

# **BRIGHTON & HOVE CITY COUNCIL**

## **STANDARDS COMMITTEE**

**5.00PM – 14 JUNE 2005**

**BRIGHTON TOWN HALL**

### **MINUTES**

Present: Councillor Framroze (Chair); Councillors Davidson, Lepper, Simson (OS), G Theobald and Williams.

Independent Members: Ms M Carter and Mrs H Scott; apologies were received from Dr M B Wilkinson (Deputy Chair)

Rottingdean Parish Council Representative: apologies were received from Mr G Rhodes.

### **PART ONE**

#### **ACTION**

#### **1. PROCEDURAL BUSINESS**

##### **1A. Declarations of Substitutes**

1.1 There were none.

##### **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 There were none.

## **3. MINUTES**

3.1 **RESOLVED** - That the minutes of the meeting held on 22 March 2005 be approved and signed by the Chair.

## **4. CONFIRMATION OF MEMBERS OF THE SUB-COMMITTEE TO BE THE HEARING PANEL**

4.1 **RESOLVED** - That the Committee confirm that the following Members constitute a Sub-Committee to be the Hearing Panel for determining complaints against Members of the City Council:

(1) Councillor Lepper - Council Member

Councillor Simson - Council Member

Dr M B Wilkinson - Independent Member

Ms M Carter - Independent Member

Mrs H Scott - Independent Member

(2) That the five named Members of the Sub-Committee for determining complaints against Members of Rottingdean Parish Council be five Members named but with the substitution of Mr G Rhodes (Rottingdean Parish Council for Councillor Simson).

## **5. CONFERENCE TO BE HELD AT ROTHER DISTRICT COUNCIL – TRAINING FOR MEMBERS IN DETERMINING COMPLAINTS**

5.1 An oral report was given on behalf of the Director of Strategy and Governance concerning a conference to be held at Rother District Council regarding training for Members in determining complaints.

5.2 The Principal Solicitor explained that due to lack of take-up Rother District Council would not now be running the conference originally envisaged but would be running an alternative course on 14 July and had asked whether an observer would like to attend on behalf of the Standards Committee. It was agreed that Ms M Carter would attend on behalf of the Committee and would report back thereon to the next meeting of the Committee.

5.3 **RESOLVED** - That Ms M Carter attend the conference referred to above and report back thereon to the next meeting of the Committee.

## **6. MEMBER COMPLAINTS AND SERVICE COMPLAINTS, CORPORATE**

## COMPLAINTS UPDATE

6.1 The Committee considered a report of the Director of Strategy and Governance providing information regarding complaints about Member conduct and complaints about service issues dealt with under the Council's complaints procedures from 1 April 2004 to 31 March 2005 (see minute book).

6.2 **RESOLVED** - That the contents of the report be noted.

## 7. CONSULTATION PAPER AND INTRODUCTION TO THE REVIEW OF THE CODE OF CONDUCT

7.1 The Committee considered a report of the Director of Strategy and Governance seeking approval of a response to the consultation document "A Code for the Future" issued by the Standards Board for England, a draft response to which had been prepared by the Independent Members of the Committee (see minute book).

7.2 Ms Carter gave a brief presentation on behalf of the Working Party comprising Independent Members which had been set up at the previous meeting to draft the Council's responses to the Review of the Code of Conduct which was now being brought back before the Standards Committee for approval.

7.3 The Working Party had looked into the issues and had taken into consideration the comments made by the elected Members at the previous Committee meeting. A letter had also been sent to all elected Members inviting them to give further input if they wished, but no further comments had been received.

7.4 The Committee considered the proposed response paragraph by paragraph and were in general agreement with its content. They also had regard to the issues raised in the two reports on the agenda requesting dispensations. Minor amendments to the drafting of Paragraphs 21 and 22 were suggested and agreed, together with an amendment proposing that indemnities for Councillors should have a similar exemption in the Code to that for Councillors' allowances.

7.5 **RESOLVED** – That (subject to the amendments referred to in Paragraph 7.4 above), the proposed response to the consultation document "A Code for the Future" issued by the Standards Board for England be approved for the Director of Strategy and Governance to forward to the Standards Board for England.

## 8. UPDATE ON IMPLEMENTATION OF WHISTLEBLOWING POLICY

8.1 The Head of Law gave an oral report concerning the update on the implementation of the Whistleblowing Policy. He explained that a series of leaflets and posters had been designed highlighting and explaining the initiative and that these would be circulated and displayed in all Council buildings (for copy see minute book).

8.2 **RESOLVED** – That the position be noted.

## 9. APPLICATIONS FOR DISPENSATION FOR MEMBERS REGARDING INDEMNITY

9.1 The Committee considered a report by the Director of Strategy and Governance seeking dispensations to enable Members to participate in business which related to indemnities under Section 101 of the Local Government Act 2000 for Members who face personal liability allegations arising from their service on outside bodies to which they have been appointed or nominated by the Council. Copies of the written applications were produced for the Committee (see minute book).

9.2 Members were in agreement with the approach proposed, although several Members referred to instances where other Members might substitute for standing Committee Members. Following a discussion it was agreed, however, that this would be unlikely to result in a situation where the meeting would be inquorate or insufficient Members (with voting rights) would be present and able to take part in any discussion and to vote. It was agreed that a “blanket” dispensation would be given to all current Members of the Policy and Resources Committee.

9.3 **RESOLVED** - (1) That the Committee approves the granting of dispensations to all current Members of the Policy and Resources Committee as set out below:

Councillor Bodfish (Chair); Councillors: John (Deputy Chair), Burgess (Deputy Chair), Mrs Brown, Elgood, Fitch, Hawkes, Kemble, Mrs Mears, Mitchell, Mrs Norman, Oxley (OS - Finance), Peltzer Dunn (OS), Randall and Taylor;

(2) That the dispensations so granted shall have effect in relation to any consideration of indemnities for Members of the Council in circumstances which would involve more than 50% of Members entitled or required to participate in that business otherwise being prevented from doing so because they would have to declare prejudicial interests; and

(3) That the dispensation lasts for 4 years from the date of the

Standard Committee's decision (ie until 14 June 2009).

## **10. APPLICATION FOR DISPENSATION – COUNCILLOR R PENNINGTON**

10.1 At the meeting, this item was taken before item 7. The Committee considered a report by the Director of Strategy and Governance concerning a request from Councillor Roy Pennington that he be granted dispensation to address the Licensing Sub-Committee when it considers an application from the Sutherland Arms (see minute book).

10.2 The Principal Solicitor referred to the position as set out in his report and to the issues raised by Councillor Pennington who wished to make representations to the Licensing Panel as an affected Member of the Public, not as a Councillor. Whether or not the Standards Committee considered it desirable that Councillor Pennington should be permitted to make representations, it was not lawfully possible for the Committee to grant him the dispensation he was seeking. However, it was suggested that, in responding to the consultation document from the Standards Board (item 7 on the agenda), the Committee might take into account the difficulties Councillor Pennington would have in presenting his case in his absence through a representative.

10.3 Councillor Pennington was provided with the opportunity to address the Committee setting out the rationale as to why he was seeking the dispensation and setting out case law which he considered supported his request. The Principal Solicitor advised that the position remained unaltered also clarifying that it was not possible for the Committee to grant a partial dispensation as this was not an option which existed in law. Whilst sympathetic with the points raised by Councillor Pennington, the Committee were in agreement that it was beyond their powers to grant the dispensation requested. Councillor Pennington thanked the Committee for the opportunity to address them.

10.4 **RESOLVED** – That having considered Councillor Pennington's request for a dispensation he be advised that it is beyond the powers of the Standards Committee to grant his request for dispensation.

## **11. TO SUGGEST ITEMS FOR INCLUSION ON THE AGENDA FOR THE NEXT MEETING**

11.1 No specific items, in addition to the items presented as 'Standing Items', were proposed for the next meeting of the Committee.

**12. ITEMS TO GO FORWARD TO COUNCIL**

12.1 **RESOLVED** – That none of the items considered go forward to Council on this occasion.

**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 6.50 pm

Signed

Chair

Dated this

day of

2005