of the Council**

The Council expects that the Leader of the Council will:-

- be the political (rather than ceremonial) leader of the Council, for the benefit of all the city of Brighton & Hove's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in service delivery and the implementation of policies approved by the Council;
- represent and pursue the interests of the Council in the community and at international, national and regional levels;
- act as Chair of the Policy & Resources Committee, fulfil the role of Leader of the Council at full Council meetings and carry out as necessary the other functions mentioned at paragraph 15.04 below;
- lead in providing policy direction and guidance to the Chief Executive and Chief Officers;
- meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other

political groups at the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.;

- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and Officers;
- be a promoter and upholder of:
  - (1) equalities throughout the city of Brighton & Hove - particularly the Council's equalities policies;
  - (2) high standards of ethical conduct by the Council's Members' and officers – particularly the Council's Code of Conduct for Members.

### **15.03 Legal Powers and Duties**

As the Council operates a Committee System, the Leader has no formal legal powers and duties vested in them under the Local Government Act 1972 or the Local Government Act 2000.

However, in practice, all Local Authorities need to appoint Leaders and each Leader of the Council will hold the most significant elected Member role within their authority. As described in paragraph 15.02 above, the Council's Leader will be the Council's political/elected head, the focus for policy direction and community development, and also the chief advocate and ambassador for the whole of the city of Brighton & Hove.

### **15.04 Powers and Duties under the Council's Constitution**

Under the Council's Constitution, the Leader of the Council is recognised in the following ways:-

- Chairing Policy & Resources Committee: - The Leader of the Council will normally be appointed at the Council's annual general meeting as Chair of the Council's most senior Committee, the Policy & Resources Committee (if the Council does not appoint the Chair, it would fall to the Committee to make an appointment and it would be expected that the Leader would be appointed.) This Committee is responsible for the Council's broad policies and its finances.
- Power to attend and speak:- Council's Procedure Rule 18.11 permits the Leader of Council to attend and speak at any meeting of a

Committee or Sub-Committee of the Council but they can only vote if appointed as a voting member of the Committee or Sub-Committee.

- Reserve Power to call extraordinary Council Meetings:- Council Procedure Rule 4.3 permits the Leader of the Council, if neither the Mayor nor the Deputy Mayor is available, to call extraordinary meetings of Full Council.
- Duty to be available for Questions:- Council's Procedure Rule 9.1 permits any Member to give written notice and ask questions of the Leader of the Council at Full Council meetings.
- Involvement in Major Emergencies:- The Leader of the Council must be informed if an emergency is likely to be or has been declared under the Council's emergency planning or business continuity procedures. Officers also must consult the Leader of the Council before they take any emergency action which would otherwise need Committee authority.
- Special Responsibility Allowance: - In recognition of the role played by the Leader, Schedule 1 of the Council's Members' Allowances Scheme allocates the highest special responsibility allowance payment to the joint role of Leader and Chair of Policy & Resources Committee.
- Power to designate individual Members as Lead Members:- Where the Leader of the Council considers it would be beneficial for a particular area or function to have a dedicated Lead Member, the Leader of the Council may appoint a Lead Member to that area or function. Such appointments would normally be a member of the party with the largest number of seats in order to ensure maximum co-ordination with the work of the Chairs of policy Committees. The Council has an aspiration of ensuring that at least 50% of its designated Lead Members are women.