

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00pm 8 SEPTEMBER 2009

COMMITTEE ROOM 3, HOVE TOWN HALL

MINUTES

Present: Councillors: Carden, Drake, Steedman and Watkins

Independent Members: Dr M Wilkinson (Chairman), Mrs H Scott

Rottingdean Parish Council Representatives: Mr J C Janse van Vuuren and Mr G W Rhodes

Apologies: Councillor Jeane Lepper and Councillor Carol Theobald

PART ONE

6. PROCEDURAL BUSINESS

6a Declarations of Interest

6.1 There were none.

6b Exclusion of the Press and Public

6.2 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Standards 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 the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

6.3 **RESOLVED** – That the press and public be not excluded.

7. MINUTES OF THE PREVIOUS MEETING

7.1 **RESOLVED** – That the minutes of the meeting held on 17 June 2009 be signed by the Chairman as a correct record.

8. CHAIRMAN'S COMMUNICATIONS

- 8.1 The Chairman stated that following on from the recommendations that arose from the recent future planning session, meetings between the independent Members and each political group had been organised and were to begin that evening.

The Chairman paid tribute to Mr Brian Rowe, who had previously been a Councillor of Brighton & Hove City Council, and had sadly passed away. He noted that Mr Rowe had been the first opposition spokesperson to sit on the newly formed Standards Committee and had done a great deal to ensure the political neutrality of the Committee. The Chairman recognised the support and wisdom he had received from Mr Rowe during the formative meetings of the Standards Committee. Councillor Watkins and Councillor Carden joined in the tribute and felt that Mr Rowe had earned respect from all parties. He would be greatly missed.

9. PUBLIC QUESTIONS

- 9.1 There were none.

10. STANDARDS COMMITTEE (FURTHER PROVISIONS) (ENGLAND) REGULATIONS 2009

- 10.1 The Committee considered a report from the Monitoring Officer regarding the Standards Committee (Further Provisions) (England) Regulations 2009 (for copy see minute book).
- 10.2 The Senior Lawyer summarised the report and highlighted that there were two notable changes to the regulations. The first was that the Standards Board for England (SBE) could now suspend the initial assessment functions of local authorities. There was currently no guidance as to when this might occur, but it was intended as a 'last resort' option, and only after attempts to improve the processes of the authority in question had failed.

She stated that the SBE had to give notice of their intention to do this, and there was an opportunity for the local authority to argue against the suspension. Once assessment functions had been suspended however, the SBE could take over the initial assessment of complaints themselves, or request another authority to take on this role.

The second element of the changes related to the provisions for joint Standards Committees. The Senior Lawyer stated that it was the Governments' view that joint Committees would be more efficient and the imposition of sanctions more effective when organised jointly. She felt that, for logistical reasons, any joint Committee would ideally take place with authorities in the area, but noted that there was not currently a desire within the local area to investigate this option.

Lastly, the regulations clarified the rules relating to dispensations, although the Senior Lawyer felt the changes were fairly academic and in practice dispensations would continue to operate in the same way.

10.3 Councillor Watkins asked if the joint Standards Committee arrangements would be on a permanent or ad-hoc basis. He believed there were instances where a joint Committee could be beneficial, especially in relation to services that the provided jointly by different authorities. The Senior Lawyer stated that once it was set up, the joint Committee would remain in place, but authorities had to make provisions for withdrawal from the arrangements at any stage.

10.4 **RESOLVED** – That the Standards Committee notes the report.

11. STANDARDS COMPLAINTS UPDATE

11.1 The Committee considered a report from the Monitoring Officer regarding the Standards Complaints Update (for copy see minute book).

11.2 The Standards and Complaints Manager summarised the report and highlighted the complaints against Members that had been resolved and the ones still to be heard. He noted that of the complaints that had been resolved, a recommendation had been expressed by Panel Members as part of the decision, and this was dealt with in the following report on Members' Web Pages. He stated that there were still four reports outstanding on Members complaints; one report was complete and was due to be heard imminently, two complaints were being investigated and it was anticipated that the reports would be complete by the end of September 2009, the fourth complaint had been referred for investigation with the last week.

11.3 Ms Scott noted that on some of the complaints, the time that had elapsed from the initial complaint to its conclusion was lengthy. The Standards and Complaints Manager agreed and recognised that this was not desirable. He apologised for the length of time some of the complaints had taken to reach a conclusion but felt that the nature and complexity of some of the complaints, which had all been received around the same time frame, had necessitated this. The Monitoring Officer also agreed that the length of time was unsatisfactory and stated that more resources had been put in to deal with this. Councillor Watkins felt there was a need to be cautious as he did not want investigations to be rushed simply to meet an artificial time limit. The Standards and Complaints Manager agreed and stated that all investigations would be completed as thoroughly as necessary.

11.4 The Standards and Complaints Manager went on to say that Local Government Ombudsmen complaints were very low for the current year, as were internal stage two complaints.

11.5 **RESOLVED** – That the content of the report is noted.

12. MEMBERS' WEB PAGES

12.1 The Committee considered a report from the Director of Strategy and Governance regarding Members' Web Pages (for copy see minute book).

12.2 The Monitoring Officer summarised the report and highlighted that changes had been made to the Members' Web Pages Policy as a result of a Standards Panel recommendation following assessment of a complaint.

- 12.3 The main changes related to the rules regarding external links on the Members' blog pages, and the rules relating to publicity of political events. The Monitoring Officer stated that some Local Authorities had decided to ban links altogether from their website, whilst others had no adopted policy. He felt the revised policy of Brighton & Hove City Council was between these two positions, and now allowed links but subject to certain restrictions. Further changes were that personal blogs must now include a disclaimer stating that Brighton & Hove City Council could not take responsibility for the content of webpages that were external to its site. Once the policy was adopted this would be mandatory, and failure to include this disclaimer would constitute a breach of the Code of Conduct.

The second change related to publicity of political events on the Council's website. The Monitoring Officer stated that reference to an event was substantially different to promotion or publicity of an event. It was important to recognise that the City Council received political visitors in an official capacity on a regular basis, and reference to such an event, where it concerned one of the functions of the local authority, should not constitute a breach of the Code of Conduct.

If reference to such an event was made by a Member author who then went on to promote the event or share opinions on it, then this would constitute a breach of the Policy and therefore the Code.

The Monitoring Officer added that there were two interpretations of 'functions' of the Council. The first interpretation was the narrow, traditional interpretation of the services the Council provided. The second interpretation related to wider Council functions under the wellbeing powers. This would include a much broader scope of events that could be referred to without consequence, and the Monitoring Officer felt it was important to include this aspect in the Policy.

- 12.4 Councillor Steedman felt that the amended policy was a sensible approach to take to the issue. He believed that most Councillors who chose to blog would not use the Council website anyway, and as they were naturally political in nature when expressing opinions they would want to express themselves more freely than the Council's website would allow. He believed it was right that they were able to do this without undue censure, and links from the Council website to such forums should be allowed.
- 12.5 Councillor Watkins was unhappy with the amendment at 9.4 of the policy as he did not believe the Council's website should contain any references of a political nature and that a strict interpretation of this should be applied to ensure there was no political content supported by the Council. The Monitoring Officer stated that the policy at 9.4 was dependent on the fulfilment of the requirements at 9.1 and 9.2. The amendment was not intended to allow Members to affect support for a political party, but he added that references to factual events could not be a breach of the Code. He understood Councillor Watkins' concerns but felt that 9.1 and 9.2 was adequate in ensuring this would not happen.
- 12.6 Councillor Steedman noted that thought needed to be given to providing guidance to Councillors who used private blogs and the Monitoring Officer agreed. He stated that just because blogs were personal did not mean they were free from the restrictions of

the Code of Conduct. The Chairman felt that this would increasingly become an issue in the future and proposed to raise this at the impending Standards Conference.

- 12.7 Councillor Janse Van Vuuren felt that Councillors needed to be directed more firmly to Officers for advice when they were unsure about the content of a webpage, especially as once it was published onto the internet it was very difficult to withdraw. Ms Scott agreed and felt that paragraph 7 of the revised policy should be highlighted to Members accordingly.
- 12.8 Councillor Watkins felt the changes and implications of the policy were important and requested that a session on this was included in any blog writing training that Members received from the Council.
- 12.9 **RESOLVED** – That:
1. The Standards Committee notes and approves the content of the revised Members' Web Pages Policy, subject to the approval of the Governance Committee.
 2. That the revised policy is referred to the Governance Committee for approval.

The meeting concluded at 5.45pm

Signed

Chairman

Dated this

day of