



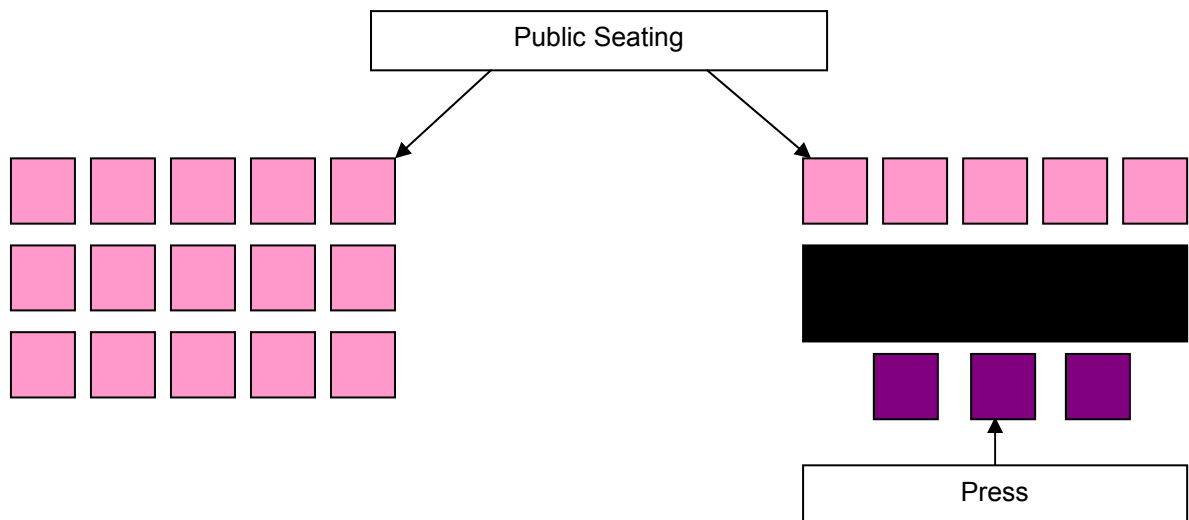
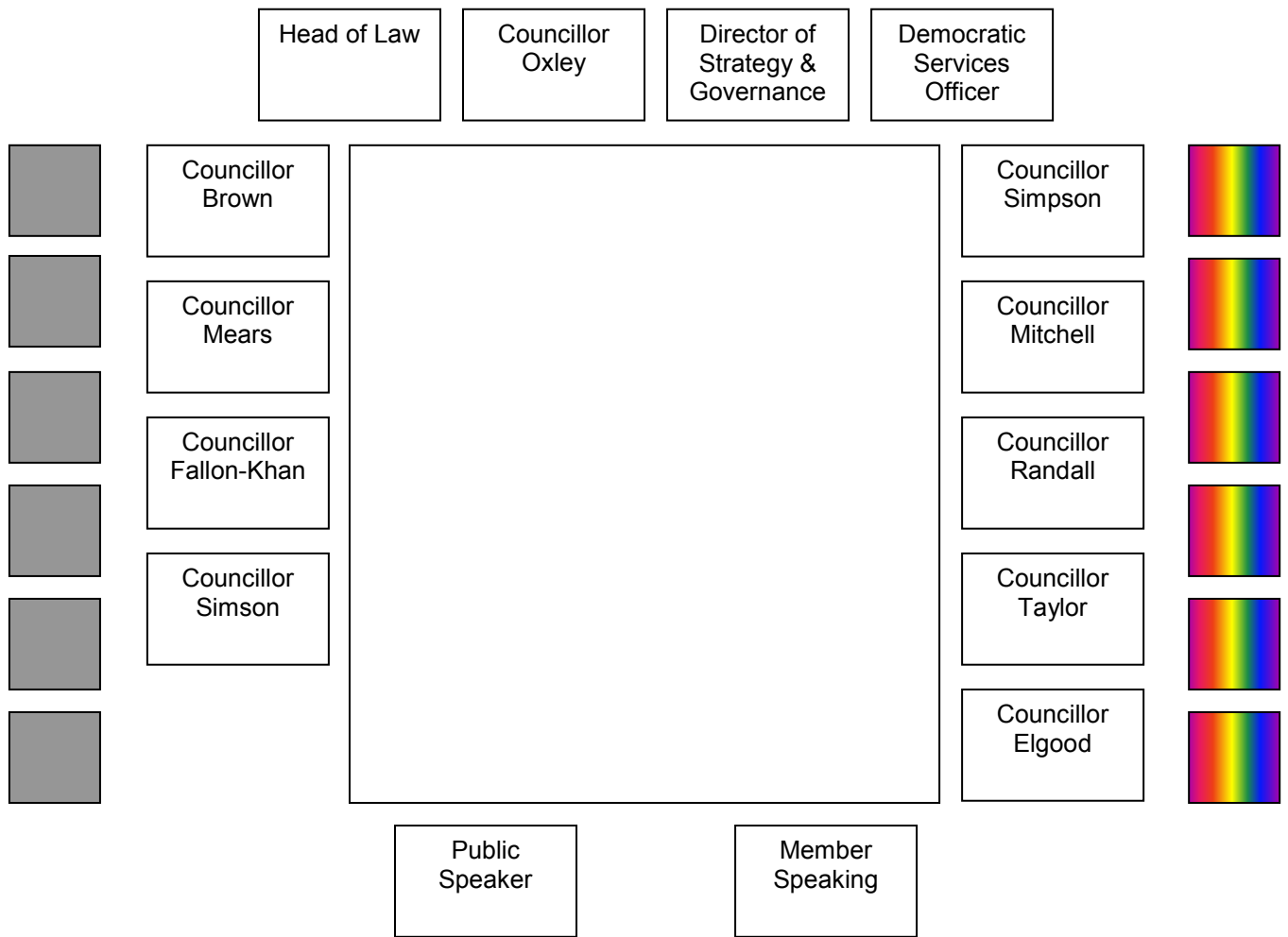
**Brighton & Hove  
City Council**

# Governance Committee

Title:	<b>Governance Committee</b>
Date:	<b>27 April 2010</b>
Time:	<b>4.00pm</b>
Venue	<b>Committee Room 3, Hove Town Hall</b>
Members:	<b>Councillors:</b> Oxley (Chairman), Simpson, Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor
Contact:	<b>Tanya Massey</b> Senior Democratic Services Officer 29-1227 tanya.massey@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

### 91. 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.*

### 92. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 9 March 2010 (copy attached).

### 93. CHAIRMAN'S COMMUNICATIONS

### 94. CALLOVER

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

### 95. PETITIONS

No petitions received by date of publication.

### 96. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 20 April 2010)

No public questions received by date of publication.

## **GOVERNANCE COMMITTEE**

### **97. DEPUTATIONS**

(The closing date for receipt of deputations is 12 noon on 20 April 2010)

No deputations received by date of publication.

### **98. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS** **17 - 24**

#### **(a) Council Meetings and Powers of the Mayor**

(i) Letter from Councillor Kitcat (copy attached).

(ii) Report of the Director of Strategy & Governance (copy to follow).

### **99. CALL-IN REQUESTS** **25 - 28**

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

*Contact Officer:* Mark Wall *Tel:* 29-1006

*Ward Affected:* All Wards

### **100. STRENGTHENING COMMUNITIES REVIEW - PROGRESS UPDATE** **29 - 32**

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

*Contact Officer:* Nicky Cambridge *Tel:* 29-6827

*Ward Affected:* All Wards

### **101. PETITIONS**

Verbal update from the Head of Law.

### **102. UPDATE ON HR PAYROLL AND RECRUITMENT SYSTEM IMPLEMENTATION** **33 - 40**

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

*Contact Officer:* Mark Green *Tel:* 29-3141

*Ward Affected:* All Wards

### **103. DEVELOPMENT OF THE NEW DIGNITY AND RESPECT AT WORK POLICY** **41 - 44**

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

*Contact Officer:* Charlotte Thomas *Tel:* 29-1290

*Ward Affected:* All Wards

# GOVERNANCE COMMITTEE

## Part Two

Page

### 104. PART TWO MINUTES OF THE PREVIOUS MEETING

45 - 46

Part Two Minutes of the meeting held on 9 March 2010 (copy circulated to Members only).

### 105. SINGLE STATUS UPDATE

[Exempt Categories 3 and 4]

Verbal update from the Assistant Director for Human Resources.

### 106. PART TWO ITEMS

To consider whether or not any of the above items and the decisions thereon should remain exempt from disclosure to the press and public.

#### Draft Work Plan for the Governance Committee – 2010/2011

	Agenda Item	Lead Officer
	<b>Meeting Tuesday 6 July 2010</b>	
	Chairman's communications	
1	Good Governance Review - progress on action plan	AGG
2	Dignity and Respect at Work Policy	Charlotte Thomas/Liz Boswell
3	Strengthening Communities Review - Progress Update	Nicky Cambridge
	<b>Meeting Tuesday 21 September 2010</b>	
	Chairman's communications	
1	Administrative Boundary Review – Saltdean	Oliver Dixon
	<b>Future reports – dates to be decided</b>	
1	Byelaws – detailed report following publication of regulations	Oliver Dixon
2	Whistleblowing – progress update	
3	E-petitions – further report following legislation	Elizabeth Culbert

## GOVERNANCE COMMITTEE

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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](http://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 Tanya Massey, (29-1227, email [tanya.massey@brighton-hove.gov.uk](mailto:tanya.massey@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Monday, 19 April 2010

**BRIGHTON & HOVE CITY COUNCIL**

**GOVERNANCE COMMITTEE**

**4.00PM 9 MARCH 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor

**PART ONE**

**69. PROCEDURAL BUSINESS**

**69a Declaration of Substitutes**

69a.1 There were none.

**69b Declarations of Interest**

69b.1 There were none.

**69c Exclusion of Press and Public**

69c.1 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).

69c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 87 onwards.

**70. MINUTES OF THE PREVIOUS MEETING**

70.1 **RESOLVED** - That the minutes of the meeting held on 12 January 2010 be approved as a correct record.

**71. CHAIRMAN'S COMMUNICATIONS**

- 71.1 The Chairman welcomed a representative from Public Concern at Work and members of the Independent Remuneration Panel to the meeting.
- 71.2 The Chairman advised that officers had been in contact with Communities and Local Government (CLG) regarding the secondary legislation expected in relation to bye-laws under the Local Government Act and could report that the regulations bringing the new provisions into force would not be made this side of the General Election. He added that it was, however, reasonable to expect that regulations would be laid before Parliament later in the year, regardless of which Party was in power; therefore, officers would update the Committee on any developments.
- 71.3 The Chairman reported that following discussions amongst the membership of the Civic Awareness Commission and a subsequent discussion with the Chairman, Adam Trimmingham, work would begin on looking at giving the Commission 'working group' status whilst ensuring it continued to report its activities through the Committee. Group Leaders would be consulted with on any proposals and the status of the Commission would remain cross-party, with councillors or supporters of all Groups on the council being actively represented.

The Chairman explained that the Commission had decided to create three work streams:

1. To investigate ways in which civic awareness could be brought to the attention of people visiting Council offices and to schools.
2. To consider how best the historic assets of the Council, such as pictures and memorabilia, could be displayed in the Town Halls, Kings House and elsewhere.
3. The commissioning of a picture of Henry Allingham.

All of the work areas were continuing and the Committee would receive updates as work progressed.

**72. CALLOVER**

- 72.1 The Chairman explained that as guest speakers would be contributing to the meeting he intended to amend the agenda item order; Items 87 and 80 would be considered immediately following Item 78 before returning to the original agenda.
- 72.2 The Chairman advised that Item 84 would go forward to the Full Council meeting on 18 March, along with two other reports from the meeting, rather than the April Full Council meeting.
- 72.3 Councillor Taylor raised concerns that Members had not been informed earlier that Item 84 would be considered at the March Full Council meeting, particularly as he had made enquiries with Democratic Services about the issue.
- 72.4 The Chairman noted Councillor Taylor's concerns and explained that as two other reports from the meeting would be considered at the March Full Council meeting, it followed that Item 84 should not be held back.



72.5 **RESOLVED** – That all the items be reserved for discussion.

**73. PETITIONS**

73.1 There were none.

**74. PUBLIC QUESTIONS**

74.1 There were none.

**75. DEPUTATIONS**

75.1 There were none,

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

76.1 There were none.

**77. WHISTLEBLOWING - PUBLIC CONCERN AT WORK**

77.1 The Chairman welcomed Shonali Routray from Public Concern at Work (PCaW) to the meeting to make a presentation to the Committee.

77.2 Ms Routray explained that PCaW was an independent charity set up in 1993 to provide confidential legal advice to individuals in a work environment following several large scale health and safety disasters where staff had been scared to voice concerns or where their concerns had been lost in middle management. PCaW played a leading role in putting whistleblowing on the governance agenda and in developing legislation in the UK and abroad.

Ms Routray reported that one third of all calls received to the PCaW helpline came from the care and health sectors, with a large number of calls also received from the financial and education sectors.

The council had been subscribing to PCaW's basic package for organisations since 2005, which included helpline subscription, the compliance toolkit, promotional materials and either one hour's consultancy or a place at an expert whistleblowing training workshops.

Ms Routray explained that a whistleblowing policy was a deterrent in addition to being a tool for detecting malpractice. It would also assure staff that it was safe to speak up early and encourage manager to address concerns effectively and focus on risks. Good whistleblowing arrangement would have a clear lead from the top on the organisation.

PCaW could give independent advice and raise concerns on behalf of staff whilst ensuring confidentiality was upheld, but could not investigate concerns. Staff were also able to raise concerns with trade unions and professional organisations.

Ms Routray advised that it was important for the council to actively promote its whistleblowing policy and regularly review it.

- 77.3 The Chairman thanked Ms Routray for the clear presentation.
- 77.4 In response to a question from Councillors Elgood regarding appropriate promotion of the policy Ms Routray advised that it was important to strike a balance. The policy ought to be easily accessible to all staff and the council could consider printing messages on payslips and publishing whistleblowing stories, both from inside and outside of the organisation, in its internal media.
- 77.5 Following a request from Councillor Simpson to comment on the council's whistleblowing policy, Ms Routray explained that she found it to be slightly over-legalistic in its language. She advised that it would be helpful to emphasise confidentiality and job security at the beginning of the policy and ensure that the contacts listed were well trained. She added that it was good to see the benefits of the policy listed.
- 77.6 The Chairman agreed that it was important for the policy to use accessible language and provide clear assurance about job security.
- 77.7 The Chairman advised that the Committee move on to discuss the next item as it was linked to the presentation and Ms Routray may wish to provide comment further during its consideration.
- 77.8 **RESOLVED** – That the presentation be noted.

## **78. INTERNAL AUDIT REVIEW OF WHISTLEBLOWING ARRANGEMENTS**

- 78.1 The Committee considered a report of the Director of Finance & Resources concerning an internal audit review of the council's whistleblowing arrangements.
- 78.2 Councillor Randall advocated the retention of the term 'whistleblowing' as it was a well-recognised term that staff understood, and should therefore not be changed. He queried whether it would be better to reduce the number of contact officer listed in the policy so that fewer people were involved.
- 78.3 The Chairman stated that the policy needed to be clear and also advise that staff could contact the District Auditor to raise concerns. He added that PCaW could provide staff with advice that they may feel they could not obtain internally.
- 78.4 Ms Routray stated that while 'whistleblowing' was a recognised term, the council could consider other positive titles, such as 'Speaking Up'. She advised that it was better for staff to have a longer list of contacts and that they should be reminded that they could raise concerns with councillors. She added that staff should be made aware that the District Auditor would be obliged to investigate any concerns raised with them.
- 78.5 Councillor Mitchell requested that it be made clear in the policy that the outcome of whistleblowing investigations would be reported in writing to the respondent and all those involved in the matter.

- 78.6 The Head of Internal Audit and Business Risk reported that comparisons had been made with a number of councils and Brighton & Hove had been asked by other local authorities to advise of what recommendations the council was making. He added that officers would work on improving the language used within the policy.
- 78.7 Councillor Elgood stated that he was pleased that line managers would be trained to deal effectively with whistleblowing. He explained that it was important for Members to be involved in monitoring progress and suggested that the policy be referred to scrutiny or a cross-party working group be established.
- 78.8 The Chairman advised that he was confident that all Members were signed up to the policy; it was, however, clear that it needed to be promoted more actively within the organisation.
- 78.9 Councillor Mears echoed support for retaining the term 'whistleblowing'. In response to the request for a cross-party working group she agreed that all Members were already signed up to the policy, but suggested that each Group received a presentation on the issues discussed and that a progress report be considered by the Committee at a future meeting.
- 78.10 The Director of Strategy & Governance explained that, while it was difficult to directly amend audit recommendations, officers would ensure that arrangements would be amended to incorporate Members comments in relation to the name of the policy, promoting it, the language used, the method of reporting and reviewing the number of contacts listed. He added that all officers and Members had responsibilities in relation to the policy.
- 78.11 The Chairman stated that the Committee had now considered the issue of whistleblowing on a number of occasions and officers had done significant work around it. He asked Councillor Elgood, who had taken a special interest in the issue, whether he was satisfied with the progress made.
- 78.12 Councillor Elgood advised that he was happy to move forward with the agreed timetable.
- 78.13 **RESOLVED** - That the findings, key issues and agreed actions arising from the internal audit report at Appendix 1 be noted and in particular the audit opinion that gives reasonable assurance and concludes there are no significant weaknesses, whistleblowing arrangements compare well with other local authorities examined.

## **79. DIGNITY AND RESPECT AT WORK POLICY - PROGRESS UPDATE**

- 79.1 The Committee received an update on progress towards the Dignity and Respect at Work Policy from the Assistant Director for Human Resources.
- 79.2 The Assistant Director for Human Resources reported that a new draft of the policy and procedure had been completed and consultation had taken place with the relevant internal groups. She explained that the policy had been discussed Overview & Scrutiny Commission Members, who had requested to hear directly from trade unions the council's internal staff forums. She advised that any comments made during this process would be incorporated in the policy prior to consideration by the Committee.

79.3 Councillor Elgood reported that the process was progressing well.

79.4 **RESOLVED** – That the update be noted.

## 80. REVIEW OF MEMBERS' ALLOWANCES

80.1 The Committee considered a report of the Director of Strategy & Governance concerning the Independent Remuneration Panel's (IRP) annual report on Members' Allowances.

80.2 The Chairman welcomed Simon Keane, Chair of the IRP, to the meeting.

80.3 Mr Keane thanked the Members who had met with the panel and the officers involved in the review process. He explained that due to the significant changes to the council's working practices the panel decided to conduct a thorough review of Members' allowances. He highlighted the main proposals in the report and explained that the panel had been mindful of the pressure on the council's finances in making their recommendations; some councillors would receive a reduced allowance, but this had been kept to a minimum.

80.4 The Chairman thanked the IRP for the time they had given to the review process and their commitment to finding out about all aspects of Members' work. He advised that the Committee's role was to note the report and refer it to the Full Council for a decision.

80.5 Councillor Taylor praised the work of the panel and reported that the Green Group supported the new formula proposed for calculating Special Responsibility Allowances (SRAs) for Group Leaders/ Convenors and the withdrawal of SRAs for members of the Arts Commission and the deputy chairmen of Overview & Scrutiny committees, as well as the introduction of ad hoc payments for chairmen of scrutiny panels. He advised that the Group was unsure whether they were in support of withdrawing SRAs for the deputy chairmen of regulatory committees; potentially the chairmen could require support with the large volume of work.

He highlighted his Group's concern over the SRA awarded to the Leader of the Opposition. He queried the logic behind awarding a higher allowance to the Leader of one of the opposition Groups when there were two Groups with the same number of councillors; by designating an 'official' opposition one Group gained an advantage by receiving a higher SRA for its Leader and a Deputy Leader SRA.

80.6 Councillor Fallon-Khan suggested that in future reviews the panel ask Cabinet Members about their caring responsibilities and consider whether this could be a barrier to people considering becoming a councillor.

80.7 Councillor Mitchell reported that the Labour Group did not support the withdrawal of SRAs for deputy chairman of any committees; it was necessary for Group Leaders to have a recognised way of allowing councillors to gain experience in more senior positions. She was unable to support ad hoc payments for chairmen of scrutiny panels; she felt that this was reminiscent of attendance allowances, which had been abolished some time ago.

80.8 Councillor Mears echoed Councillor Mitchell's comments in relation to the ad hoc payments for chairmen of scrutiny panels; she was concerned that it could create a feeling of competition between Members. She added that she did not agree with withdrawing the SRAs for deputy chairman of committees, as it was vital that there were enough positions available to allow Members to gain experience.

80.9 In response to the comments made Mr Keane made the following remarks:

- The view of the IRP was that it was for the council to decide which Group was the official opposition.
- The IRP would continue to meet and Members were welcome to make representations at any time; the panel did not want there to be any barriers for those wishing to become councillors.
- The decision to withdraw SRAs from the deputy chairmen of committees was not taken lightly; if the council decided to retain the SRAs it was important to be mindful of the government guidance, which stated that the number of SRAs should be equal to 50% of the total number of elected Members.
- The IRP viewed the ad hoc payments for chairmen of scrutiny panels as recognition for the additional work required, rather than as an attendance allowance.
- The IRP understood that the council was ultimately free to reject any of its recommendations.

80.10 Councillor Elgood echoed the concerns raised in relation to the SRAs for deputy chairmen of committees and the ad hoc payments to scrutiny panel chairman, but added that as the council has an independently established panel, Members should adopt its recommendations; the requirement of independence would be negated if Members routinely ignored IRP proposals.

80.11 In response to questions from Councillor Taylor, the Chairman confirmed that the report would be considered at Full Council on 18 March and that the council had previously exceeded the 50% of all councillors guideline when it was felt to be justified. He added that any amendments would have to be considered in light of the budget.

80.12 Councillor Mitchell stated that Members should also be mindful of the number of SRAs not taken up as a result of a Member holding two or more positions.

80.13 **RESOLVED –**

- (1) That the recommendations of the Independent Remuneration Panel be recommended to Council for approval.
- (2) That the Chief Executive be authorised to amend the Brighton & Hove Members' Allowances Scheme to reflect the foregoing, to submit to Council for adoption, and to issue the revised scheme following council approval.
- (3) That the allowance payable to each of the members of the Independent Remuneration Panel be increased by the council's salary inflation of 1% for 2009 with effect from 14 May 2010, (i.e. the day after the Annual Council meeting and in

line with the effective date recommended by the Panel for increases in Members' Allowances), in recognition of their time commitment and their important role.

## 81. E-PETITIONS

- 81.1 The Committee considered a report of the Director of Strategy & Governance concerning the outcome of the Council's pilot e-petitions facility and outlining the anticipated changes required by the Local Democracy, Economic Development and Construction (LDEDC) Act 2009.
- 81.2 The Managing Principal Solicitor with responsibility for the pilot highlighted the main changes proposed to the guidance and advised that a further report would be considered by the Committee when the legislation came into force.
- 81.3 Councillor Oxley added that the changes would allow the council to see whether signatories lived within Brighton & Hove or outside the city.
- 81.4 Councillor Taylor supported the continuing operation of the e-petitions facility and reported that he had received good feedback about it. He queried what would be done with the personal information of those who signed an e-petition.
- 81.5 The Managing Principal Solicitor advised that only names of signatories would be made public and sent to the petition originator; all other personal information would be kept by the council.
- 81.6 Councillor Mitchell asked that Members be advised of the outcomes in relation to two e-petitions relating to health functions that were not in the remit of the council.
- 81.7 The Chairman confirmed that the e-petitions had been referred to the Health Overview & Scrutiny Committee and instructed officers to circulate details of the outcomes.
- 81.8 In response to comments made by Councillors Mitchell and Simpson in relation to the threshold for triggering debate of a petition by the Full Council, the Managing Principal Solicitor explained that the threshold had to be achievable and the council would have a duty to review it after a period of time if it had not been met. She added that the council would need to be mindful that certain local issues would not be capable of reaching the threshold and consider how to deal with these issues.
- 81.9 The Chairman thanked the Democratic Services team for running the e-petitions facility and Councillor Mears, Leader of the Council, added her thanks.

## 81.10 RESOLVED –

- (1) That the Committee agrees and recommends to Council the following:
- (a) That the current e-petitions facility be retained.
  - (b) That the changes to the E-Petitions Guidance be approved.

- (2) That the likely changes that will be required to the Council's petition arrangements when the relevant provisions of the Local Democracy Economic Development and Construction Act 2009 (LDEDC) come into force be noted.
- (3) That, given the delay in bringing into force national legislative changes and associated Statutory Guidance, officers bring a further report to the Governance Committee with a draft amended petitions scheme when the LDEDC Act provisions are in force.

## **82. UPDATE ON IMPLEMENTATION OF THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009**

- 82.1 The Committee considered a report of the Director of Strategy & Governance updating Member on the implementation of those parts of the Local Democracy, Economic Development and Construction Act 2009 of most relevance to the council.
- 82.2 Councillor Elgood suggested that it could be beneficial to establish a cross-party working group of Members to consider the implications of the Act.
- 82.3 **RESOLVED** – That the report be noted.

## **83. COMMUNITY AND NEIGHBOURHOOD ENGAGEMENT**

- 83.1 The Committee considered a report of the Director of Strategy & Governance concerning community and neighbourhood engagement in the city and the focus of the formal review of Strengthening Communities activity.
- 83.2 Councillor Mitchell queried how the issues in the report related to the Community Engagement Framework, which had been through the scrutiny process. She was concerned that the intention was to centralise engagement activity and restrict grass roots involvement; she was particularly worried about the future of Local Action Teams (LATs) and the fact that the report did not mention any consultation with community groups. She added that commissioning work appeared to have ceased.
- 83.3 Councillor Simson gave assurances that there was no intention to undermine the grass roots organisations. The aim was to review how they could be better supported by the council and how they would be funded in the future; there was no desire to change the bottom-up approach that existed in the city.
- 83.4 Councillor Randall stated that he perceived the aims of the report as an attempt to tidy up the approach to engagement and ensure better use of the funding available. He advised that while there was an overlap between some groups, it would be difficult to interfere with the LATs in any way; they were very well-attended and the council's partner organisations were supportive of current structures. He added that information sharing between groups could be improved.
- 83.5 Councillor Elgood praised the network of community groups and the support provided by the council. He hoped that the council would add value to ongoing engagement activity and advised that more needed to be done to promote LATs through the council.

- 83.6 Councillor Simpson explained that she was concerned there would be a move towards a uniform approach to engagement across the city. She reported that the uniform nature of LATs and Schools Cluster groups had contributed to the disbanding of the Hollingdean Partnership, which had been very valuable for local people in her ward. The support available for the partnership had been diluted by the move towards more formal groups which focussed on specific issues rather than the whole community.
- 83.7 In response to a query from Councillor Taylor regarding Member involvement in the review of Strengthening Communities activity, the People and Place Co-ordinator explained that the intention was to involve the Members' Advisory Group (MAG), which had responsibility for allocating grant funding to community groups. She added that ward councillors would be indirectly engaged via their involvement with community groups, who would be consulted during the review.
- 83.8 Councillor Taylor expressed concern that the MAG would be involved and advised that a separate cross-party working group should be established.
- 83.9 Councillor Simson explained that the intention was to involve Members through the MAG because it was an established cross-party group with relevant expertise, however, a new working group could be set up if Members felt it appropriate.
- 83.10 Councillor Oxley moved an amendment to recommendation 2.1 proposing that the Committee agree to establishing a cross-party working group.
- 83.11 Councillor Mears formally seconded the amendment and opposition Members confirmed their support for the amendment (see 83.14 (1)).
- 83.12 In response to the comments made by Members the People and Place Co-ordinator made the following remarks:
- The main function of the Communities Team within the council was to support community groups and work towards strengthening existing engagement arrangements.
  - The Community Engagement Framework was a policy document that had been consulted upon extensively. It set out the principles of community engagement and was designed to enhance understanding.
  - The Strengthening Communities review would consider whether existing arrangements were working and how engagement activity would be funded in the future.
  - There was no intention to impose a uniform approach and the council supported the organic approach that existed in the city, recognising that choice was important.
  - The future of LATs would not be reviewed, however the police planned to review how LATs fed into their Joint Action Groups (JAGs).
  - Extensive consultation would take place as part of the review.
- 83.13 Councillor Mears advised that the cross-party working group should be set up along similar lines to the MAG.



83.14 **RESOLVED –**

- (1) That the public engagement work underway, the Framework and plethora of models developed according to community needs and priorities be noted, **and a cross-party working group be established.**
- (2) That the formal review of Strengthening Communities Commissioning activity be noted and agree that the Review should provide a way forward in providing recommendations for public engagement in the future. This will test the existing models and examine the need for further community decision making opportunities, (e.g., looking at LATs and how they feed into the Community Safety Forum etc).
- (3) That the outcomes of the review should include
  - A mapping and overview of the different forms and structures for public engagement that exist in the city, such as neighbourhood groups (e.g. LATS), and citywide representative activity, (such as that developed by the Community and Voluntary Sector Forum).
  - An analysis of the costs and benefits of community and neighbourhood engagement, including a breakdown of the costs and value of different models.
  - An analysis of the links between the Council's democratic and constitutional opportunities for engagement and those at grass roots level.
  - A quantitative and qualitative analysis and mapping of the various targeted neighbourhood initiatives in the city such as Family Pathfinder, Adult Advancement Centres and Turning the Tide, evaluating what works and determining any fundamental principles for future neighbourhood activity. Where possible, the review would include partner involvement in this and include Neighbourhood Policing and the PCT's work on health inequality.
  - An analysis of the value of the Council's current Discretionary Grants Programme in helping to support public and neighbourhood engagement.
  - To develop new policy and approach in line with the Council's organisational change processes and the move towards stronger commissioning, creating public value and desire to support local communities and economies and enable co-production of solutions at the local level.
- (4) That the review be completed by September 2010, (in time for the Council's budget setting processes), and submitted to Governance Committee and Cabinet, (as required by the constitution), for consideration and incorporating into budget approaches for 2011/12.
- (5) That written updates be provided to the Committee at every meeting between now and September 2010 and, where appropriate, Governance Committee attendance and involvement be requested in key aspects of the Review process.

**84. PROPOSALS FOR TRANSFORMING MEETINGS OF FULL COUNCIL**

- 84.1 The Committee considered a report of the Director of Strategy & Governance concerning the current operation of the Council procedure rules and proposing amendments to improve the way Council meetings operate.

- 84.2 Councillor Randall reported that the Green Group were opposed to many of the proposals and were concerned that they would serve to stifle democracy. He explained that his Group would like to see an additional Full Council meeting added to the timetable. While he welcomed the proposals in relation to oral Member questions, he could not support the limit of Notices of Motion (NoMs), reduced speaking times and the closure motion.
- 84.3 Councillor Elgood advised that the Liberal Democrat Group was also opposed to many of the proposals; he felt that Members and officers should continue to look for a consensus.
- 84.4 Councillor Mitchell stated that the Labour Group supported the recommendations and in particular that the limit on NoMs seemed adequate. She was interested to see how the changes to oral questions the operation of the closure motion would work in practice.
- 84.5 Councillor Mears explained that she had initially been concerned about the closure motion, but was happy to see how it worked. She added that it would be interesting to find out how all the proposals worked and what impact they would have.
- 84.6 The Chairman stated that it would be for the Full Council to vote on whether the meeting would be closed. He added that monitoring of any agreed changes would be key.
- 84.7 In response to concerns from Councillor Taylor concerning the decision to take the report to Full Council earlier than previously stated, the Chairman explained that the report had been considered by the Leaders Group and been consulted upon for three months; there was no reason to hold the report back when two others from the meeting would go to the March Full Council meeting.
- 84.8 The Head of Law advised that the limit on NoMs and changes to oral questions and speaking times should serve to make meetings shorter and more efficient, and therefore potentially negate the need to operate the closure motion.

84.9 **RESOLVED –**

(1) That the Committee:

- (i) Supports the proposed amendments to Council Procedure Rules as set out in paragraphs 4.3 (closure motion moved by Mayor), 5.4 (Members' Questions) 6.2 (Notices of Motion) and 8.2 (speaking times) and recommends to Council that they be approved.
- (ii) Agrees that, subject to Council approval, the changes come into force immediately after the Annual Council meeting in May 2010.

85. **PROTOCOL FOR STATISTICAL ANALYSIS DURING FUTURE WARD NAME CHANGE CONSULTATION EXERCISES**

- 85.1 The Committee considered a report of the Chief Executive concerning the proposals for a process for triggering the consideration of a possible ward name change.

85.2 The Chairman thanked officers for the clear report. He added that the 5% threshold trigger was appropriate and that it was important to keep ward councillors informed from the beginning of the process.

85.3 The Head of Law advised that the threshold with those suggested in other statutory guidance for local government. He also reminded Members that any decision on whether to proceed with a consultation would continue to be made by the Committee.

85.4 **RESOLVED –**

(1) That consideration of a proposal to change a ward name be triggered by submission to the Council of a petition signed by 5% of residents, or 500 people, whichever is greater, who are on the Electoral Register, and who provide a permanent address that can be verified as being within the ward in question.

(2) That, further to recommendation (1), the relevant ward councillors be consulted and their views taken into account before a report is put to the Governance Committee to consider authorising a formal consultation on the proposal.

**86. DESIGNATED POLLING STATIONS FOR 2010 GENERAL ELECTION**

86.1 The Committee considered a report of the Chief Executive concerning designated polling stations for the 2010 General Election.

86.2 **RESOLVED –**

(1) That the Returning Officer's designation of the Children's Centre, West Hove Infant School, as the polling station for the designated area SY, within Wish Ward be noted. (SY is an internal ward area reference used by the Electoral Services Team.)

(2) That the reversion to Craven Vale Resource Centre as a polling place for designated areas DY, part of East Brighton ward, and ES, part of Queens Park ward be noted. (DY and ES are internal ward area references used by the Electoral Services Team.)

**87. CHILDREN'S SERVICES SECTION 75 PARTNERSHIP AGREEMENTS**

87.1 The Committee considered a report of the Director Children's Services concerning proposed changes to the Council's existing partnership arrangements with the Primary Care Trust (PCT) and South Downs Health NHS Trust (SDH) in relation to Children's Services and addressing new draft Statutory Guidance in relation to Children's Trusts Boards.

87.2 In response to a question from Councillor Taylor regarding councillor membership of the new Children's Trust Board, Councillor Brown confirmed that there were no plans to change the cross-party make-up of the existing Board.

87.3 The Assistant Director for Strategic Commissioning & Governance for the Children & Young People's Trust explained that the proposals represented the creation of separate

agreements between the council and the PCT, and the council and SDH in respect of commissioning and provision. Two newly created Joint Management Groups of officers would meet regularly to monitor performance in relation to the agreements and the role of the Children's Trust Board would change to fulfil new statutory requirements. He added that the PCT had requested for issues escalated from their Joint Management Group to first go to their Strategic Commissioning Board before being taken further.

87.4 Councillor Oxley assured Councillor Taylor that the proposed new arrangements would in no way prevent scrutiny of the work carried out by all three organisations; monthly meetings of the officer groups would ensure that performance would be monitored more closely than had previously been possible.

87.5 **RESOLVED –**

- (1) That the proposed principles of the S75 agreements and the proposed governance arrangements be noted and any comments from the Committee be made known to Cabinet in time for its meeting on 11 March 2010.
- (2) That the proposed new duties in relation to establishing a Children's Trust Board be noted and that it be noted that the proposals would be taken forward by the Cabinet Member for Children and Young People.

**PART TWO SUMMARY**

**88. PART TWO MINUTES OF THE PREVIOUS MEETING**

88.1 **RESOLVED** - That the Part Two minutes of the meeting held on 12 January 2010 be approved as a correct record.

**89. EQUAL PAY UPDATE**

89.1 The Committee considered a verbal update from the Assistant Director for Human Resources updating them on the latest position with regard to equal pay negotiations.

89.2 **RESOLVED** – That the update be noted.

**90. PART TWO ITEMS**

89.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.

89.2 **RESOLVED** – That items 88 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.31pm

Signed

Chairman

Dated this

day of



**Councillor Jason Kitcat**

Brighton & Hove City Council  
King's House  
Grand Avenue  
Hove BN3 2LS

**Date:** 22 March 2010

**Our Ref:** JK/

**Your Ref:**

Dear Councillor Oxley

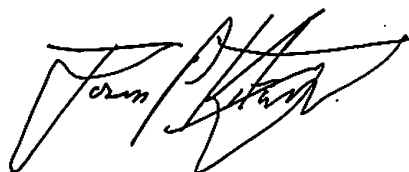
I am writing to you as chair of the Governance Committee to ask that you can clarify issues arising from the Full Council meeting held on Thursday 18<sup>th</sup> March.

At briefings before the meeting and during the meeting itself, senior officers cited "common law powers" which enabled the Mayor to make a number of unusual procedural changes to how the business of the meeting was conducted. These changes did not have a basis in the agreed Constitution of the Council, hence the need to call on the common law powers. I believe it would be helpful for all Members and senior officers if a briefing could be provided explaining the basis of the Mayor's common law powers and what they entitle the Mayor to do.

Now that revisions to the Council Constitution were agreed at the 18th March meeting, can I ask that revised pages are sent to Members for inclusion in their personal copies of the Constitution. Furthermore I ask that the copies held in the council chambers be updated to the latest version of the Constitution, as amended.

I look forward to your interest in these matters.

Yours sincerely



Councillor Jason Kitcat





**Subject:** Council Meetings and Powers of the Mayor  
**Date of Meeting:** 26 April 2010  
**Report of:** Director of Strategy and Governance  
**Contact Officer:** Name: Abraham Ghebre-Ghiorghis Tel: 29-1500  
E-mail: [abraham.ghebre-ghiorghis@brighton-hove.gov.uk](mailto:abraham.ghebre-ghiorghis@brighton-hove.gov.uk)  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This paper is in response to a letter from Councillor Kitcat dated 22 March 2010 asking for clarification about the common law powers of the Mayor, which is on the agenda under item 98a (i). It briefly mentions the various sources of legal authority for the powers of the person presiding at meetings and explains the process followed at the Council meeting on 18 March.

#### 2. RECOMMENDATIONS:

- 2.1 That the Governance Committee notes the report.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 The matters referred to in Councillor Kitcat's letter relate to two items discussed at the Council meeting on 18 March. The first related to a report on Members' allowances and the second to the draft Sustainable Community Strategy.
- 3.2 On the item regarding Members' allowances, concerns were expressed about aspects of the proposed amendments to the scheme at the Governance Committee and the Leaders Group. Although full Council had full authority to amend the recommendations, there was no consensus on the way forward. As the recommendations came from the Independent Remuneration Panel, it was felt important to involve the Panel in assisting the Council to find a way forward that had the support of all Members. It was therefore requested before the meeting that the item be deferred or withdrawn and the request was communicated to the Mayor.
- 3.3 Under Council procedure rule 7.4, the Mayor has the power to withdraw an item from the agenda providing Group Leaders are consulted. This does not require the Group Leaders to agree, only to be consulted. Following consultation with Group Leaders, it emerged that there was objection from at least one Group. Notwithstanding the fact that she had the power to withdraw the item, the Mayor decided not to exercise her right but to leave the deferral of the item to the full Council as a preliminary point. The Mayor asked the Leader to move the deferral motion and put it to a vote, which was carried. Far from following "unusual procedural changes" (with the implication that there was something improper) the

Mayor was allowing the Council to make a decision on whether it wanted the matter deferred notwithstanding the fact that she could have decided the matter herself. As this was a purely procedural motion, the Mayor, having taken advice, did not feel there was a need for a debate. Councillor Kitcat and others were briefed in detail about the exact procedure to be followed. The actions of the Mayor reflected the wish of the meeting and was consistent with the powers of the Mayor as described below.

- 3.4 The second item related to the draft Sustainable Community Strategy. There was consensus on all parts of the draft strategy except one chapter. In order to enable the wishes of the meeting to be better reflected in the resolution, the Mayor ruled (as was her right, and as happens frequently at meetings either at the request of Members or on the Chairman's own initiative) to take the vote in two parts. Again this allowed for the wishes of the true wishes of the Council to be reflected and there was nothing unusual or improper.

### 3.5 Powers of the Mayor

- 3.5.1 The Council's Standing Orders, although reasonably detailed, are not an exhaustive list of all the rules governing Council meetings. The total set of rules consists of:

- Acts of Parliament, in particular, the Local Government Act 1972;
- Secondary Legislation, including the Access to Meetings Regulations;
- The Common Law; and
- Custom and Practice.

- 3.5.2 The Local Government Act 1972 provides for the appointment of the Mayor, the term of office of the Mayor, the requirement to have an annual meeting, the procedure for calling a meeting, access to meetings and documents, the voting procedure (including the casting vote of the person presiding at the meeting.) Most of these are incorporated into the Council's Rules of Procedure. There are also detailed regulations (secondary legislation) governing access to Council, committee and cabinet meetings and access to documents, the forward plan, key decisions and the recording of decisions. Most, but not necessarily all, of these are incorporated into the Council's Standing Orders and other procedural documents in the constitution.

- 3.5.3 Where the position is not covered by legislation or the Council's rules of procedure, one has to look at the common law as well as custom and practice. Although an explanation of the whole of the common law of meetings is beyond the scope of this report, the role of the Chairman (or the Mayor) as they relate to the issues in question, is summarised in ***The Law and Practice of Local Authority Meetings*** by Raymond Knowles by saying:

“ From judicial decisions there has emerged a widely recognised catalogue of powers and duties of a chairman. Thus it is the duty of the chairman and his/her function:

- (a) To determine that the meeting is properly constituted and that a quorum is present;
- (b) To inform himself/herself as to the business and objects of the meeting

- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits of time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting;
- (i) To approve the draft of the minutes or other record of the proceedings
- (j) To adjourn the meeting when circumstances justify or require that course;
- (k) To declare the meeting closed when its business has been completed.”

3.5.4 Knowles goes on to say:

“Upon taking the chair at a meeting, the chairman (or whoever may be presiding) becomes invested with authority to regulate and control the proceedings for the purposes of the meeting. So long as the Chairman acts bona fide and remains in the chair he/she has virtually absolute rule. While acting in good faith, the chairman’s decisions, even if not strictly correct, will be upheld by the court provided no substantial injustice has arisen there from. If, however, the chairman acts improperly or mala fide, his/her decisions are not binding and in proper cases the court will intervene. The court will not normally intervene unless the complaint of irregularity comes from a representative majority of the meeting, but if a specific individual right is infringed, action could be taken by the party aggrieved.”

3.5.5 It should be recognised that not every aspect of a meeting is capable of being covered by Standing Orders. One therefore looks to the person presiding at the meeting to use their judgement and discretion in taking whatever action or decision they consider is appropriate having regard to the need for efficient despatch of business, fairness and reflecting, where possible, the wishes of those present. The fact that something is not expressly provided for in standing orders does not mean that the Mayor/Chair is precluded from exercising their discretion to facilitate the efficient despatch of business taking into account the sense of the meeting.

3.5.6 Where a particular procedural issue is not covered by legislation, standing orders or the general common law, the Mayor or Chair would be expected to use their discretion having regard to established custom and practice. This means that where the Council has a practice of doing things in a particular way, one would normally expect the Council to follow the custom and practice unless there is good reason, such as the procedure being inconsistent with the law or express rules of procedure. Some of the things that the Council does as custom and practice include prayers, Members standing when the Mayor enters or leaves, congratulating Members when they make their maiden speech, allowing people to speak at some meetings when there is no automatic right to speak, a minute’s silence in respect of people who have died and had association with the Council or the City, and respecting the Mayoralty.

### **3.6 Circulation of Amended Rules of Procedure**

3.6.1 The amended rules of procedure have been drafted and will be circulated in the next couple of weeks, well before the new rules come into force.

## **4. CONSULTATION**

4.1 The report was in response to a letter seeking clarification of rules and there was therefore no consultation.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

5.1 There are no financial implications arising from this report.

*Finance Officer Consulted: Peter Francis*

*Date: 16/04/10*

### Legal Implications:

5.2 These are incorporated in the body of the report and the guidance itself.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis*

*Date: 15/04/10*

### Equalities Implications:

5.3 There are no equalities implications directly arising from this report

### Sustainability Implications:

5.4 There are no sustainability implications arising from the report.

### Crime & Disorder Implications:

5.5 There are no crime and disorder implications arising from this report.

### Risk and Opportunity Management Implications:

5.6 None.

### Corporate / Citywide Implications:

5.7 The report is for clarification only and it is not proposing any changes. There are therefore no corporate or citywide implications arising from the report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents in Members' Rooms**

None

### **Background Documents:**

None



**Subject:** Call-in Requests  
**Date of Meeting:** 27 April 2010  
**Report of:** Director of Strategy and Governance  
**Contact Officer:** Name: Mark Wall Tel: 29-1006  
E-mail: mark.wall@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 In accordance with the Overview & Scrutiny Procedure Rules, the operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted (via the Governance Committee) to Council with proposals for review if necessary.

#### 2. RECOMMENDATIONS:

- 2.1 That the information be noted.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 Council procedural rules require that an annual report should be taken to the Governance Committee and Full Council detailing the number of call-in requests and whether any changes to the call-in process should be made.

- 3.2 There have been four call-in requests during 2009/10:

- (i) 6/10/2009 - ECSOSC - Pedestrian Network Phase 2  
The decision was taken by Cabinet on the 17/9/2009  
This decision was not referred back but further informal consultation was to be carried out.
- (ii) 6/10/2009 - ECSOSC - City parks Downland Management  
This decision was taken by the Environment CMM on the 6/10/2009  
This was referred back to the Environment Cabinet Member Meeting on the basis of:
- Lack of consultation with local conservation & wildlife groups;
  - Lack of information in the CMM report relating to cutting and composting of sites not being grazed;
  - Lack of analysis evidence in the CMM report on the lack of impact of the Downland Mowing Policy on a site by site basis.

CMM 5/11/09 - Decision

That, having taken into account the recommendations of the Environment & Community Safety Overview & Scrutiny Committee and the additional information provided by the Director of Environment, the Cabinet Member confirmed his decision of 24 September 2009 in relation to City parks Downland Management.

**(iii) 27/11/2009 - OSC**

Three-Year Strategic Grants 2010-13: Decisions on Full Bid Applications

The decision was taken by Cabinet on the 12/11/2009

This decision was not referred back to Cabinet. The Overview & Scrutiny Commission recommended that:

- (a) A policy and methodology review should be undertaken of the Three Year Grants by the Communities Team, with the Member Advisory Group, and this should be referred to Scrutiny in advance of commencement of the next Three Year Grant process and
- (b) The Communities Team and other relevant officers explore, as a matter of urgency, alternative sources of funding for the Crew Club, the Bridge, and other projects which had received no funding via this round of grants.

**(iv) 26/01/2010 - ECSOSC**

Hangleton Bottom - whether this should have been put on the Forward Plan

The decision was taken on by the Cabinet Member for Central Services at their meeting on the 18/1/2010.

The decision was not referred back to the CMM.

- 3.3 There have been no reports where for reasons of urgency an exemption from the requirements for the call-in period of the decision had been requested during the 2009/10 municipal year.

**4. CONSULTATION**

- 4.1 The information contained in the report is being reported to the Governance Committee where all party groups are represented, before being submitted to Full Council.

**5. FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 There are no financial implications arising from the report.

*Finance Officer Consulted: Anne Silley*

*Date: 31/03/10*



Legal Implications:

- 5.2 The information in this report complies with the requirements of the council's procedural rules.
- 5.3 There are no adverse Human Rights Act implications arising from this report.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 31/03/10*

Equalities Implications:

- 5.4 There are no direct equalities implications arising from the report.

Sustainability Implications:

- 5.5 None arising directly from this report

Crime & Disorder Implications:

- 5.6 None arising directly from this report.

Risk and Opportunity Management Implications:

- 5.7 None arising directly from this report.

Corporate / Citywide Implications:

- 5.8 None arising directly from this report.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents in Members' Rooms**

None

**Background Documents:**

None



**Subject:** Strengthening Communities Review – Progress Update

**Date of Meeting:** 27 April 2010

**Report of:** Director of Strategy and Governance

**Contact Officer:** Name: Nicky Cambridge Tel: 29-6827  
E-mail: [nicky.cambridge@brighton-hove.gov.uk](mailto:nicky.cambridge@brighton-hove.gov.uk)

**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.1 At the Governance Committee meeting of 9 March 2010, Members agreed to the implementation of a strategic Review of neighbourhood and community engagement. It was agreed that the Review would test existing models and provide recommendations for a range of public engagement activities into the future.

1.2 It was also agreed that:

- Written updates be provided to the Committee at every meeting between now and September 2010 and where appropriate, Governance Committee attendance and involvement be requested in key aspects of the Review process.
- That a cross party working group be established to ensure Member involvement in the work.

#### 2. RECOMMENDATIONS:

2.1 That the Committee notes that the review is underway.

2.2 That the Committee note the content of this written update.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 Since the March Committee meeting work has commenced on the review. A scoping exercise is underway to establish the parameters of the work and a timeline is being agreed which will illustrate key milestones and dates for review reports and publication.

3.2 A package of additional funding has been identified to enable the purchase of independent evaluation which will focus on consultation with local people involved in neighbourhood forums and city wide activity. The work will examine whether residents who have been involved in groups such as Neighbourhood

Forums feel that they have been more able to influence decision making. The funding has been identified through fundraising activity including an allocation from the Stronger Communities Partnership.

- 3.3 The first meeting of the cross party Members group will take place in May and will be coordinated by the Head of Communities and Equality.
- 3.4 In addition it has been agreed that the new Local Engagement Working Group will ensure Senior Officer involvement in the Review. The group includes service leads for engagement (e.g. Housing Participation, Community Safety and Adult Social Care personalisation).
- 3.5 The Review is also to be discussed at the Stronger Communities Partnership of the LSP, at which cross sector leads for engagement will be able to regularly contribute to the work.
- 3.6 Desk top research has commenced which is looking at the range of evaluation and impact reports that exist in relation to neighbourhood and community engagement in the city.
- 3.7 Discussions have commenced with Senior Officers responsible for engagement activity in their departments. These aim to identify engagement work across the Authority and consider impact, duplication and possible areas of improvement.

#### **4. CONSULTATION**

- 4.1 Consultation with a huge range of stakeholders is embedded throughout the Review process and will include the cross party Member group.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The review of Strengthening Communities Commissioning activity will be funded in 2010/11 within resources identified within the Policy Unit's budget and funds available to strategic partnerships through LPSA Reward Grant. External funding has been identified to secure independent evaluation.
- 5.2 The longer term sustainability of this activity will need to be considered in developing the Council's budget for 2011/12 and beyond.

*Finance Officer Consulted: Anne Silley*

*Date: 07/04/10*

##### Legal Implications:

- 5.3 The proposals in the report are consistent with the Council's legal powers and duties.

*Lawyer Consulted:*

*Abraham Ghebre-Ghiorghis*

*Date: 16/04/10*

Equalities Implications:

- 5.4 The Strengthening Communities Review will analyse the extent to which community engagement provides effective opportunities for a range of minority groups and deprived geographical areas to have a voice in Council decision making processes. Where possible, the Review will also analyse the integration of these people and place agendas and made recommendations for further improvement areas.

Sustainability Implications:

- 5.5 The Strengthening Communities Review will analyse the extent to which community engagement enables both minority groups and neighbourhoods to play an active part in sustainability activity. This will include a review of commissioning outcomes with a view to consider this area of work more in the future.

Crime & Disorder Implications:

- 5.6 On behalf of the Safe in the City Partnership, the Partnership Community Safety Team (PCST), Communities against Drugs and Environment Improvement Teams deliver a range of activities which engage and build cohesive communities. Some of these activities are integrated within the delivery plans of priority crime areas: facilitating the community led Racial Harassment Forum is one example of that. Other work such as supporting the network of Local Action Teams link closely with meeting the delivery requirements of Neighbourhood Policing and as such, have specific outcomes which are about identifying local policing priorities and delivering community safety solutions in partnership with local people. The PCST carries out targeted work with refugee and migrant individuals and communities and its programme of activities to 'build resilience to violent extremism' is a specific programme of work with Muslim and other faith based communities. Performance on this programme is measured against national indicators within the LAA process.
- 5.7 The Partnership looks forward to participating within the strategic review of neighbourhood and community engagement' and achieving a consistent approach across the City

Risk and Opportunity Management Implications:

- 5.8 This will be analysed through the Strengthening Communities Review.

Corporate / Citywide Implications:

- 5.9 This will be analysed through the Strengthening Communities Review.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

None

### **Documents In Members' Rooms**

None

### **Background Documents:**

None

**Subject:** Update on HR/Payroll and Recruitment System Implementation

**Date of Meeting:** 27 April 2010

**Report of:** Director of Strategy and Governance

**Contact Officer:** Name: Mark Green Tel: 29-3141  
E-mail: mark.green@brighton-hove.gov.uk

**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this paper is to provide a progress update to the Governance Committee on the implementation of the new integrated HR/Payroll and Recruitment System that was approved at the 15 January 2009 Cabinet Meeting. This paper builds upon the verbal update that was provided to the Governance Committee held on the 17 November 2009

#### 2. RECOMMENDATIONS:

- 2.1 That the Committee notes the current position in regards to the implementation of the new HR/Payroll and Recruitment System.
- 2.2 That a further update to be provided to the Governance Committee after the new system goes live.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 The HR/Payroll systems being replaced do not meet our current and planned needs. Although existing systems have served us well, replacement had become essential - to the best of our knowledge Brighton and Hove is the only unitary authority in the UK that uses Team Spirit.
- 3.2 The new system is an integrated post based HR/Payroll system. A post based system allows employee transactions to be completed more efficiently. The new system enables the single keying of employee transactions e.g. time and attendance sheets, expenses, annual leave, starters, leavers etc. The previous recruitment management system has also been replaced.
- 3.3 In addition to being more efficient in terms of processing speeds and volumes, the new system reduces carbon footprint; provides automated reporting, enables better budgetary control as well as increasing the safety and robustness of the payroll function.
- 3.4 The system will allow on line access to information for both employee and line managers to view and change personal data against set security protocols.

## **Context**

- 3.5 In order to go live with the new system appropriate levels of assurances are required; until such time as the correct level of assurance is in place the intention is to maintain our existing payroll system.
- 3.6 The new system utilises two key software suites: Midland HR (ITrent) provides the HR/Payroll system whilst the Recruitment element is provided by Stepstone (IGrasp).
- 3.7 A two phase approach has been adopted to deliver this project.
- Phase 1 which is due to be delivered progressively from April 2010 provides an integrated HR and Payroll system covering: Payroll, Core HR Activities, Absence, Reporting, Recruitment management
  - Phase 2 which is due to be completed by April 2011 will provide HR functionality for: Learning and Development, Health and Safety and Employee & Line Manager Access to the system

## **Progress to date**

- 3.8 Project management disciplines are used to support the delivery of this project. There is a monthly reporting protocol to a Project Board. There are project assurance gateways in place:
1. Procurement
  2. Design & Build
  3. User Test
  4. Preparation for go live
- 3.9 Assurance audits 1, 2 and 3 have been completed. All phases have been given substantial assurance by (Deloitte) our external auditors. Assurance audit 4 is in the process of being completed.
- 3.10 The new recruitment system went live to our customers on the 6 April. The customer experience appears positive – to date no complaints have been received. We are in the process of undertaking an on-line survey with customers to identify improvement opportunities.
- 3.11 We are in month two of parallel running the new Payroll system. This involves running payrolls for: Last Banking Day, Teachers, Supply, GM, Supplementary and Weekly Payrolls. Payrolls are being reconciled across both systems to ensure the appropriate levels of assurance are in place.
- 3.12 The Last Banking Day payroll (monthly pay) is the key payroll to reconcile – additional resource has been allocated to manage this reconciliation. Until we can satisfactorily complete the reconciliation we will continue to pay out of Team Spirit.
- 3.13 A number of key HR/Payroll activities are now in place for the new system and include:



1. The end to end payroll process works properly – including running BACS and printing (in a timely way) payslips
2. Reporting functionality is in place – all key reports have been written and are available for use and an email alert system is also in place
3. HR helpline is in place 01273 (29)1111 and will be rolled out progressively in line with the new payroll system
4. E Learning packages are being developed – the first one on the new payslip has been completed.

### **Next steps**

- 3.14 Complete the payroll reconciliation and then go live on the new payroll system. For employees this will mean a change of payroll number and a new payslip n.b. any employee with an email account will be given the opportunity to receive their pay slip electronically. For managers there will be better information to support reporting and an option for line managers to view employee data against security protocols.
- 3.15 Effective engagement and communications remain a key challenge - this is about users understanding the system and in some areas to work differently so that improvements and efficiencies can be maintained and sustained e.g. as opposed to writing or faxing data it may mean keying in data.
- 3.16 All key stakeholders have been identified and engagement and communications have been agreed to help ensure appropriate levels of awareness whilst ensure that learning points and experiences from other projects are captured.
- 3.17 With this in mind a number of interventions have taken place and others are planned which include:
  1. A demonstration of the system and initial consultation with trade unions has taken place and ongoing a dialogue will continue.
  2. An update paper has been provided to the Staff Consultation Committee in December
  3. Demonstrations of the system are planned for the staff conference in May
  4. Road shows will take place during 2010
  5. Demonstrations of the new system including both employee and line manager on line access has been prepared with road shows running from 2010
  6. E Learning packages are being developed
  7. Pilot units to trial manager self serve have been identified and work has commenced to support this activity.

## **4. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 4.1 The project budget and any variances are reported on a monthly basis to the Project Board. The project is currently forecast to deliver within budget. Financial and service benefits set out in the original business case are scheduled to be delivered progressively from April 2010.

4.2 The project is running within the budgetary constraints that have been authorised

*Finance Officer Consulted: Patrick Rice*

*Date: 15/04/10*

Legal Implications:

4.3 This report is for information only and is brought to the Governance Committee in its capacity as general purposes committee for non-executive functions.

*Lawyer Consulted:*

*Oliver Dixon*

*Date: 16/04/10*

Equalities Implications:

4.4 The HR/ Payroll and Recruitment System will support improved diversity monitoring across a range of employment related issues. An equalities impact assessment of the system was prepared prior to contract award and will be reconfirmed during the test phases and the outcomes will be reviewed as part of the overall approval process.

Sustainability Implications:

4.5 The HR and Payroll System contract was awarded in line with the Council's sustainability strategy. The provision of an integrated HR and Payroll Management Information System will improve the council's carbon footprint by significantly reducing the amount of paper and manual processes through electronic transmission of data. The carbon footprint will be further reduced by introducing Employee and Manager Self Service and by reducing the council's direct energy use by having the system hosted externally.

Crime & Disorder Implications:

4.6 The HR and Payroll System will improve the management of all necessary employment checks prior to employment commencing or on renewal of registration. This will include Criminal Records Bureau, the new ISA Safeguarding Regulations Child Protection Register, Right to Work in the UK, references and health checks.

Risk and Opportunity Management Implications:

4.7 A risk and opportunity log is maintained and is formally reviewed by the Project Board and interventions are in place to ameliorate the risks as appropriate

4.8 The major risk is around reconciliation. If we cannot achieve appropriate assurance levels on payroll this will delay implementation significantly and may require a new data migration exercise. Should this be necessary then some of the identified system savings would be at risk. Plans are in place to ameliorate this risk.

Corporate / Citywide Implications:

4.9 The delivery of a new HR and payroll system supports the corporate strategy of value for money services. Detailed at Appendix 1 is the realisation plan.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

Appendix A – Benefits Realisation Plan

### **Documents in Members' Rooms**

None

### **Background Documents:**

None



**BENEFITS REALISATION PLAN**

The delivery of a new HR & Payroll system supports the corporate strategy of value for money services for both the employees and residents of Brighton & Hove. The project supports the BHCC corporate plan objectives as described in the following table, the majority of which will be realised progressively from April 2010.

BHCC Objective	Project Objective	Realised from April 2010
Value for Money /Added Value	<ul style="list-style-type: none"> <li>• Processing speeds will reduce administration costs</li> <li>• Simplified process will enable increased volume and reduced costs</li> <li>• Ensure that data only has to be entered once</li> <li>• Capacity to develop Shared Service for other 3<sup>rd</sup> parties</li> <li>• Resource released either as a cost saving or to deliver added value</li> <li>• Build a business focussed relationship between HR and the line</li> <li>• Compatible with most 3rd party supplier products</li> </ul>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>ongoing activity</p> <p>Y</p>
Environment	<ul style="list-style-type: none"> <li>• Reduced print, paper, toner and files:               <ul style="list-style-type: none"> <li>-Electronic filing</li> <li>-Electronic pay slips</li> <li>-Electronic transmission of overtime,</li> <li>-time-sheets, mileage and other subsistence claims</li> </ul> </li> <li>• Reduced carbon footprint on IT infrastructure</li> <li>• Improved working environment</li> </ul>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>
Employer of Choice	<ul style="list-style-type: none"> <li>• Manager and staff access to self service for key employee data and online payslips</li> <li>• Intuitive to customer needs</li> <li>• Automated customer prompts and reports</li> <li>• Management information for timely decision making</li> </ul>	<p>Y</p>

**Item 102 Appendix A**

Probity and Control	<ul style="list-style-type: none"><li>• Better budgetary and cost control</li><li>• Better control of organisational structures, rates of pay &amp; allowances</li><li>• Increased safety &amp; robustness of payroll function</li><li>• Common standards and protocols</li><li>• Secured data sources</li></ul>	Y Y Y Y Y
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<b>Subject:</b>	<b>Development of the new Dignity and Respect at Work Policy</b>		
<b>Date of Meeting:</b>	<b>27 April 2010</b>		
<b>Report of:</b>	<b>Director of Strategy and Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Charlotte Thomas</b>	<b>Tel:</b> 29-1290
	<b>E-mail:</b>	<b>charlotte.thomas@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of the report is to provide the Governance Committee with a position statement on the development of the new Dignity and Respect at Work Policy.

#### 2. RECOMMENDATIONS:

- 2.1 That the Committee notes the contents of the report and the intention to bring the final draft of the policy to the Governance Committee for consideration at its next meeting to be held on 13 July 2010.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

##### Project drivers

- 3.1 The council has a legal duty to protect employees' health, safety and welfare at work and is liable for the actions of its staff whilst at work. Failure to prevent bullying or harassment in the workplace may expose the council to a number of legal consequences including claims of unlawful discrimination.
- 3.2 In addition, the effect of bullying and harassment on the individual can be devastating causing fear, stress, anxiety and a range of other physiological and psychological health issues, low morale and self-esteem. This in turn can have a major impact on the organisation's reputation as a good employer and its ability to deliver excellent customer service.
- 3.3 There are, therefore, strong moral, ethical and business reasons for having a policy that encourages positive behaviour and aims to minimise the incidence of bullying and harassment in the workplace.
- 3.4 The council already has in place a number of policies, including a Harassment at Work Policy, that support the health, safety and well-being of our employees at work.

- 3.5 However, despite the council having a Harassment at Work Policy there was evidence from a number of sources including Staff Surveys and grievances raised by individuals to indicate that some staff were continuing to experience unacceptable behaviour at work.

### **Approach to the project**

- 3.6 In view of these findings, it was felt that the council could improve its approach to bullying and harassment in the workplace.
- 3.7 It was recognised at the outset, that to be successful, the development of a new policy needed to be actively supported and driven by senior management at the top of the organisation.
- 3.8 It was also considered essential for ultimate success to engage staff in the work at an early stage by asking the recognised trade unions and Staff Forums to participate. This would enable any shortcomings of the current policy to be identified and addressed so that the revised policy would be fit for purpose.
- 3.9 Council Members were involved through the Overview & Scrutiny function.
- 3.10 A working group was set up with senior representatives from each directorate and a member from each of the council's minority Workers' Forums. Although invited, the trade unions chose to work closely with us but outside the confines of the formal working group.
- 3.11 Dr Karen McIvor, an academic with a background of research and training in bullying and harassment in the workplace was also engaged to provide specialist expertise and act as a critical friend for the group. Dr McIvor had been a Research Fellow at the University of Portsmouth. In this role she had worked on a DTI/Amicus Dignity at Work Partnership sponsored project identifying effective interventions for bullying and harassment in the workplace.
- 3.12 The aim of the project group was to develop a policy that would enable the council to develop and maintain a workforce culture in which all staff are respected and treated with dignity. Key elements were to include:
- clear standards of acceptable behaviour
  - processes to enable staff to raise concerns with confidence, either informally or formally
  - support mechanisms for employees experiencing or witnessing bullying or harassment
  - a clear process for tackling inappropriate behaviour with particular emphasis on early informal interventions to prevent matters escalating and becoming more difficult to resolve.

### **Project outcomes**

- 3.13 The work undertaken by the working group has resulted in the development of a new Dignity and Respect at Work Policy. It consists of 2 parts. The first part is a policy statement setting out the aims of the policy, the roles and responsibilities within it as well as examples of acceptable and unacceptable behaviour. The



second part details the various approaches the council intends to take when dealing with bullying and harassment issues.

- 3.14 The new policy incorporates a number of key changes from the existing one. These changes have been made in direct response to the feedback received from the trade unions and the Staff Workers' Forums on the current policy and the issues often faced by staff who have been the subject of bullying or harassment. The changes are specifically designed to encourage staff to come forward if they have concerns about inappropriate behaviour and to build confidence in the council's processes for dealing with bullying and harassment issues.
- 3.15 Senior managers, the trade unions and Staff Workers' Forums have been formally consulted on the draft policy and changes have been made in light of the feedback received.
- 3.16 In addition, Members sitting on the Dignity at Work Scrutiny Panel have recently taken evidence from both management and staff sides on the development of the new policy. The Panel is in the process of reviewing the information it has gathered and will be tabling its recommendations to the Overview & Scrutiny Commission at its next meeting to be held on 27 April 2010.
- 3.17 In view of this, it is proposed to bring the final version of the draft policy to the Governance Committee for consideration at its meeting on 13 July 2010.

#### **4. CONSULTATION**

- 4.1 Senior managers, the trade unions and Staff Forums have been consulted on the new policy and, wherever possible, their comments have been taken into account.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no financial implications associated with this report. Any implications arising from the policy will be identified at the next stage.

*Finance Officer Consulted: Anne Silley*

*Date: 15/04/10*

##### Legal Implications:

- 5.2 The objectives of the proposed policy and the methodology being used to develop it are consistent with legal requirements.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis*

*Date: 15/04/10*

##### Equalities Implications:

- 5.3 There are no equalities implications associated with this report.

Sustainability Implications:

5.4 There are no sustainability implications associated with this report.

Crime & Disorder Implications:

5.5 None.

Risk and Opportunity Management Implications:

5.6 None.

Corporate / Citywide Implications:

5.13 None.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents in Members' Rooms**

None

**Background Documents:**

None

Document is Restricted

