

**BRIGHTON & HOVE CITY COUNCIL**

**GOVERNANCE COMMITTEE**

**4.00pm 28 APRIL 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Mrs Norman (Chairman), Simpson (Deputy Chairman), Mrs Brown, Mrs Cobb, Duncan, Mears, Mitchell, Oxley, Taylor and Watkins

**PART ONE**

**89. PROCEDURAL BUSINESS**

**(A) Declarations of Substitutes**

89.1 Councillor Watkins declared that he was attending the meeting as a substitute for Councillor Elgood.

**(B) Declarations of Interest**

89.2 There were no declarations of interest.

**(C) Exclusion of the Press and Public**

89.3 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

89.4 **RESOLVED** – That the public be not excluded from the meeting.

**90. MINUTES OF THE PREVIOUS MEETING**

90.1 The minutes of the last ordinary meeting held on the 10 March 2009 were agreed as a correct record of the proceedings.

**91. CHAIRMAN'S COMMUNICATIONS**

- 91.1 The Chairman noted that it was the last meeting of the committee in the current municipal year and wished to thank the members of the committee for their work and support during the year. She believed the committee had dealt with a number of significant and on occasion difficult topics, which had been well considered and debated effectively. She also wished to thank the officers who had supported the committee during the year for their work and advice.
- 91.2 The Chairman also noted that she had accepted an additional urgent item which had been circulated prior to the meeting as an addendum and listed as Item No.100A, Code of Recommended Practice on Local Authority Publicity.
- 91.3 Members of the Committee expressed their thanks to the Chairman for her fair and honest stewardship of the committee.

**92. CALLOVER**

- 92.1 The Chairman stated that she wished to consider all the items listed on the agenda and therefore reserved item numbers 97, 98, 99, 100 and 100A.
- 92.2 **RESOLVED:** That item numbers 97, 98, 99,100 and 100A be reserved for debate and determination.

**93. PETITIONS**

- 93.1 The Chairman noted that no petitions had been submitted for the meeting.

**94. PUBLIC QUESTIONS**

- 94.1 The Chairman noted that no public questions had been submitted for the meeting.

**95. DEPUTATIONS**

- 93.2 The Chairman noted that no deputations had been submitted for the meeting.

**96. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS**

- 93.3 The Chairman noted that no written questions, letters or Notices of Motions from Members had been submitted for the meeting.

**97. STATUTORY CRIME & DISORDER COMMITTEE**

- 97.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the need to establish a Crime & Disorder Committee and make provision for Councillor Call for Action resulting from the bringing into force of Sections 19-21 of the Police and Justice Act 2006 by the Government on the 30 April 2009 (for copy see minute book).
- 97.2 The Lawyer introduced the report and outlined the various options that had been identified to accommodate the need to establish a Crime and Disorder Committee within the overview and scrutiny function of the council. He noted that whilst the regulations had been drawn up to cover all authorities, they did not take into account the situation in Brighton & Hove with the existence of the Community Safety Forum. In wishing to recognise the desire to retain the Community Safety Forum, it was felt that option 1 in the report offered the best solution. He also noted that there would be an opportunity to review the success of the arrangements that were agreed as part of the 12-month review of the new constitution. He therefore sought the committee's views as to which option was preferred and should be recommended to Full Council for adoption.
- 97.3 Councillor Duncan expressed his concern over the impact that the addition of the responsibility for crime & disorder would have on the work of the Environment & Community Safety Overview & Scrutiny Organisation Committee. He believed the Overview & Scrutiny Committee already had a comprehensive work programme and felt that a separate Crime & Disorder Committee would be a better option and therefore option 2 in the report was more favourable.
- 97.4 Councillor Mitchell stated that it was difficult to always be in a position to accommodate changes and meet new requirements that resulted from legislation. She felt that it was important to recognise the role of and retain the Community Safety Forum and in so doing, option 1 enabled a way forward which would meet the legislative requirements. She also felt that this would not impinge on Member and officer resources as much as having a stand alone Crime & Disorder Committee.
- 97.5 Councillor Taylor stated that he felt there was a need for a separate Crime & Disorder Committee to enable it to fulfil its role and undertake an effective scrutiny function. He believed option 2 offered a better solution and that it should be the preferred option. He also noted that the Green Group had always advocated the need for a separate committee during the development of the new constitution.
- 97.6 Councillor Oxley stated that with the additional responsibility being placed on the council for the monitoring of crime & disorder, there was a need to consider how the function would best fit with the existing decision-making arrangements. He believed that option 1 offered a neat solution, it enabled the Community safety Forum to remain in its current form maintain its important role, recognised the provision of the Local Area Action teams and enabled specific issues relating to crime & disorder to be considered at overview & scrutiny level. He felt that the option provided an excellent balance and that these arrangements could always be reviewed as part of the 12-month review of the constitution.

- 97.7 Councillor Watkins stated that the importance and role of the Community safety Forum was something that should be retained. However, he believed that option 2 was a better model and suggested that it would be better to review its success as part of the 12-month review rather than implementing option 1 and reviewing it. He felt that a separate Crime & Disorder Committee would give more opportunity for scrutiny and public involvement.
- 97.8 The Head of Legal & Democratic Services informed the committee that the options listed in the report had been identified by officers with an open mind. Having considered each of them, it was felt that option 1 worked best with the arrangements that were already in place, and enabled the council to meet its statutory requirements.
- 97.9 The Chairman noted the comments and stated that as no alternative had been put forward, the recommendations listed in the report remained and she put them to the vote.

**97.10 RESOLVED TO RECOMMEND –**

- (1) That the Environment & Community Safety Overview & Scrutiny Committee (ECSOSC) be designated as the council's statutory Crime & Disorder Committee;
- (2) That the protocol detailed in Appendix 1 to the report, governing the interface between the Community Safety Forum and ECSOSC be adopted;
- (3) That the Chair of ECSOSC (being the Chair also of the Crime & Disorder Committee), become a member of the Community Safety Forum;
- (4) That the Head of Law be authorised to put these arrangements into effect, following Full Council approval, including any necessary amendments to the council's constitution; and
- (5) That the Head of Law be instructed to monitor the effectiveness of the arrangements implemented under paragraphs (1) and (2) above, and, if appropriate, to submit a report to the Governance Committee, as part of the council's 12-month review of the constitution, or any changes considered necessary.

**98. COUNTER FRAUD STRATEGY**

- 98.1 The Committee considered an extract from the proceedings of the Audit Committee held on the 31<sup>st</sup> March 2009, together with a report of the Director of Finance & Resources, concerning the revised Counter Fraud Strategy (for copies see minute book).
- 98.2 The Head of Audit and Business Risk outlined the revisions to the strategy and explained that it had been made easier to understand and simplified in order to make it more user friendly and useful to both officers and members of the public.

- 98.3 Members of the Committee welcomed the report and felt that the improvements made to the strategy were of benefit and an example of how such documents could be made to be more easily understood and a useful tool for officers and the public.
- 98.4 **RESOLVED** – That the updated Counter Fraud Strategy as detailed in appendix 1 to the report be approved.

Note: Councillors Duncan and Taylor wished their names recorded as having abstained from voting on the item.

## 99. CODE OF CORPORATE GOVERNANCE

- 99.1 The Committee considered an extract from the proceedings of the Audit Committee meeting held on the 31 March 2009, together with a report of the Director of Finance & Resources, concerning the revised Local Code of Corporate Governance (for copy see minute book).
- 99.2 The Head of Internal Audit introduced the report and outlined the revisions that had been made to update the Code of Corporate Governance which had been produced in 2007/08. He stated that the language used in the code had been simplified to enable a better understanding of the code. He noted that as part of the adopted code, an annual review was required, the outcome of which would be included in the council's published Annual Governance Statement. He also noted that the code was due for approval by the Council at its meeting on the 30<sup>th</sup> April.
- 99.3 Members of the Committee noted that the information and welcomed the revisions made to the code.
- 99.4 The Chairman noted that a recorded vote had been requested and that sufficient Members had indicated their support and therefore put the recommendation to the vote.

NAME		FOR	AGAINST	ABSTAIN
Councillor	A Norman	x		
	Simpson	x		
	Mrs Brown	x		
	Mrs Cobb	x		
	Duncan	x		
	Mears	x		
	Mitchell	x		
	Oxley	x		

Taylor	x
Watkins	x

99.5 **RESOLVED** – That the revised Code of Corporate Governance be noted.

#### **100. LOCAL DEMOCRACY BILL - UPDATE**

100.1 The Committee received a verbal update from the Lawyer on the progress of the Local Democracy, Economic Development and Construction Bill, which had been through the House of Lords and was due to go to the Committee Stage in the House of Commons. He noted that there had been one significant amendment to the Bill from the Government in relation to the promotion of democratic arrangements so as to include partner organisations of local authorities such as the Local Strategic Partnership (LSP) and Primary Care Trust (PCT). He anticipated that guidance would be issued in due course and that should the Bill remain on course for Royal Assent in the summer, it would come into force early in 2010.

100.2 The Chairman thanked the Lawyer for the update and asked that officers continue to keep the committee informed of the Bill's progress either with regular verbal updates or reports as was felt appropriate.

100.3 **RESOLVED** – That the information be noted.

#### **100A CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY**

100.4 By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chairman of the meeting was consulted and was of the opinion that this item should be considered at the meeting as a matter of urgency having regard to the extended deadline of the 29<sup>th</sup> April 2009.

100.5 The Committee noted that the special circumstances for non-compliance with Council Procedure Rule 19, Access to Information Rule 5 and Section 100B, Schedule 12A of the 1972 Local Government Act as amended (items not to be considered unless the agenda is open to inspection at least five days in advance of the meeting) were that an extension to the deadline for submission of comments to the Department for Communities and Local Government (DCLG) had not been confirmed.

100.6 The Committee considered a report of the Director of Strategy & Governance, which detailed the proposed responses to the consultation paper issued by the DCLG in respect of the Code of Recommended Practice on Local Authority Publicity (for copy see minute book).

100.7 The Director of Strategy & Governance introduced the report and noted that following the last meeting it had been intended to consult with the Group Leaders in order to submit responses to the consultation paper. However, officers had been able to agree an extension to the deadline and therefore whilst having consulted with Members, it was

felt appropriate to bring the report back to the committee for final comment before sending in the submission.

100.8 Members of the Committee welcomed the report and stated that they felt it was an improvement on the previous one and had taken on board concerns raised. It was also recognised that further consideration needed to be given to updating the media protocol that had been agreed by the Leaders Group and it was hoped that officers could bring this matter to a future Leaders Group meeting. Members also felt that the response to Question 3 should be amended to reflect that fact that the internet was a changing medium and should therefore read:

“The Code should recognise the internet as an increasingly important medium of communication through which residents receive information and communicate with councils. However, the internet and people’s use of it is continually evolving and whilst respecting the rules on political neutrality, we would not wish the Code to be prescriptive about the ways in which content is presented on councils’ websites.”

100.9 **RESOLVED** – That the draft response to the consultation paper detailed in appendix 2 as amended (above), be agreed and submitted to the Department of Communities and Local Government.

#### 101. ITEMS TO GO FORWARD TO COUNCIL

101.1 The Committee considered whether any items should be submitted to the 16<sup>th</sup> July Council meeting for information.

101.2 **RESOLVED** – That item No. 98 be referred to the July Council meeting for information.

The meeting concluded at 5.30pm

Signed

Chairman

Dated this

day of 2009