

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00PM – 12 SEPTEMBER 2006

COMMITTEE ROOM 3
HOVE TOWN HALL

MINUTES

Present: Dr M B Wilkinson (Independent Member)(Chair), Councillors Drake, Pennington, Simson and Williams.

Independent Members:

Rottingdean Parish Council Representative:

Apologies: Councillor Lepper (Deputy Chair), Councillor Davidson, Ms M Carter, Mrs H Scott, Mr G Rhodes.

PART ONE

ACTION

13. PROCEDURAL BUSINESS

13A Declarations of Substitutes

13.1 There were none.

13B Declarations of Interest

13.2 There were none.

13C Exclusion of Press and Public

13.3 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.

13.4 **RESOLVED** - That the press and public be not excluded during consideration of any item on the agenda.

14. MINUTES

- 14.1 **RESOLVED** - That the minutes of the meeting held on 14 July 2006 be approved and signed by the Chair as a correct record subject to the substitution of the finishing time of 5.45pm for 5.00pm at the end of the minutes.

15. CHAIR'S COMMUNICATIONS

- 15.1 There were none.

16. PUBLIC QUESTIONS

- 16.1 There were none.

17. CORPORATE COMPLAINTS UPDATE

- 17.1 The Committee considered the report of the Director of Strategy & Governance relating to the Corporate Complaints Update (for copy see minute book).

- 17.2 Councillor Pennington referred to an instance he was aware of where details in relation to a complaint had been alluded to in the local press, querying whether it was appropriate in such circumstances to keep details relating to individuals about whom a complaint had been made confidential pending the outcome of investigations. The Principal Solicitor stated that it had always been practice for such information to be held "confidentially" pending an outcome as in many cases it had been found that ultimately there was no case to answer. If any of the individuals chose to approach the press that was a matter for them.

- 17.3 The Chair concurred with the approach adopted stating that it was very important, in terms of maintaining "natural justice" and in deciding a course of action in respect of any cases that might come before them for determination in future to be seen to deal with matters in a neutral manner that confidentiality was maintained.

- 17.4 **RESOLVED** – That the contents of the report be received and noted.

18. TO ARRANGE PROVISIONAL DATES FOR HEARINGS OF THE STANDARDS PANEL

- 18.1 The Principal Solicitor stated that whether or not hearings would ultimately be required depended upon the findings of the investigations currently being undertaken by the Standards and Complaints Officer. It was agreed that 1 and 2 November would be held as provisional dates but the relevant officers would liaise directly with Panel Members regarding these and any other

potential hearing dates.

18.2 **RESOLVED** - That the position be noted .

19. MEMBERS WEB PAGE POLICY

19.1 The Committee considered the report of the Member Development Working Group relating to the Members Web Page Policy (for copy see minute book).

19.2 The Chair thanked the Officers and Ms Carter, an Independent Member of the Committee, for their input stating that he was pleased to note that the points raised by Members at the previous meeting of the Sub-Committee had been incorporated into the revised document. Councillors Pennington and Simson agreed, stating that the advice was now clear and unequivocal and that this was welcomed.

19.3 In answer to questions the Head of Democratic Services confirmed that revised copies of the document would be re-issued for signature by Members in the near future.

19.4 **RESOLVED** - That the contents of the Members Web Page Policy be approved and noted.

20. AMENDMENTS TO CODE OF CONDUCT FOR MEMBERS AND PROPOSED CODE OF CONDUCT FOR OFFICERS

20.1 The Principal Solicitor explained that details of amendments to both codes were still awaited. The timeframe for implementation in advance of the May 2007 Council elections could be tight and it was hoped that details in respect of both areas would be received in the near future. It was considered likely in any event that this information would be received prior to the Standards Conference to be held in Birmingham on 16/17 October 2006.

20.2 In respect of the proposed Code of Conduct for Officers it was anticipated that this would be brief and could be brought into force rapidly as the areas to be covered could be incorporated directly into Officers' Contracts of Employment.

20.3 The Chair and another Member of the Committee would be attending the Conference as would the Standards and Complaints Officer. The Principal Solicitor would be attending by virtue of his involvement with the Fire Authority as would Councillor Pennington.

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

21. DRAFT GUIDANCE ON PUBLICITY AND USE OF FACILITIES, ETC, FOR MEMBERS FOR 2007 LOCAL ELECTIONS

- 21.1 The Committee considered the report of the Director of Strategy & Governance relating to the Draft Guidance on publicity and use of facilities, etc, for Members for 2007 Local Elections (for copy see minute book).
- 21.2 Councillor Pennington referred to the broad brush approach used in applying to disabilities issues, considering that as currently set out it was inadequate and that this should be set out in greater depth. The Principal Solicitor explained that additional information had been added to the current document and that a balance needed to be sought between providing sufficient information in order to provide candidates with clear guidance and in providing so much information that individuals were swamped with so much information that it became confusing. If, however, Members were of the view that it would be beneficial to amplify a little more in respect of some areas he would be happy to explore this further. The ultimate responsibility in respect of content lay with the Council's Monitoring Officer.
- 21.3 Whilst agreeing with the rationale adopted Councillor Williams was of the view that Paragraphs 10 and 11 could be combined to take on board the concerns raised by Councillor Pennington without adding significantly to the volume of text and that the addition of a few words would serve to clarify the position absolutely and could be beneficial. Councillors Simson and Drake also concurred in that view. The Principal Solicitor agreed to revisit this aspect of the guidance document with a view to redrafting it to take on board the Members' comments. The document would be kept under review and revised as necessary until issued by the Monitoring Officer, probably in the new year.
- 21.4 **RESOLVED** - That the contents of the report setting out the draft guidance on publicity and the use of facilities, etc, for Members for the 2007 Local Elections be noted and the Committee's suggestions for minor amendments be forwarded to the Monitoring Officer.

22. ANNUAL REPORT OF THE STANDARDS COMMITTEE

- 22.1 The Committee considered the report of the Director of Strategy & Governance relating to the Annual Report of the Standards Committee (for copy see minute book).
- 22.2 Minor amendments were suggested and approved by Members to reflect that the Chair was now an independent Member of

the Committee rather than a Councillor.

22.3 **RESOLVED** – (1) That, having reviewed the period from December 2005 to September 2006 covered in the report, the contents of the report be approved; and

(2) That the Chair present the report at the next scheduled meeting of Council.

23. TO SUGGEST ITEMS FOR INCLUSION ON THE AGENDA FOR THE NEXT MEETING

Potential Items for inclusion were as follows:

“Corporate Complaints Update” (Standing Item);

“Report back from the Fifth Annual Assembly of Standards Committees, Birmingham, 16 and 17 October”;

“Amendments to Code of Conduct for Members and proposed Code of Conduct for Officers”;

A report on the details of Members’ declarations of interests placed upon the Council’s website.

24. ITEMS TO GO FORWARD TO COUNCIL

24.1 It was agreed that Item 22 “The Annual Report of the Standards Committee” go forward to Council for consideration.

The meeting concluded at 5.55pm

Signed

Chair

Dated this

day of

2006