



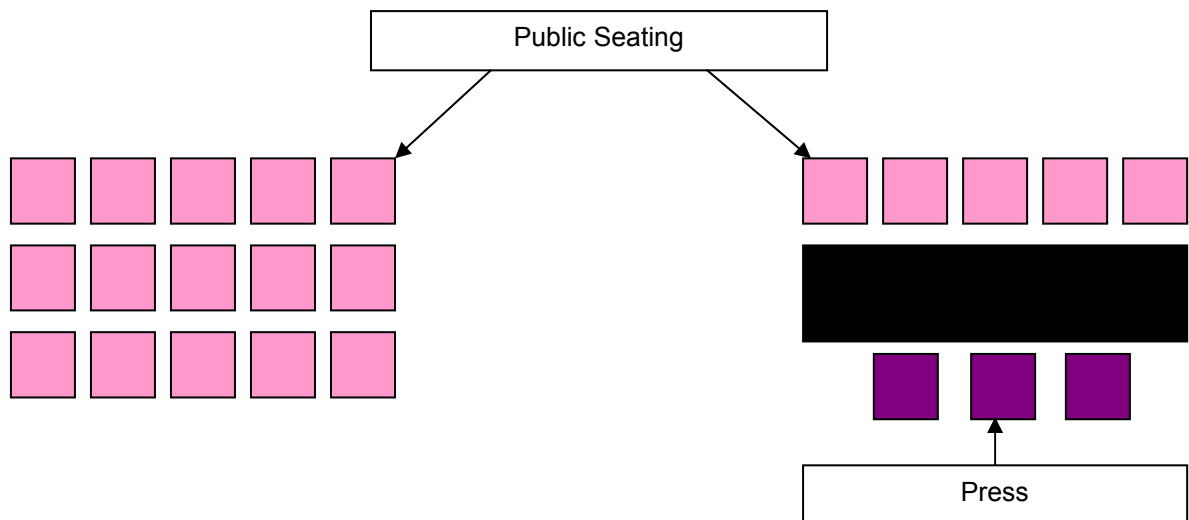
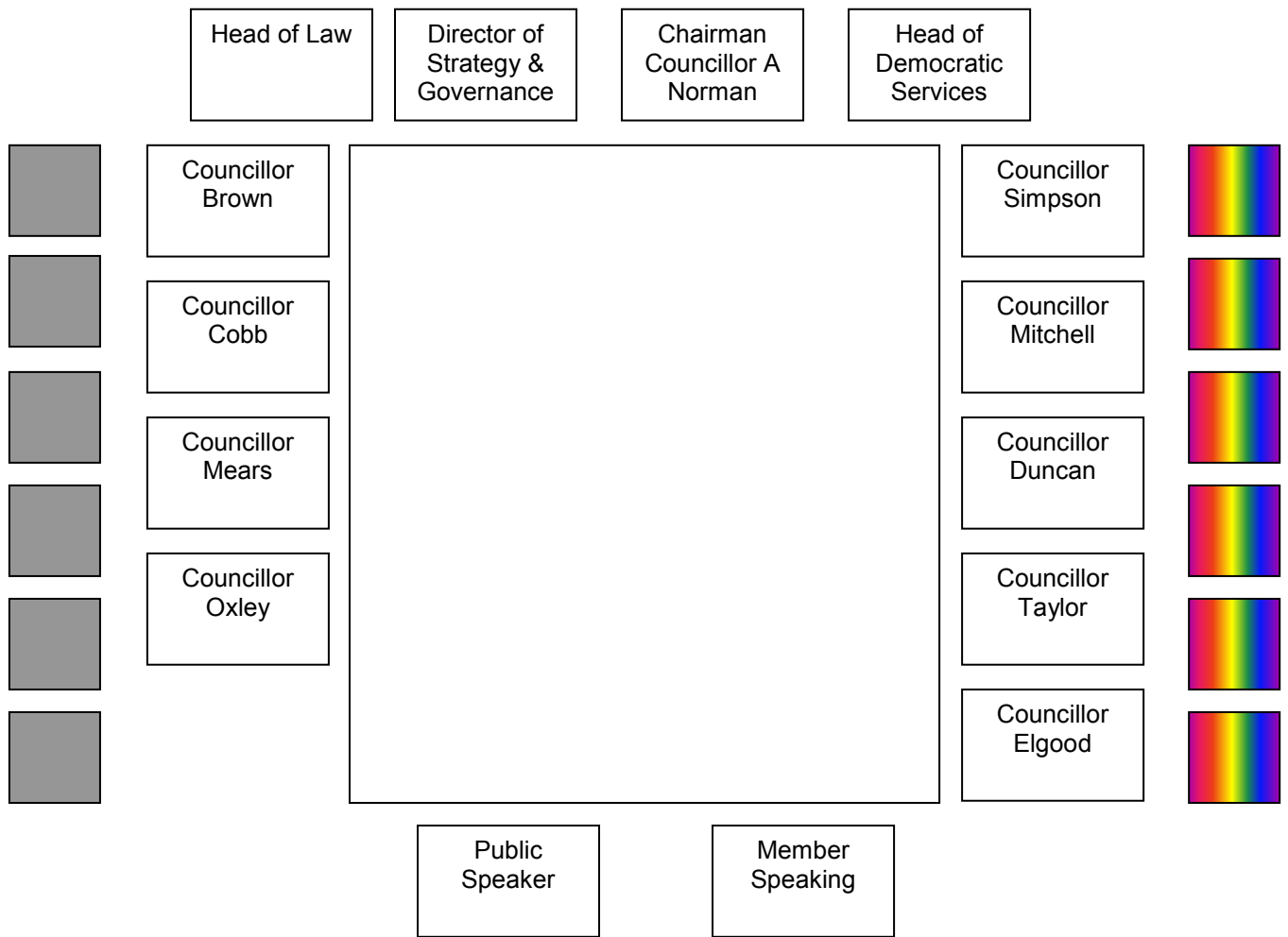
Brighton & Hove
City Council

Governance Committee

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| Title: | Governance Committee |
| Date: | 28 April 2009 |
| Time: | 4.00pm |
| Venue | Council Chamber, Hove Town Hall |
| Members: | Councillors: Mrs Norman (Chairman), Simpson, Mrs Brown, Mrs Cobb, Duncan, Elgood, Mears, Mitchell, Oxley and Taylor |
| Contact: | Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk |

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Democratic Services: Meeting Layout



AGENDA

89. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

90. MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 10 March 2009 (copy attached).

91. CHAIRMAN'S COMMUNICATIONS

92. CALLOVER

- (a) Items will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) To receive or approve the reports and agree with their recommendations with the exception of those items which have been reserved for discussion.

Note: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

GOVERNANCE COMMITTEE

93. PETITIONS

No petitions received by date of publication.

94. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 21 April 2009)

No public questions received by date of publication.

95. DEPUTATIONS

(The closing date for receipt of depositions is 12 noon on 21 April 2009)

No depositions received by date of publication.

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

No written questions, letters or Notices of Motion were submitted by Councillors for the meeting.

97. STATUTORY CRIME & DISORDER COMMITTEE 11 - 18

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Oliver Dixon *Tel:* 29-1512
Ward Affected: All Wards:

98. COUNTER FRAUD STRATEGY 19 - 30

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 (copies attached).

Contact Officer: Ian Withers *Tel:* 29-1323
Ward Affected: All Wards:

99. CODE OF CORPORATE GOVERNANCE 31 - 42

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 (copies attached).

Contact Officer: Ian Withers *Tel:* 29-1323
Ward Affected: All Wards:

GOVERNANCE COMMITTEE

100. LOCAL DEMOCRACY BILL - UPDATE

Verbal update from the Director of Strategy & Governance.

Contact Officer: Oliver Dixon
Ward Affected: All Wards:

Tel: 29-1512

101. ITEMS TO GO FORWARD TO COUNCIL

To consider whether any of the items listed on the agenda should be submitted to the 30 April Council meeting for information.

In accordance with Procedural Rule 24.3a the committee may determine that any item is to be included in its report to council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive immediately at the conclusion of the Committee meeting.

Contact Officer: Mark Wall
Ward Affected: All Wards:

Tel: 29-1006

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email mark.wall@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 20 April 2009

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 10 MARCH 2009

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Simpson (Deputy Chairman), Mrs Brown, Kennedy, Mears, Morgan, Oxley, Simson, Taylor and Watkins

PART ONE

69. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

69.1 Councillors Kennedy, Morgan, Simson and Watkins declared that they were attending the meeting as substitutes for Councillors Duncan, Mitchell, Cobb and Elgood respectively.

(B) Declarations of Interest

69.2 There were no declarations of interest.

(C) Exclusion of the Press and Public

69.3 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).

69.4 **RESOLVED** – That the public be excluded from the meeting during the consideration of the items listed in Part Two on the agenda.

70. MINUTES

70.1 The minutes of (a) the last ordinary meeting held on the 13 January and (b) the special meeting held on the 22 January 2009 were agreed as a correct record of the proceedings.

71. CHAIRMAN'S COMMUNICATIONS

71.1 The Chairman stated that she had no communications.

72. CALLOVER

72.1 The Chairman stated that she wished to consider all the items listed on the agenda and therefore reserved item numbers 79, 80, 81, 82, 83, 84, 85 and 87.

72.2 **RESOLVED:** That item numbers 79, 80, 81, 82, 83, 84, 85 and 87 be reserved for debate and determination.

73. PETITIONS

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

74. PUBLIC QUESTIONS

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

75. DEPUTATIONS

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

76. WRITTEN QUESTIONS FROM COUNCILLORS

73.4 The Chairman noted that no written questions from Members had been submitted for the meeting.

77. LETTERS FROM COUNCILLORS

73.5 The Chairman noted that no letters from Members had been submitted for the meeting.

78. NOTICES OF MOTIONS

78.1 The Chairman referred to the Notice of Motion listed under Item No.78 on the agenda, which had been referred from Council for consideration and invited Councillor Taylor to speak to the motion.

78.2 Councillor Taylor stated that he remained unsure about the process for the review of senior staff salaries and that of the new Chief Executive and hoped that the recommendations listed in the motion would be taken on board.

- 78.3 Councillor Mears stated that the review had been commissioned by the previous Chief Executive and a report was due to come to the committee in April. With regard to the appointment of the new Chief Executive, a cross-party appointments panel had been established and details of the post would be included in the report.
- 78.4 The Director of Strategy & Governance noted that the report would outline the framework for the salary ranges for the various grades with respective line managers then having the ability to determine salary points for their staff.
- 78.5 **RESOLVED** – That the Notice of Motion be noted and officers be instructed to bring a report back to the next committee meeting on the subject of senior staff salaries.

79. MEMBERS ALLOWANCES - REPORT OF THE INDEPENDENT REMUNERATION PANEL

- 79.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the report of the Independent Remuneration Panel (IRP), in respect of its work in reviewing Members' Allowances (for copy see minute book).
- 79.2 The Head of Democratic Services introduced the report and explained that the IRP was currently undertaking a review of Members' Allowances with a view to bringing forward recommendations in 2010. However, the IRP had wanted to inform the council of its current position in respect of the review and having previously indicated its view that the level of Basic Allowance should be increased annually in line with the council's salary inflationary rate. However, the Panel had been informed of the indication given at the Budget Council that the Conservative Group were mindful of the current economic climate and would therefore not be taking any inflationary increase for 2009/10. With this in mind the Panel had therefore put forward the recommendation that the council should determine whether or not to implement the potential increase for the Basic Allowance based on the assumed salary rate of inflation of 2.3%.
- 79.3 Members of the Committee noted that the information and expressed the view that the decision whether or not to take any increase in the level of allowances should be for each individual councillor to determine. Members were very appreciative of the Panel's work and its independence and wanted to ensure that this situation was preserved and asked for clarification in respect of the recommendations to be put forward to the council.
- 79.4 The Head of Law stated that the committee had a number of options open to them, i.e. they could endorse the Panel's recommendations, propose no change to the current level of allowances, or propose that the level of basic allowance is increased in line with the rate of inflation in accordance with the Panel's previous presumptions. If the increase was proposed then it could be on the understanding that the decision whether or not to accept the increase would be for each individual councillor to take.
- 79.5 **RESOLVED TO RECOMMEND** –
- (1) That the recommendations of the Independent Remuneration Panel, as set out in its report be noted;

- (2) That in accordance with the recommendations of the Independent Remuneration Panel as agreed by Council in April 2008, the level of Basic Allowance be increased by the assumed salary rate of inflation of 2.3% for the municipal year commencing 15 May 2009; subject to individual Members' rights to accept or decline the increase;
- (3) That the position be reviewed following the receipt of the Independent Remuneration Panel's report in 2010; and
- (4) That the allowance payable to each of the members of the Independent Remuneration Panel continue to be increased by the council's salary inflation assumption of 2.3% for 2009 with effect from 15 May 2009, in recognition of their time commitment and their important role.

80. SIX MONTH REVIEW OF THE CONSTITUTION

- 80.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the outcome of the six month review of the Council's Constitution and put forward a number of amendments for consideration resulting from the review (for copy see minute book).
- 80.2 The Head of Law introduced the report and explained the process for the review and outlined the feedback from the various consultees and the proposed amendments to the constitution that resulted from the review. He stated that should the committee be minded to accept the proposed changes, a report would be submitted to the council in April with a view to the changes being implemented with effect from the date of Annual Council in May.
- 80.3 Councillor Kennedy expressed concern over the figure of £1m which was proposed as the level to which the Cabinet Member for Central Services could approve the acquisition or disposal of properties held centrally or by service areas.
- 80.4 Councillor Morgan referred to paragraph 4.3.2 and suggested that any report should be considered by the Overview & Scrutiny Commission in the first instance with its views/recommendations then put to the Cabinet.
- 80.5 The Head of Law stated that the level of delegation to Cabinet Members was within the Leader's power to determine as the matter was an executive function. The proposed changes to portfolio of the Cabinet Member for Central Services were being reported to the Governance Committee in accordance with the Constitution, and the committee could put forward its views to the Leader/Cabinet for consideration. He noted that the figure of £1m was a maximum and that it was likely any matter of significance or with corporate implications would be referred to the Cabinet for determination rather than being decided by the Cabinet Member. This had proved to be the case with other Cabinet Member portfolios. He also noted that in order for any authority to be given both conditions outlined in the delegations would have to be met.

- 80.6 The Director of Strategy & Governance stated that the intention was for a report to be made to the Overview & Scrutiny Commission and to then report its views to the Cabinet.
- 80.7 Councillor Watkins referred to the City Inclusion Partnership and expressed concern over the proposed move away from the council in terms of its reporting lines, as he felt that the partnership was too large a body to enable communities of interest to feel a part of the process. He believed that the previous Equalities Forum had worked well and a similar body was required to fill the gap that had been created with the establishment of the partnership.
- 80.8 Councillor Simson noted the comments and stated that she believed the Equalities Coalition would be able to fulfil the role and enable those interest groups to be a part of the consultative process and feed into the work of the partnership. She suggested that there was a need to give the new arrangements time to bed in and see how things progressed.
- 80.9 Councillor Oxley stated that there was a need to keep in mind why the City Inclusion Partnership had been established and to enable it to develop and build working relations. A review could then be undertaken and the need for an internal forum considered in due course.
- 80.10 The Director of Strategy & Governance stated that the role of partnerships came under the remit of the Local Strategic Partnership (LSP), hence the need to make the change. However, the situation could be included in the 12-month review of the constitution if there were any on-going concerns.

80.11 **RESOLVED –**

- (1) That the responses received to the invitation for feedback on the sixth month review of the Constitution be noted;
- (2) That the proposals set out at paragraph 4 of the report, save those reserved to Full Council for decision at (3) below, be recommended to the Cabinet for adoption;
- (3) That the proposals for amendments to the Constitution as set out in paragraphs 4.2, 4.3, 4.4.4, 4.4.6, 4.4.7 and 4.4.9 of the report be recommended to the 30 April Council meeting for approval;
- (4) That the Head of Law be authorised to make the necessary amendments to the Constitution to reflect the above proposals as approved by the relevant body and for those amendments to come into effect from the date of Annual Council, (14 May 2009).

81. **LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION BILL**

- 81.1 The Committee considered a report of the Director of Strategy & Governance, which outlined the provisions and implications for governance arrangements in the council,

resulting from the Local Democracy, Economic Development and Construction Bill (for copy see minute book).

81.2 The Lawyer introduced the report and stated that it was intended to bring a further report to the committee once the Bill had received Royal Assent, which was anticipated to be late July 2009, with Commencement Orders and Regulations following after the summer recess and likely implementation for April 2010.

81.3 Members of the Committee welcomed the report and noted the proposed changes that could affect how the council operated in the future.

81.4 RESOLVED –

(1) That the provisions of the Local Democracy, Economic Development and Construction Bill (“the Bill” and their implications for the council be noted; and

(2) That officers be instructed to track the passage of the Bill and to bring a further report to the committee once the Bill is enacted and the timescale for implementing its key provision is known.

82. EAST SUSSEX COUNTY COUNCIL AND BRIGHTON & HOVE CITY COUNCIL INTEGRATED WASTE MANAGEMENT SERVICES CONTRACT COMMITTEE

82.1 The Committee considered a report of the Director of Strategy & Governance, concerning the proposed dissolution of the Integrated Waste Management Services Contract Committee (for copy see minute book).

82.2 The Head of Law introduced the report and stated that both East Sussex County Council and the Council had concluded that there was no need to maintain the Joint Committee. He noted that the responsibility for the contract would lie with the Cabinet for each authority and therefore any decisions at Member level would be brought to the respective meetings, with the Overview & Scrutiny Commission being the appropriate body to oversee the operation of the Waste PFI contract.

82.3 RESOLVED –

(1) That the Cabinet be recommended to approve the dissolution of the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services and Contract Committee with immediate effect; and

(2) That the Head of Law be authorised to make the relevant changes to Brighton & Hove City Council’s Constitution and to the Joint working Agreement.

83. PROPOSED MEETINGS TIMETABLE FOR 2010/11

83.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the proposed time table of meetings for 2010/11 (for copy see minute book).

- 83.2 The Head of Democratic Services introduced the report and noted that the proposed date for the Budget Council meeting in 2011 needed to be moved back a week to the 3rd March, as the previous week was a school holiday. He informed the committee that he had been waiting for confirmation that the change would not adversely affect the time frame for the setting of a lawful budget and the arrangements to be made for the purpose of issuing council tax bills. He also noted that other changes made be required in due course to enable the decision-making process to operate effectively, however the intention had been to provide Members with a schedule of meetings up until the elections in May 2011.
- 83.3 Councillor Morgan queried the need for the Cabinet meeting scheduled for the 12 May 2011, bearing in mind that the Annual Council meeting was set for the 19 May.
- 83.4 The Head of Law confirmed that whilst the elections were set for the 5 May, the council would continue to operate and there may be a need for the Cabinet to take decisions. He acknowledged that any Member may not be re-elected, however that situation could be accounted for and the Cabinet could continue to operate.
- 83.5 Councillor Taylor stated that the Green Group still believed that there was a need for more council meetings and that the Environment Cabinet Member meetings should be held every four weeks because of the amount of business to be considered. He also suggested that the Annual Council meeting should be split into two parts so that any necessary business could be dealt with and the ceremonial aspects could then follow. This would enable the 'political' considerations to be kept out of the ceremonial event.
- 83.6 Councillor Kennedy noted that the Planning Committee was scheduled to meet on the day before the Full Council on a number of occasions and asked if consideration could be given to avoiding this clash wherever possible. She also asked if the details of the four consultative bodies could be included in the timetable.
- 83.7 The Head of Democratic Services stated that the regularity of the Planning Committee made it difficult to avoid the clashed with the Full Council but he would review the schedule and seek to take account of the situation for the future. He also hoped to get the dates of the various consultative bodies shortly and aimed to include them in the printed council diary in June as well as the on-line calendar.
- 83.8 Councillor Mears welcomed the report and wished to place on record her thanks to the Head of Democratic Services for his work in putting the time table together and enabling Members to have a schedule of meetings through from 2009 to 2011.
- 83.9 The Chair noted the comments on the number of council meetings and frequency of Environment Cabinet Member meetings and suggested that the points could be raised as part of the 12-month review of the constitution. She also wished to add the Committee's thanks to the Head of Democratic Services.
- 83.10 **RESOLVED –**
- (1) That the proposed timetable of meetings for 2010/11 be approved, subject to any necessary changes being identified; and

- (2) That the Head of Democratic Service be thanked for bringing forward the proposed timetable to enable Members to plan their schedules through to 2011.

84. CONSULTATION ON CHANGES TO LOCAL GOVERNANCE ARRANGEMENTS

- 84.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Department of Communities & Local Government's consultation paper regarding proposals to change the requirements which govern how a council moves from one form of executive model of governance to another (for copy see minute book).
- 84.2 The Head of Law introduced the report and outlined the proposed responses to the consultation questions that were listed in the paper and sought comments from Members on the proposed responses.
- 84.3 Members welcomed the report and the opportunity to comment on the responses.
- 84.4 **RESOLVED** – That the consultation questions be noted and the proposed responses as detailed in appendix 1 to the report be agreed.

85. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

- 85.1 The Committee considered a report of the Director of Strategy & Governance, concerning the Department of Communities & Local Government's (DCLG), consultation paper regarding the code of recommended practice on local authority publicity (for copy see minute book).
- 85.2 The Director of Strategy & Governance introduced the report and noted that the report outlined the proposed responses to the consultation questions contained in the paper. He also noted that the report had been considered by the Standards Committee at its meeting on the 3 March and an extract from the proceedings had been tabled.
- 85.3 Members of the Committee expressed their concern over the lack of clarity within the report and suggested that it would be beneficial if officers could revise it so that the proposed responses were clear and that they complemented the changes that had been agreed in respect of the constitution e.g. with regard to Notices of Motion at Full Council. Members noted that the deadline for responses was such that it would prevent the report from being brought back to the Committee for further consideration and therefore sought assurances as to how the matter could be dealt with.
- 85.4 The Head of Law informed the Committee that the DCLG had granted an extension to the deadline of the 20 March 2009 and therefore suggested that the Director of Strategy & Governance be authorised to submit the revised response on the council's behalf.
- 85.5 The Director of Strategy & Governance stated that he had noted the concern and would ask the Head of Communications to revise the report and to circulate it to the Committee to seek their agreement for its submission to the DCLG as the council's response to the consultation paper.

85.6 RESOLVED –

- (1) That the report be noted;
- (2) That in light of the concerns raised, officers be instructed to redraft the report and consult with the Leaders of the Groups so that a formal response to the consultation paper could be submitted by the deadline of the 20 March 2009; and
- (3) That the Director of Strategy & Governance be authorised to submit the response to the consultation paper on behalf of the council.

86. ITEMS TO GO FORWARD TO COUNCIL

- 86.1 The Committee considered whether any items should be submitted to the 19 March Council meeting for information.
- 86.2 **RESOLVED –** That no items be referred to the forthcoming council meeting for information and that it be noted Item 80, Six Month Review of the Constitution would be reported to the 30th April Council meeting.

PART TWO SUMMARY**87. PART TWO MINUTES - EXEMPT CATEGORIES 1, 3, 4 & 5**

- 87.1 The part two minutes of (a) the last ordinary meeting held on the 13 January and (b) the special meeting held on the 22 January 2009 were agreed as a correct record of the proceedings.

88. PART TWO ITEMS

- 88.1 The Committee considered whether or not the above items and the decisions thereon should remain exempt from disclosure to the press and public.
- 88.2 **RESOLVED –** That Items 87(a) and 87(b) and the decisions thereon should remain exempt from disclosure to the press and public.

The meeting concluded at 6.30pm

Signed

Chairman

Dated this

day of

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|-------------------------|---|--|--------------------|
| Subject: | Statutory Crime & Disorder Committee | | |
| Date of Meeting: | 28 April 2009 Council 30 April 2009 | | |
| Report of: | Acting Director of Strategy & Governance | | |
| Contact Officer: | Name: | Oliver Dixon | Tel: 291512 |
| | E-mail: | oliver.dixon@brighton-hove.gov.uk | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following consultation over the 2008 Policing Green Paper (*'From the Neighbourhood to the National: Policing our Communities Together'*), the Home Office announced last November its intention to further strengthen the delivery of crime reduction through partnership working and to ensure a clear route of joint accountability for Crime & Disorder Reduction Partnership activity.
- 1.2 The Government aims to achieve this by commencing legislation on 30 April 2009, providing for Crime and Disorder Committees and Councillor Call for Action.
- 1.3 The issue for the Council is how best to accommodate the new legislation alongside the good practice that already exists in Brighton & Hove for holding to account those bodies tasked with reducing crime and disorder.
- 1.4 This report:
 - details the key elements of the new legislation
 - sets out the Council's implementation options and recommends one of these
 - recommends a protocol to ensure effective co-operation and co-ordination between the Community Safety Forum and the new Crime and Disorder Committee

2. RECOMMENDATIONS:

It is recommended that the Committee –

- 2.1 Recommends to Full Council that the Environment & Community Safety Overview and Scrutiny Committee ('ECSOSC') be designated the Council's statutory Crime and Disorder Committee.

- 2.2 Agrees to recommend to Full Council the protocol at Appendix 1, governing the interface between the Community Safety Forum ('the Forum') and ECSOSC.
- 2.3 Agrees to recommend that the Chair of ECSOSC (being the Chair also of the Crime and Disorder Committee) become a member of the Forum.
- 2.4 Authorises the Head of Law to put these arrangements into effect, following Full Council approval, including any necessary amendments to the Council's constitution
- 2.5 Instructs the Head of Law to monitor the effectiveness of the arrangements implemented under 2.1 and 2.2 above and, if appropriate, to submit a report to the Governance Committee, as part of the Council's 12-month review of the Constitution, on any changes considered necessary.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Government intends to bring sections 19-21 of the Police and Justice Act 2006 ('the Act') into force on 30 April 2009.
- 3.2 Section 19 will require the Council:
 - (i) to establish a crime and disorder committee ('CDC') with power –
 - (a) to review or scrutinise decisions and actions taken by responsible authorities (the chief officer of police, the police authority, primary care trust, fire and rescue authority, and local authority, for the area concerned) in connection with their crime and disorder functions; and
 - (b) to make reports or recommendations to the Executive with respect to the discharge of those functions;
 - (ii) to make arrangements which enable any member who is not a member of the CDC to refer any local crime and disorder matter to the committee, under the process known as Councillor Call for Action. This will allow ward issues that Councillors have sought to resolve through other means to be raised at the CDC as an option of last resort. The CDC then has power to make a report or recommendation to the Executive in relation to the matter
- 3.3 Draft regulations issued in connection with section 19 give CDCs the power to obtain relevant information from the responsible authorities or cooperating persons or bodies (the latter include local probation boards, NHS trusts and governing bodies of schools), and to require their attendance at a CDC meeting to answer questions.
- 3.4 Whenever a CDC makes a report or recommendation to the Executive, it must provide a copy to the appropriate responsible authorities and co-operating persons and bodies, who in turn must –
 - (i) consider the report or recommendations;
 - (ii) respond to the CDC, indicating what action (if any) it proposes to take;

(iii) have regard to the report or recommendations in exercising its functions.

3.5 The Act requires the CDC to be an overview and scrutiny committee. The Council's constitution satisfies this requirement, as the statutory functions of the CDC fall within the remit of the Environment and Community Safety Overview and Scrutiny Committee (ECSOSC). However, these functions need to be considered in the context of the role performed in Brighton & Hove by the Community Safety Forum ('the Forum').

3.6 The Forum has a broad remit relating to all aspects of crime, disorder and community safety. It enjoys the support of and active engagement from the responsible authorities, and indeed the types of issue that may come before the CDC are currently dealt with by the Forum. However, the Forum is not an overview and scrutiny body and cannot, as currently constituted, assume the mantle of CDC with all its attendant powers.

3.7 To achieve the dual aims of maintaining the effectiveness of the Forum and complying with the new legislation, the options open to the Council are as follows:

Option 1 Confirm ECSOSC as the statutory CDC with a remit to deal with those crime and disorder matters which must by law or by the Council's constitution be referred to it; and refer all other crime and disorder matters to the Forum.

For the reasons given at 3.8 - 3.11, this is the **recommended option**.

Option 2 Introduce a new overview and scrutiny committee to perform the functions of the CDC, leaving an Environment Overview & Scrutiny Committee to concern itself purely with environmental matters; and refer all other crime and disorder matters to the Forum.

Whilst this would achieve the same result as option 1, a stand alone CDC would increase the number of overview & scrutiny committees to seven, resulting in an overloaded schedule of meetings for Members and difficulties in allocating sufficient Members to the CDC.

Option 3 Refer all crime and disorder matters to a single body, the Forum, but with an inner body of elected overview and scrutiny Members who discharge CDC functions when required. Although this would conform with legislation, it is likely to alienate the majority of Forum members, as the only people who may be co-opted onto the CDC are employees or officers of the responsible authorities or co-operating bodies or persons; nor could the Chair of the Forum, by virtue of being a member of the Council's Executive, serve on the CDC.

Option 4 Cease the Forum and transfer all its business to a stand alone CDC which would become the Council's seventh overview & scrutiny committee, leaving an Environment O & S Committee to deal with

environmental matters only. This has the disadvantages associated with options 2 and 3 above. Further, it would deprive the majority of existing Forum members of their regular opportunity to participate in debates and discussions about crime and disorder matters at a forum involving all CDRP members. This would be a regressive step at the very time when the Council is about to face new duties to promote local democracy.

- 3.8 The recommended option envisages the Forum retaining its current role. To avoid the risk of the Forum and CDC addressing the same issues, which could result in confusion and duplication of effort and agendas, it is recommended that a protocol based on Appendix 1 be developed that establishes the Forum as the primary channel for crime and disorder reduction, and the promotion of community safety. The role of ECSOSC would be to fulfil statutory CDC functions and maintain a strategic overview of crime and community safety issues. This has a number of advantages:
- (i) all the responsible authorities already attend the Forum. Issues can therefore usually be resolved by those present at the meeting;
 - (ii) the Forum comprises a wider range of organisations than would be permitted on the CDC; this would allow more meaningful debate of the issues, with all interested parties being able to contribute.
 - (iii) ensuring that all community safety and crime and disorder issues are raised at first instance in a single setting (the Forum) will enable the responsible authorities to build up a more complete picture of the type and location of problems of that nature.
- 3.9 Importantly, this arrangement is compliant with draft regulations on the operation of CDCs. The regulations cover the co-opting of additional members, the frequency of meetings, the provision of information by responsible authorities, attendance at CDCs by non-members, and the timescale for responding to reports and recommendations from the CDC.
- 3.10 Although CDC membership is restricted to non-executive council members and a limited number of co-optees, its meetings will be open to the public, enabling Forum members not on the CDC to attend and observe proceedings.
- 3.11 The Government regard Councillor Call for Action as an option of last resort. It is therefore advisable to use the Forum for on-going business but to treat the ECSOS Committee as the formal CDC for those rare occasions when a Member has been unable to resolve an issue through normal channels (including the Forum) and wishes to avail himself of the formal powers available to the CDC.
- 3.12 This saves ECSOSC from being swamped by crime and disorder issues to the detriment of its environment responsibilities; nor would ESCOSC simply be replicating the work of the Forum.
- 3.13 The strategic role of ECSOSC would, to the extent necessary to comply with CDC legislation, focus on:
- o Considering Councillor Calls for Action on crime and disorder matters
 - o Taking performance data regarding community safety issues from the LAA and National Indicator Set

- Establishing ad hoc panels to investigate C&D issues – with input from the Forum
 - Taking updates from the Forum and requiring the Forum Chair to attend before it to answer questions
- 3.14 In order to ensure continuity between the two bodies and the free flow of information, it is suggested that the Chair of ECSOSC be a member of the Forum, with the Chair of the Forum invited to provide 6 monthly updates on its work to ECSOSC.
- 3.15 It is recommended that a review of the effectiveness of the new arrangements be included as part of the 12 month review of the constitution.

4. CONSULTATION

- 4.1 Consultation has taken place with the Leader of the Council, the Leader of the official opposition, the Cabinet Member for Community Affairs, Inclusion and Internal Relations, and the Chair of ECSOSC. Judith Macho, Assistant Director Public Safety, and Linda Beanlands, Head of Community Safety, have also been consulted.

A short presentation on the proposals was given to the Responsible Authorities Partnership / Drug and Alcohol Action Team meeting on 27 March 2009, and questions and comments invited.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The current proposal does not entail any change to the administration of the Community Safety Forum, and hence no additional or reduced operating costs. The work of the Environment and Community Safety O & S Committee may increase slightly as a result of undertaking functions required of the Crime and Disorder Committee, which may require a small amount of additional support and administration from the Overview and Scrutiny team. Any associated costs will be assessed once the CDC is up and running.

Finance Officer Consulted: Anne Silley Date: 30 March 2009

Legal Implications:

- 5.2 These are covered in the body of the report. Definitive regulations on the exercise of section 19 are expected by 30 April 2009. If these are materially different from the version seen in draft (and used as the basis for this report), officers will notify members accordingly.

There are no specific issues relevant to the Human Rights Act arising from the report.

Lawyer Consulted: Oliver Dixon Date: 30 March 2009

Equalities Implications:

- 5.3 Under the proposals, all community representatives who currently attend meetings of the Forum can continue to do so. Further, as indicated in 3.10 above, even if they are not members or co-optees of the CDC, they may attend CDC meetings to listen to and observe proceedings.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.5 The purpose of CDCs is to increase the accountability of those bodies responsible for tackling crime and disorder in the local authority area. The statutory requirement on these bodies to respond to reports and recommendations of the CDC and to have regard to their content in exercising their functions should ensure that their actions are more closely aligned to the crime and disorder issues raised by members on behalf of their constituents.

Risk and Opportunity Management Implications:

- 5.6 The risk inherent in operating two bodies with potentially overlapping agendas is addressed in 3.8 above

Corporate / Citywide Implications:

- 5.7 Establishing a CDC engages two of the Council's corporate priorities: fair enforcement of the law; and open and effective city leadership.

SUPPORTING DOCUMENTATION

Appendices

1. Draft protocol

Documents In Members' Rooms

1. None

Background Documents

1. None

Suggested protocol on relationship between the Community Safety Forum and the Environment and Community Safety Overview and Scrutiny Committee (Designated as the Crime and Disorder Committee)

As provided for under the Council's constitution, the Environment and Community Safety Overview and Scrutiny Committee (ECSOSC) is designated the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006 ('the Act').

It is recognised that the Community Safety Forum ('the Forum') is in a position to resolve many of the crime and disorder issues that members will wish to raise.

Members wishing to raise a crime and disorder issue should direct the matter in the first instance to the Forum.

The ECSOSC will, when crime and disorder matters are referred to it without first being presented to the Forum, note them and refer them to the next appropriate meeting of the Forum.

In fulfilment of its role as CDC, the ECSOSC shall meet to review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every twelve month period. ECSOSC shall perform this role after considering:

- A six monthly update from the Chair of the Forum on its work
- LAA performance data on community safety issues

The ECSOSC shall also:

- Deal with any Councillor Call for Action that has already been to the Forum but remains unresolved
- Consider whether, following input from the Forum, to establish an ad hoc panel on a crime and disorder matter

Nothing in this protocol prevents a Member from raising issues directly at the ECSOSC in accordance with section 19 of the Act. It does, however, provide guidance to allow the most efficient and effective resolution of crime, disorder and community safety issues.

**EXTRACT FROM THE PROCEEDINGS OF THE AUDIT COMMITTEE HELD
ON THE 31 MARCH 2009**

| | | | |
|-------------------------|--|---|---------------------|
| Subject: | Counter Fraud Strategy | | |
| Date of Meeting: | 28 April 2009 | | |
| | Audit Committee 31 March 2009 | | |
| | Council 30 April 2009 | | |
| Report of: | Director of Strategy and Governance | | |
| Key Decision: | No | | |
| Contact Officer: | Name: | Jane Clarke | Tel: 29-1064 |
| | E-mail: | jane.clarke@brighton-hove.gov.uk | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE

BRIGHTON & HOVE CITY COUNCIL

**AUDIT COMMITTEE
4.00pm 31 MARCH 2009**

**COMMITTEE ROOM 1, HOVE TOWN HALL
MINUTES**

Present: Councillors Hamilton (Chairman), Alford, Kitcat, Oxley, Pidgeon, Randall, Simpson, Smith, Watkins (Deputy Chairman) and Wells

PART ONE

95. COUNTER FRAUD STRATEGY UPDATE

95.1 The Head of Audit and Business Risk presented an update to the Committee on the Counter Fraud Strategy and stated that this was part of the key arrangements which laid out the Council's response to potential high risks (for copy see minute book).

There had been no evidence so far that fraud had been a major problem within the Council but vigilance was needed as instances of fraud commonly rise during times of recession. An update to the fraud loss measurement was being carried out to assess potential losses.

- 95.2 The Chairman asked if Brighton & Hove City Council had many 'whistleblowers' over the years, and the Head of Audit and Business Risk that they had received a fair number of referrals of investigation over the hotline and about 20% were passed on to the Police for criminal investigation.
- 95.3 Councillor Oxley asked whether the protocols on publicity for fraud cases had been changed and the Head of Audit and Business Risk stated that the Council would seek to publicise any positive results from investigation cases. He noted that most had been due to housing benefit fraud and the department would work closely with the communications department to any fraud case.
- 95.4 Councillor Watkins asked whether the Council had many instances of corruption. The Head of Audit and Business Risk stated that potential instances of corruption had been investigated but no actual findings identified at the Council. There was training available on fraud awareness for staff and members.
- 95.5 Councillor Smith raised concern that unintentional corruption could take place for members if the circumstances had occurred several years ago. The Head of Audit and Business Risk stated that all interests should be declared of the register of interests which was available for the entire time the member served.
- 95.6 **RESOLVED** – That the content of the Counter Fraud Strategy be noted and recommended to the Governance Committee for approval.

Subject: Counter Fraud Strategy
Date of Meeting: 28 April 2009
Report of: Director of Finance & Resources
Contact Officer: Name: Ian Withers Tel: 29-1323
E-mail: ian.withers@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT

- 1.1 This report presents the revised Counter Fraud Strategy for the Audit Committee's consideration as part of the council's corporate governance arrangements.
- 1.2 This report was submitted to the Audit Committee on the 31st March and recommended for approval by the Governance Committee.

2. RECOMMENDATIONS

- 2.1 That the Governance Committee approves the updated Counter Fraud Strategy as detailed in appendix 1.

3. BACKGROUND INFORMATION

- 3.1 The council has a Counter Fraud Programme part of which is the continual review of the Counter Fraud Strategy to ensure effective in meeting its purpose and assist in minimising the risk of fraud and corruption.
- 3.2 The last Counter Fraud Strategy (then called the Anti Fraud & Corruption Strategy) was approved by full council in January 2006. This has now been reviewed and updated to reflect changes in particular resulting from the Fraud Act 2006 and expectations from Managing the Risk of Fraud 2008 (CIPFA) and the Comprehensive Area Assessment (Organisational Assessment).
- 3.3 Whilst there is no evidence that fraud and corruption is a major problem in Brighton & Hove City Council, it is important not to be complacent, given that the incentives and opportunities for fraud and corruption are increasing e.g. associated with the economic downturn. Accordingly the revised strategy will strengthen the council's counter fraud arrangements in providing a comprehensive, integrated, systematic and strategic organisational response to the challenges of combating fraud and corruption.

Background Documents

1. Internal Audit Plan 2008/09 (Containing Counter Fraud Programme)
2. Accounts & Audit Regulations 2003 (Amended 2006)
3. Fraud Act 2006
4. Managing the Risk of Fraud
 - Actions to counter fraud and corruption (CIPFA) 2008



**Brighton & Hove
City Council**

“Stamping Out Fraud”

Counter Fraud Strategy

March 2009

1. Introduction

- 1.1 Brighton & Hove City Council (the Council) is committed to protecting the public funds that it administers. As with other large organisations, the size and nature of its services puts the Council at risk from loss due to fraud and corruption both internal and external to it.
- 1.2 Far from being a victimless crime, fraud and corruption deprives vital services of the resources that they need.
- 1.3 The Council does not tolerate fraud and corruption and is committed to reducing the opportunity to the lowest possible risk. It will ensure that:
 - Everyone within the organisation or within partner organisations take responsibility for the prevention and detection of fraud and corruption.
 - Key policies and procedures are up to date, effective and there is compliance.
 - A full Fraud Risk Assessment is maintained and an Annual Counter Fraud Programme is compiled, agreed and executed.
 - All suspected cases of fraud and corruption are reported to the Head of Audit & Business Risk, the exception being housing benefit related (non employees) that are reported to the Housing Benefit Investigation Team.
 - All suspected cases of fraud and corruption are risk assessed, investigated fairly and objectively within a clear ethical framework and where found to be present, appropriate action will be taken including disciplinary, criminal, civil or regulatory and any losses recovered.
 - Cases of fraud and corruption are referred to other agencies as appropriate and work jointly including the use of fraud intelligence.
 - Any decision to refer a case (except housing benefits) to the Police will be made by the Head of Audit & Business Risk in consultation, as appropriate.
 - Officers, members and partners receive proper guidance regarding anti fraud and corruption issues.
 - High standards of internal control are achieved and promoted.

- There is a safe environment to report suspected cases of fraud and corruption.
- Individuals and organisations, e.g. suppliers, contractors and service providers with whom it deals, will act towards the Council with integrity and without thought or actions involving fraud and corruption.

1.4 An important part of the Council's approach is the Counter Fraud Strategy, which is aimed primarily to guide members and employees on the Council's approach to the serious issues of fraud and corruption. It is also published on the Council's website so that residents, businesses and Council partners are fully aware of the commitment to the prevention and detection of fraud and corruption.

2. What is Fraud and Corruption?

2.1 The Fraud Act 2006 created a new general offence of fraud which may be committed in three ways:

- Fraud by false representation (e.g. using a false identity to gain benefits, job or tenancy)
- Fraud by failing to disclose information (e.g. failing to disclose income when making a claim for benefits)
- Fraud by abusing a position of trust (e.g. misusing clients funds)

2.2 It also created new offences of:

- Obtaining services dishonestly.
- Possessing, making and supplying articles for use in frauds.
- Fraudulent trading applicable to non-traders,

2.3 Corruption is defined as "the offering, giving, soliciting or acceptance of an inducement or reward that may influence the actions taken by the body, its members or officers." It may encompass a variety of wrongful acts, such as bribes, kickbacks and abuse of public office. Like fraud corruption is a criminal offence.

2.4 Theft is defined by Section 1 of the Theft Act 1968 as "dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it." It therefore includes stealing any property belonging to the Council or which has been entrusted to it including equipment, cash, data, client funds.

3. Corporate Framework and Culture

3.1 The Council has a range of interrelated policies that provide a corporate framework to counter fraudulent activities. These have been formulated in line with appropriate legislative requirements and include:

- Standing Orders and Financial Regulations
- Codes of Conduct for members and employees
- Surveillance Policy
- Sound internal control systems
- Effective Internal Audit
- Disciplinary Procedure
- Fraud & Corruption Response Plan
- Whistleblowing Policy (Confidential Reporting), Anti Fraud hotlines to enable the raising of genuine concerns and suspicions
- Code of Data Matching Practice
- Counter Fraud Prosecution and Sanction Policies

3.2 The Council believes that a culture of honesty and openness is a key element in tackling fraud and mobilises the honest majority to create a strong counter fraud and corruption culture. Council's members, employees, partners, contractors and the public should be in no doubt about its zero tolerance approach and efforts against the dishonest minority.

4. Prevention

The Council recognises that fraud and corruption are costly and is therefore proactive in seeking to design fraud and corruption out of existing and new systems. The Council has robust internal controls covering its assets, people, finances and data.

5. Deterrence

The Council has a counter fraud programme of work to create strong disincentives to those who may be tempted to breach its defence. For example the Council seeks maximum publicity for a successful prosecution where the resulting sentence is considered to be a deterrent to others.

In cases where financial loss to the Council has occurred, it will take appropriate action to recover the loss and costs associated with the action.

6. Detection and Investigation

It is the responsibility of management to maintain an effective internal control environment aimed at preventing and detecting fraud and corruption.

The Council's Financial Regulations require all suspected cases of fraud and corruption (except housing benefits) to be reported to the Head of Audit & Business Risk (verbally or in writing).

The Council will seek to apply appropriate criminal, civil and disciplinary sanctions to all cases of proven fraud and corruption.

7. Awareness and Training

The Council recognises the need for effective fraud and corruption awareness training and responsiveness of members and employees. The Council will ensure that training is provided to all members and employees.

The investigation of fraud corruption centres on the Council's Internal Audit Team for corporate and Housing Benefit Investigation Team for Housing Benefit specific. Learning and Development Plans of staff involved in this work will reflect the need for appropriate current and future training requirements.

8. Conclusion

- 8.1 This strategy is aimed at reducing the Council's losses due to fraud and corruption to make more resources available for the delivery of its services. The strategy fully supports the Council's desire to maintain a culture of openness, fairness, trust and dignity.
- 8.2 The Council has in place a clear framework of systems and procedures to deter and investigate fraud and corruption. It will ensure that these arrangements are fair, monitored and updated to keep pace with future developments in preventative, deterrent and detection techniques.

**EXTRACT FROM THE PROCEEDINGS OF THE AUDIT COMMITTEE HELD
ON THE 31 MARCH 2009**

| | | | |
|-------------------------|--|---|---------------------|
| Subject: | Code of Corporate Governance | | |
| Date of Meeting: | 28 April 2009 | | |
| | Audit Committee 31 March 2009 | | |
| | Council 30 April 2009 | | |
| Report of: | Director of Strategy and Governance | | |
| Key Decision: | No | | |
| Contact Officer: | Name: | Jane Clarke | Tel: 29-1064 |
| | E-mail: | jane.clarke@brighton-hove.gov.uk | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE

BRIGHTON & HOVE CITY COUNCIL

**AUDIT COMMITTEE
4.00pm 31 MARCH 2009**

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors Hamilton (Chairman), Alford, Kitcat, Oxley, Pidgeon, Randall, Simpson, Smith, Watkins (Deputy Chairman) and Wells

PART ONE

96. CODE OF CORPORATE GOVERNANCE

96.1 The Head of Audit and Business Risk presented a report on the Code of Corporate Governance and stated that this formed part of the Council's constitution, which was a best practise procedure adopted by local authorities (for copy see minute book). The Code states six key principles that form a statement of intent for the Council, with following points for each principle to ensure their full achievement by the Council.

- 96.2 Councillor Kitcat asked why the Committee was receiving the report when there were no financial or other implications given, and the Head of Audit and Business Risk stated that the Committee was being asked to recommend the adoption of the Code by Full Council and it was part of good governance procedures to bring the draft Code to the Audit Committee.
- 96.3 Mr Brown from the Audit Commission added that the Code would underpin much of the audit assessment work being done for the Comprehensive Area Assessment and it was implicitly required to achieve a good CAA rating.
- 96.4 Councillor Randall asked what the key revisions of the Code were and the Head of Audit and Business Risk stated that it had been simplified to encourage understanding, but no major changes had been made.
- 96.5 **RESOLVED TO RECOMMEND** - That the revised Code of Corporate Governance be adopted.

Subject: Code of Corporate Governance
Date of Meeting: 28 April 2009
Council 30 April 2009
Report of: Director of Finance & Resources
Contact Officer: Name: Ian Withers Tel: 29-1323
E-mail: ian.withers@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT

- 1.1 This report presents the revised Local Code of Corporate Governance for the Governance Committee's consideration as part of the council's corporate governance framework.
- 1.2 This report was submitted to the Audit Committee on the 31st March and subsequently recommended for approval by the full council.

2. RECOMMENDATIONS

- 2.1 That the Governance Committee notes the contents of the council's Code of Corporate Governance.

3. BACKGROUND INFORMATION

- 3.1 Corporate governance is a phrase used to describe how organisations direct and control what they do. For local authorities this includes how they relate to communities that they serve.
- 3.2 The Code of corporate Governance is a public statement that sets out the way in which the council will demonstrate effective corporate governance. It is part of the council's Constitution.
- 3.3 Due to high profile failures in governance arrangements in other areas, the Chartered Institute of Public Finance & Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) produced a framework document in 2007, "Delivering Good Governance in Local Government.
- 3.4 Although there is no statutory requirement on local authorities to produce a Code of Corporate Governance it is considered to be best practice and an expectation by the Audit Commission.
- 3.5 The previous Code of Corporate Governance was agreed by full council in March 2008.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 There are no direct financial considerations relating to the recommendations in this report.

Patrick Rice Head of Financial Services 26 March 2009

Legal Implications:

- 4.2 There are no direct legal implications arising from this report.

Oliver Dixon Lawyer 26 March 2009

Equalities Implications:

- 4.3 There are no direct equalities implications arising directly from this report

Sustainability Implications:

- 4.4 There are no direct sustainability implications arising from this report.

Crime & Disorder Implications:

- 4.5 There no direct implications for the prevention of crime and disorder arising from this report.

Risk and Opportunity Management Implications:

- 4.6 The Risk and Opportunity Management Process is a key part of the council's corporate governance arrangements.

Corporate / Citywide Implications:

- 4.7 Robust corporate governance arrangements are essential to the sound management of the City Council and the achievement of its objectives as set out in the Corporate Plan.

SUPPORTING DOCUMENTATION

Appendices

Appendix 1 Revised Local Code of Corporate Governance

Background Documents

1. CIPFA/SOLACE "Delivering good governance" (2007)
2. The Good Governance Standard for the Public Sector 2006
3. Brighton & Hove City Council Constitution

Introduction

Corporate governance is about how the Council directs and controls what it does. Good corporate governance requires the Council to carry out its functions in a way that demonstrates accountability, transparency, effectiveness, integrity and inclusively. It also includes how the Council relates to the communities that it serves.

The council is committed to being at the forefront of those local authorities that are able to demonstrate that they have the necessary corporate governance to excel in the public sector. The Code is a statement that sets out the way the council will meet that commitment.

The Corporate Governance framework consists of six core principles and the following sets out the actions taken by the council in relation to each core principle.

Principle 1: The council will focus on its purpose, on outcomes for the community and creating and implementing a vision for the local area.

The council will do this by:

- Exercising strategic leadership by developing and clearly communicating its purpose and vision and its intended outcomes for the City's citizens, partners and service users.
- Developing and promoting its purpose and vision.
- Reviewing on a regular basis its vision for the local area and its implications for governance arrangements.
- Ensuring service users receive a high quality of service whether directly, in partnership, or by commissioning.
- There is effective performance management and mechanisms for driving improvement.
- Making best use of its resources so that the taxpayers and service users receive excellent value for money.

- Considering the environmental impact of policies, plans and decisions.
- Reducing inequalities by increasing opportunities throughout the city.

Principle 2: The council's members and officers will work together to achieve a common purpose with clearly defined functions and roles.

The council will do this by:

- Ensuring effective leadership throughout and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function.
- Ensuring that a constructive working relationship exists between its members and officers. The role and responsibilities of members and officers will be clearly set out and carried out to a high standard.
- Having clear relationships between the council, its partners and the public are clear so that each knows what to expect of the other.
- Ensuring its values are promoted and effective for Brighton & Hove stakeholders and partners.

Principle 3: The council will promote its values and demonstrate the value of good governance through upholding high standards of conduct and behaviour.

The council will do this by:

- Ensuring its members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance in order to create a climate of openness, support and respect.
- Ensuring its leadership sets a tone for the authority by creating a climate of opening, support and respect.

Principle 4: The council will take informed and transparent decisions that promote value for money and are subject to effective scrutiny and managing risk.

The council will do this by:

- Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny
- Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.
- Ensuring that an effective risk management system is in place, with members and officers at all levels recognising that risk management is part of their job.
- Using its legal powers to the full benefit of the citizens and communities in its area to meet specific legislative requirements and general responsibilities required by general law and are within the limits of lawful activity.

Principle 5: The council will develop the capacity and capability of members and officers to be effective.

The council will do this by:

- Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.
- Developing the capability of people with governance responsibilities and evaluate their performance, as individuals and as a group.
- Encouraging the local community to be active participants in the democratic process through the provision of information and accessible systems and procedures.

Principle 6: The council will engage with local people and other stakeholders to ensure robust public accountability.

The council will do this by:

- Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.

- Taking an active and planned approach to dialogues with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning.
- Making best use of human resources by taking an active and planned approach to meet responsibilities to its staff

DRAFT

Code of Corporate Governance – Evidence

| CORPORATE GOVERNANCE FRAMEWORK | | |
|---|--|--|
| Corpora rate Governance comprises the systems and processes, cultures and values, by which the council is directed and controlled and through which it accounts to, engages with and where appropriate, lead the community | | |
| 1. The council will focus on its purpose, on outcomes for the community and creating and implementing a vision for the local area. | 2. The council's members and officers will work together to achieve a common purpose with clearly defined functions and roles. | 3. The council will promote its values and demonstrate the value of good governance through upholding high standards of conduct and behaviour. |
| 4. The council will take informed and transparent decisions that promote value for money and are subject to effective scrutiny and managing risk. | 5. The council will develop the capacity and capability of members and officers to be effective. | 6. The council will engage with local people and other stakeholders to ensure robust public accountability. |

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| (A) Key Documents: Regular/Annual Review or Production | (B) Key Documents: Ad hoc Review or Production | (C) Contributory Processes / Regulatory Monitoring | |
|---|---|---|--|
| <ul style="list-style-type: none"> ▪ Community Strategy ▪ Medium Term Financial Strategy ▪ Directorate Plans ▪ Service Business Plans ▪ Corporate Risk Register ▪ External Audit Annual Governance Report ▪ TBM Budget Monitoring Reports ▪ Annual Internal Audit Report ▪ Statement of Accounts ▪ Local Area Agreement | <ul style="list-style-type: none"> ▪ Constitution including Standing Orders ▪ Communications Strategy ▪ Financial Procedures ▪ Workforce Strategy ▪ Freedom of Information Publication Scheme ▪ Health and Safety Policy ▪ ICT Strategy ▪ Risk and Opportunity Management Strategy ▪ Members Code of Conduct ▪ Officers Code of Conduct ▪ Partnership Working Guidelines ▪ Published Agendas, Reports and Minutes of Committees | <ul style="list-style-type: none"> ▪ Audit Committees ▪ Standards Committees ▪ Overview and Scrutiny Committees ▪ Independent Remuneration Panel for Members Allowances ▪ Officers Governance Board ▪ Risk Management Steering Group ▪ Section 151 Officer ▪ Head of Paid Service ▪ Customer complaints process ▪ The Management Team ▪ Value for Money Steering Group | <ul style="list-style-type: none"> ▪ Job Evaluation Process ▪ Employee Induction ▪ Employee Surveys ▪ PDPS Scheme ▪ Health & Safety ▪ Internal Audit ▪ External Audit ▪ Gifts & Hospitality Registers ▪ Annual Review of Internal Audit ▪ Business Continuity ▪ Investors in People |

- Codes of Conducts
- Whistleblowing Policy
- Counter Fraud Strategy
- Equality & Diversity Policy

- Budget consultation
- Job Descriptions and Person Specifications

DRAFT

Review of Corporate Governance Arrangements

The council will conduct an annual review of its corporate governance arrangements, in particular against the six core principles. The purpose of the annual review will be to provide assurance from a number of sources that corporate governance arrangements are adequate and operating effectively. Where appropriate, actions will be agreed for improvements.

The outcome of the annual review of corporate governance arrangement will be published in the Annual Governance Statement.

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