

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00PM – 16 SEPTEMBER 2003

HOVE TOWN HALL

MINUTES

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

Independent Members: Dr M B Wilkinson (Deputy Chair).

Rottingdean Parish Council Representative: Ms S Price.

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

PART ONE

ACTION

14. PROCEDURAL BUSINESS

14A. Declarations of Substitutes

14.1 Mrs Sally Price was the Rottingdean Parish Council Representative; Mr Geoffrey Rhodes would be resuming his membership of the Committee after this meeting.

14B. Declarations of Interest

14.2 There were none.

14C. Exclusion of Press and Public

14.3 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.

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

15. CHAIR'S COMMUNICATIONS

15.1 The meeting heard that following an advertisement placed in City News, interviews for the vacant post of independent member of the committee were being held on 26 September.

16. MINUTES

16.1 The Lawyer reported with regard to minute 6.6 there was no provision for the Standards Committee Chair to have a casting vote.

16.2 **RESOLVED** - That the minutes of the meeting held on 24 June 2003 be approved and signed by the Chair.

17. REPORT BACK FROM COUNCIL ON CHANGES TO THE CONSTITUTION

17.1 The Committee considered a report of the Monitoring Officer concerning the decision of Council regarding the composition and terms of reference of the Committee (for copy see minute book).

17.2 **RESOLVED** - (1) That the amended terms of reference of the Committee as shown in Appendix 1 be noted.

(2) That it be noted that the Standards Committee now consists of 10 Members, as opposed to 15.

(3) That the resignation of Simon Keane and Jennifer Redman with effect from 1 September be noted.

18. CORPORATE COMPLAINTS UPDATE

18.1 The Committee considered a report of the Director of Strategy and Governance providing summarised information about Member conduct for the period 1 April 2002 to 31 August 2003, and complaints about service issues for the period 1 April 2003 to 30 June 2003. Details relating to Schools Management issues and Adult Social Care issues were not included in the report as these service areas did not fall within the remit of the Standards and Complaints Manager. All other service areas were reported on (for copy see minute book).

18.2 The Committee discussed the complaints data, how it was presented, and whether it was possible to show year on year trends

within each category and service area. The Members were invited to make a visit to the Complaints Team to see how information is recorded and discuss further the possible options for presentation of data in future.

18.3 A bulletin from the Standards Board for England was tabled at the meeting, outlining the results of investigations, research under way and sources of further information.

18.4 **RESOLVED** - (1) That the report be noted.

(2) That arrangements be made for Members of the Committee to visit the Complaints Team.

BF/MvB

19. REPORTING OF COMPLAINTS ABOUT MEMBERS

19.1 The Committee considered a report of the Monitoring Officer proposing ways of reporting complaints about Members and Co-opted Members to the Committee (for copy see minute book).

19.2 Answering a question, the Monitoring Officer said that a Member would receive notification from the Standards Board for England (SBE) of a complaint about him or her, at the same time as the Monitoring Officer. The complaint would not be public knowledge at that stage. As regards informal complaints, those outside Code of Conduct issues; ie those therefore not referred to the SBE; the Member concerned would be contacted by the Monitoring Officer or his nominee and asked for comments as soon as practicable following a complaint.

19.3 **RESOLVED** - (1) That the proposed arrangements for reporting on complaints about Members as outlined in paragraph 4 of the report be approved.

(2) That the proposal set out in paragraph 3 of the report be approved.

20. GUIDANCE AND PROCEDURE FOR LOCAL DETERMINATION OF COMPLAINTS AGAINST MEMBERS

20.1 The Committee considered a report of the Monitoring Officer incorporating the provisions of guidance and regulations into a revised procedure for local determination of allegations about the conduct of Council Members (for copy see minute book).

20.2 With reference to paragraph 3.7 of the report, the Committee heard that the Local Government Bill had not yet been enacted.

[**NOTE:** Since this meeting of the Committee, Members should note that the Local Government Bill 2003 received Royal Assent on 18 September 2003. The provisions, within this new Act, which empower the setting up of Sub-Committees of the Standards Committee come into force on 18 November 2003.]

20.3 Asked whether there was a need for a Sub-Committee the Head of Law explained that the SBE guidance, the new regulations and the new Act 2003 expected Standards Committees to set up a Sub-Committee to deal with complaints referred by an Ethical Standards Officer for local determination.

20.4 While it is the general policy of this Council to limit the setting up of any further Sub-Committees an exception would have to be made under these circumstances to comply with these new regulations and the relevant provisions of the new Act. The new Sub-Committee would be called The Standards (Local Determinations) Panel but is referred to in the procedures as 'the Hearing Panel'.

20.5 Under paragraph 3.6, it would be expected that the Independent Vice-Chair of the Standards Committee would normally Chair the Hearing Panel.

20.6 At paragraph 3.15 of the report, the Committee agreed it was preferable for the Hearing Panel to comprise 5 Members. Where practicable the Panel will consist of a majority of Independent Members (3) and two elected Members of the Committee, one of whom will be from the same political group as the Member against whom the complaint has been made.

JS

20.7 The Committee agreed that additional training would be necessary. In addition to general training for all Members of the Standards Committee on the process and procedures, chairing meetings, and confidentiality issues, Members asked that the Members of the Hearing Panel receive specific training prior to any scheduled hearing.

20.8 The Committee discussed the implications of suspension as compared with disqualification.

20.9 The meeting heard that on 7 July the Independent Remuneration Panel agreed that provision should be made within the Remuneration Scheme for allowances to be withheld when a Member is suspended or partially suspended.

20.10 Members were concerned about vexatious, persistent or malicious complaints, and also at the manner in which the SBE first notified a Member of a complaint against them. The Committee

felt it would be alarming to receive a letter stating merely that a complaint had been made. It was important to be given some information about the nature of the complaint and the reason for it.

AB

20.11 The Monitoring Officer agreed to write to the Standards Board for England on behalf of the Standards Committee asking that details of the complaint should be included in the initial letter notifying a Member of a complaint against them.

20.12 Asked whether the notification of a complaint could or should be treated as private information, the Head of Law said neither the complainant, the press nor other parties were under any obligation to retain the notification of the complaint as confidential.

20.13 **RESOLVED** - (1) That the revised procedure, set out in Appendix 1 and the terms of reference for the Hearing Panel, set out in Appendix 2, for local determination of allegations about the conduct of Council Members, be approved.

(2) That the procedure, set out in Appendix 1, be referred to full Council for information.

(3) That in the event of an investigation being referred to the Standards Committee, before the power to set up a sub-committee comes into force, the hearing of the matter will be held by the Standards Committee (albeit with reduced numbers) using the procedure as set out in Appendix 1 with the relevant amendments (i.e. substituting the words "Standards Committee" in place of the "Hearing Panel").

MvB/AB

(4) That the Committee recommends to Policy & Resources Committee the setting up of the "Hearing Panel" Sub-Committee, with the terms of reference set out in Appendix 2 and for Policy & Resources Committee to agree the requisite amendments to the Council's constitution.

(5) That a representation be made to the Standards Board for England as minuted above.

21. NEXT MEETING

21.1 Date of the next meeting is Tuesday 16 December. Items on the agenda to include:

- (a) Revised Policy on Whistle-Blowing
- (b) Internal Audit Report of Corporate Governance

22. ITEMS TO GO FORWARD TO COUNCIL

22.1 It was noted that item 20 on the Guidance and Procedure for Local Determination of Complaints against Members will be reported to Full Council on 27 November.

PART TWO

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

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

The meeting concluded at 7.20pm

Signed

Chair

Dated this

day of

2003