

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00PM – 24 JUNE 2003

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Framroze (Chair); Councillors Morgan, Older, Simson (OS), Taylor, G Theobald and Watkins.

Independent Members: Ms M Carter, Mr S Keane, Dr M B Wilkinson (Deputy Chair)

Rottingdean Parish Council Representative: Mr P Hampton.

Officers: Dianne Bates (Lawyer), Alex Bailey (Monitoring Officer), Abraham Ghebre-Ghiorgis (Head of Law), Brian Foley (Standards and Complaints Manager), Ian Withers (Head, Internal Audit), Mary van Beinum (Committee Administrator).

PART ONE

ACTION

1. PROCEDURAL BUSINESS

1A. Declarations of Substitutes

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| 1.1 | <u>Substitute</u> | <u>For</u> |
| | Mr P Hampton | Mr H Williams |

1B. Declarations of Interest

- 1.2 There were none.

1C. Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the

Local Government Act 1972.

1.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

2. CHAIR'S COMMUNICATIONS

2.1 Councillor Framroze welcomed everyone to the meeting and invited the Members of the Committee to introduce themselves. He was pleased to have been appointed Chair and he thanked the independent members particularly who had served since the Committee was established, including Norma Binnie, who has resigned, Belinda Coote for whom this was to have been her last meeting, Simon Keane who is Chair of the Independent Remuneration Panel which unfortunately meant that he will have to resign from the Standards Committee at the end of August and Jennifer Redman who is also a Member of the Independent Remuneration Panel and will have to resign in August. Councillor Framroze also thanked Geoffrey Rhodes who had served as the Rottingdean Parish representative.

2.2 The Committee was very grateful for their help and support.

2.3 The Chair assured Members of the commitment of the Administration and of his own personal commitment, in ensuring that ethics and probity were at the heart of the discharge of all Council functions.

3. MINUTES

3.1 **RESOLVED** - That the minutes of the meeting held on 25 March 2003 be approved and signed by the Chair.

4. APPLICATION FOR DISPENSATION

4.1 The Committee considered a report of the Monitoring Officer presenting an application for dispensation from Councillor Kemble and seeking the Committee's decision (for copy see minute book).

4.2 At the invitation of the Chair, Councillor Kemble told the meeting that as a member of the Environment Committee he was well placed to make a positive contribution to committee discussions on the taxi trade. His dispensation granted under the previous rules did formerly enable him to participate and his situation was still the same; only the regulations had changed. He felt there should be measures enabling a dispensation to be

granted.

4.3 Members discussed the limited powers of the Committee under the new regulations with regard to granting dispensations, and noted that the Committee had expected to have wider powers.

4.4 The Monitoring Officer said there could be circumstances at Committee when Councillor Kemble's interests could properly be described as personal, and not personal and prejudicial. In that case he could properly take part in the discussion. Further discussion between the Monitoring Officer and Councillor Kemble would clarify the position.

AB/TK

4.5 The Committee agreed that a representation would be made to the Office of the Deputy Prime Minister (ODPM) with regard to the powers of Standards Committees in granting dispensations.

AB/AG-G

4.6 **RESOLVED** – (1) That the application for dispensation be not granted.

AB/AG-G

(2) That representation be made to the Office of the Deputy Prime Minister by the Chair on behalf of the Committee, concerning the limited powers of the Standards Committee with regard to granting dispensations.

AB/AG-G

5. CORPORATE COMPLAINTS UPDATE

5.1 The Committee considered a report of the Director of Strategy and Governance providing summarised information about Member conduct and complaints about service issues for the period 1 April 2002 to 31 March 2003 (for copy see minute book).

5.2 The Standards and Complaints Manager introduced the report, highlighting areas in particular where complaints issues had been raised with senior officers and the Learning and Development Team. He said there was under-reporting of complaints in Children's Social Care and this has been acknowledged by Children Families and Schools Departmental Management Team. Efforts were in hand to remedy this.

5.3 Referring to paragraph 3.1.2 of the report, former Members of the Committee recalled that brief information was to be provided on each new complaint relating to a breach of the code of conduct for Members, though there was a question on the extent of the detail to be reported to the Committee.

5.4 The Chair remarked it would be helpful if more detail could be given, especially for Members new to this Committee.

5.5 The Monitoring Officer said that during the year two such matters had been referred to the Standards Board for England. In each case there was found to be 'nothing to investigate', or 'nothing to uphold'.

5.6 The Committee would be kept updated on any new referrals with anonymised information. A paper by Melanie Carter (following a meeting in October 2002 and reported to Standards Committee December 2002) on procedures for handling complaints about members, would be provided to new Members of the Committee, together with information on the complaints referred to at 3.1.1 of the report. The paper proposed that the Chair and Deputy Chair be briefed rather than the whole Committee.

AB/AG-G/MvB

5.7 The Committee asked if there were comparisons available for Stage 2 complaints compared with previous years and whether there was a further breakdown of the types of Stage 2 communications-related complaints. It would be useful to be able to compare data year on year and Members asked that the format of the reports should be retained in future as far as possible, to allow comparisons on a like-for-like basis.

BF

5.8 Replying to a question on the relatively few Stage 1 Children's Social Care complaints, the Standards and Complaints Manager said that even though there was thought to be under-reporting in this area, the proportions by issue would not necessarily change. The complainants were thought to be a representative sample even though the numbers were small. 'Service' was the main issue, which was similar to corporate complaints.

5.9 The Committee thanked the officers for a very thorough and clear report.

5.10 **RESOLVED** – (1) That the report be noted.

(2) That Members of the Committee be provided with further anonymised details of complaints about Members (Paragraphs 3.1.1 and 3.1.2 refer).

AB/AG-G/MvB

(3) That copies of the report by Melanie Carter to the Standards Committee on 3rd December 2002 on the handling of complaints about Members be circulated to Members of the Committee.

MvB

(4) That further consideration be given to the method of reporting of complaints about Members to future meetings of the Committee.

BF/AB

6. SIZE AND MEMBERSHIP OF THE STANDARDS COMMITTEE

6.1 The Committee considered a report of the Monitoring Officer concerning the law governing membership of the Standards

Committee that will come into force on 28 August 2003 and proposed changes to the composition of the Committee (for copy see minute book).

6.2 The Head of Law introduced the report, pointing out that paragraph 6.1 should read 'the largest Standards Committee in the country' and not 'the longest'.

6.3 The proposed change, in line with the Local Authorities (Standards Committees) Regulations 2001 and Local Authorities (Members' Allowances) (England) Regulations 2003, would ensure that all four political parties were represented on the Standards Committee. It would not limit the effectiveness of the Committee nor its ability to discharge its functions. If agreed, the Committee would comprise five elected Members including the Rottingdean Parish Council representative, plus three Independent Members, all of whom would have a vote.

6.4 The Monitoring Officer told the meeting that the Committee had an important remit but the reduced size would reflect the government's changed approach in recent years to the functions of Standards Committees.

6.5 The Leaders' Group was scheduled to consider the size and membership of this Committee together with a range of constitutional amendments next week and a report would be presented to full Council on 17 July.

6.6 Members discussed whether the Chair had a casting vote; this would be checked.

AB/AG-G

6.7 General support was expressed for the proposals. An Independent Member said there had recently been a number of changes in the Committee and it was important for Councillors to regard the Committee as a key function, and to attend all meetings so as to be able to build up a full picture of the work of the Committee.

6.8 The Chair said it was important for all meetings involving Councillors to be scheduled so they did not conflict.

6.9 Questions were asked regarding options regarding the Chairing of the Committee. The Chair could be alternated periodically between elected and independent Members, or if there was an agreed change to the Committee's terms of reference, the Committee could, if it wished, make its own appointment to the Chair.

6.10 During discussion there was general support for the current

arrangement whereby the Chair was an elected Member and the Deputy Chair, an Independent Member. However, it was agreed that any Panel set up to hear complaints about Members will normally be chaired by an Independent Member of the Standards Committee.

6.11 **RESOLVED** – (1) That the Committee suggests to Council:

AG-G

- (i) the size of the Committee be reduced from fifteen to eight;
- (ii) there be three Independent Members (instead of the current seven) and one Parish Council representative (as at present) in the Committee;
- (iii) the four Councillor seats be allocated to the four political groups, each taking one seat;
- (iv) the current arrangement where the Deputy Chair is an Independent Member continues;
- (v) the Council approves the continuation of Mike Wilkinson and Melanie Carter as Independent Members of the Standards Committee;

(2) That the Committee and Council note that, subject to the approval of recommendation 2.1 above, the vacant post of an Independent Member will be advertised and the preferred candidate recommended to Council for approval at the relevant time.

(3) That any Panel set up to hear complaints about members will normally be chaired by an Independent Member of the Standards Committee.

7. 'SETTING STANDARDS - HOW TO BEHAVE AS A COUNCILLOR'

7.1 The meeting noted the programme of induction for Councillors and summary of the evaluation feedback from those attending the sessions.

7.2 The sessions were described as extremely good, by several of those who had attended them. Members said they were grateful for the efforts and energy of the Members' Services Manager in arranging them.

7.3 **RESOLVED** – That special thanks be conveyed to the Members' Services Manager and the team for arranging excellent Member

MvB/JS

Induction Sessions.

8. GUIDANCE FOR MEMBERS AND OFFICERS ON OUTSIDE BODIES

8.1 The Committee considered a report of the Monitoring Officer seeking approval of a revised guidance for Members and Officers serving on outside bodies (for copy see minute book).

8.2 The Lawyer introduced the report, setting out the proposed changes to the guidance and the reasons for them.

8.3 Following discussion the Committee agreed that paragraph 7.2 of the guidance should be amended to clarify that gifts over £25 received only as a Councillor, were required to be declared. Paragraph 1.2 of the guidance should clarify whether the guidance applies to individuals appointed as school governors.

8.4 **RESOLVED** – (1) That the guidance at paragraph 7.2 clarifies that Members and Officers only need to register gifts and hospitality, worth more than £25, which are received in connection their official duties. Gifts and hospitality received in a personal capacity do not need to be registered.

AG-G/DB

(2) That the guidance at paragraph 1.2 includes reference to Members and Officers serving as school governors.

(3) That the revised guidance for Members and Officers on outside bodies be approved in principle subject to the clarifications as minuted above.

(4) That the Council be recommended to adopt the revised guidance, subject to the resolutions at 8.4(1) and 8.4(2).

9. SECTION 66 REGULATIONS

9.1 The Committee considered a report of the Monitoring Officer outlining the changes introduced by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 that would come into force on 30 June 2003 and seeking approval for a draft procedure for dealing with complaints (for copy see minute book).

9.2 It was noted that the word 'are' should be deleted from paragraph 2.1 of the report.

9.3 The Head of Law stated that the procedure covers only cases referred to the Standards Committee following investigation by an Ethical Standards Officer. The government will be making separate regulations governing investigation by Monitoring Officers in the Autumn. The procedure may have to be revised in the light of those regulations and any guidance issued by the Standards Board for

England.

9.4 Following discussion the Committee agreed a number of amendments as follows:

- An additional clause at 1.1 of the procedure '.... subject to the requirements of the regulations...'
- Amendment to paragraph 2.1.1 (c) (iv) to allow Members to be represented by a person of their choice subject to the powers of the Committee to take appropriate action to ensure the efficient running of the meeting.
- Delete the final sentence on cross-examination of witnesses, at paragraph 3.1(7) of the procedure.
- Insert the correct address for the President of the Adjudication Board

9.5 **RESOLVED** – (1) That the requirements of the regulations be noted.

AG-G

(2) That the draft procedure be approved on a provisional basis, subject to: amendments at 1.1 and 2.1.1(c) (iv); deletion of final sentence at 3.1(7); and update of the address of the President of the Adjudication Panel at 5.1, as the Panel now has its own address separate from the address of the Standards Board for England.

(3) That the Monitoring Officer reports to a future meeting of the Committee once further regulations are issued, on how the Monitoring Officer should deal with the investigation of complaints and on any guidance from the Standards Board.

10. LOCAL INVESTIGATION AND DETERMINATION OF MISCONDUCT ALLEGATIONS

10.1 The Committee considered a report of the Monitoring Officer providing feedback on the Government's response to the consultation exercise on how allegations of Councillor misconduct should be dealt with at a local level (for copy see minute book).

10.2 **RESOLVED** – (1) That the report be noted.

11. NEXT MEETING

11.1 Date of the next meeting is Tuesday 16 September. Items on the agenda to include:

Internal Audit Review of Corporate Governance

Revised Policy on Whistle-Blowing

12. ITEMS TO GO FORWARD TO COUNCIL

12.1 Items 6 and 8, on the size and composition of the Standards Committee and Guidance for Members and Officers on outside Bodies will be reported to full council on 17 July.

PART TWO

13. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

13.1 **RESOLVED** - That no items remain exempt from disclosure to the press and public.

The meeting concluded at 6.40 pm

Signed

Chair

Dated this

day of

2003