



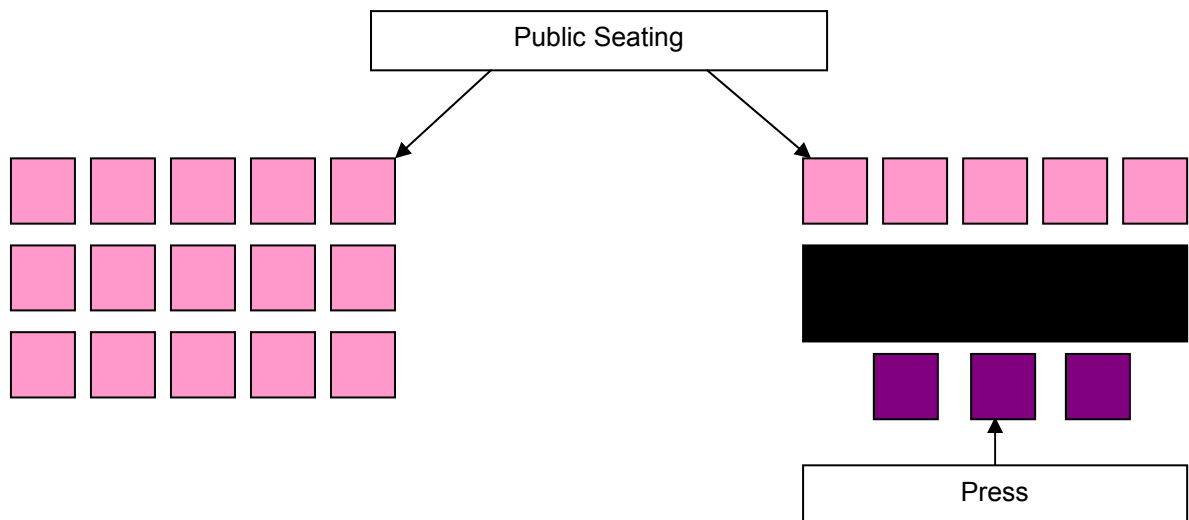
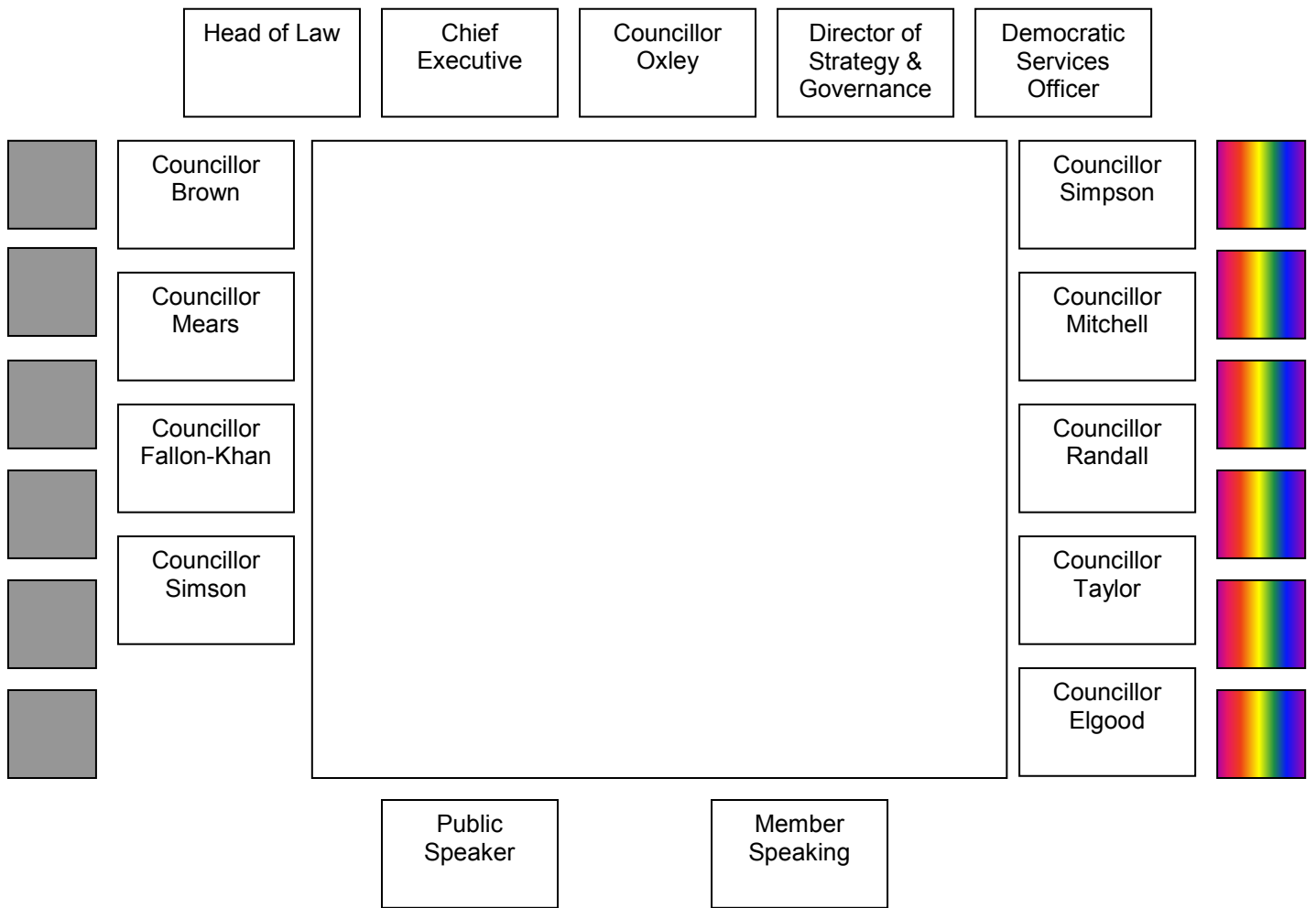
**Brighton & Hove
City Council**

Governance Committee

Title:	Governance Committee
Date:	17 November 2009
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Oxley (Chairman), Simpson, Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor
Contact:	Tanya Massey Senior Democratic Services Officer 29-1227 tanya.massey@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

36. 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.

37. MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 22 September 2009 (copy attached).

38. CHAIRMAN'S COMMUNICATIONS

39. CALLOVER

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

40. PETITIONS

No petitions received by date of publication.

41. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 10 November 2009)

No public questions received by date of publication.

GOVERNANCE COMMITTEE

42. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 10 November 2009)

No deputations received by date of publication.

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

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

44. ADMINISTRATIVE BOUNDARY REVIEW - SALTDEAN 19 - 34

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

Contact Officer: Oliver Dixon *Tel:* 29-1512

Ward Affected: Rottingdean Coastal

45. PLACE SURVEY 2008: FINDINGS AND COMPARATOR RESULTS 35 - 52

(i) Extract from the proceedings of the Overview & Scrutiny Commission meeting held on the 8 September 2009 (copy attached).

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

Contact Officer: Paula Black *Tel:* 29-1740

Ward Affected: All Wards

46. INFORMATION UPDATE ON IMPLEMENTATION OF NEW HR AND PAYROLL SYSTEM 53 - 58

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

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

Ward Affected: All Wards

47. WHISTLEBLOWING POLICY AND OPERATION OF THE COUNCIL'S WHISTLEBLOWING FUNCTION 59 - 64

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

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

Ward Affected: All Wards

48. PATCHAM WARD AND STANFORD WARD - CHANGE OF NAME CONSULTATION 65 - 68

Report of the Chief Executive (copy attached).

Contact Officer: Paul Holloway *Tel:* 29-2005

Ward Affected: Patcham; Stanford

GOVERNANCE COMMITTEE

- 49. SCRUTINY GOOD PRACTICE** **69 - 82**
- Report of the Director of Strategy & Governance (copy attached).
- Contact Officer:* Tom Hook *Tel:* 29-1110
Ward Affected: All Wards
- 50. GUIDANCE TO MEMBERS ON CONFIDENTIAL INFORMATION** **83 - 96**
- Report of the Director of Strategy & Governance (copy attached).
- Contact Officer:* Abraham Ghebre- *Tel:* 29-1500
Ghiorghis
Ward Affected: All Wards
- 51. MEMBERS' WEB PAGES GUIDANCE - REVIEW OF GUIDANCE** **97 - 116**
- Report of the Director of Strategy & Governance (copy attached).
- (i) Draft extract from the proceedings of the Governance Committee meeting held on 22 September 2009 (copy attached).
- (ii) Report of the Director of Strategy & Governance of 22 September 2009 (copy attached).
- Contact Officer:* Abraham Ghebre- *Tel:* 29-1500
Ghiorghis
Ward Affected: All Wards

Part Two

Page

- 52. PART TWO MINUTES OF THE PREVIOUS MEETING** **117 - 118**
- Part Two minutes of the meeting held on 22 September 2009 (copy circulated to Members only).
- 53. EQUAL PAY**
- [Exempt Categories 4 & 5]
- Verbal update from the Head of Policy.
- 54. 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.

GOVERNANCE COMMITTEE

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

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

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

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

For further details and general enquiries about this meeting contact Tanya Massey, (29-1227, email tanya.massey@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 9 November 2009

Draft Work Plan for the Governance Committee – 2009-10

	Agenda Item	Lead Officer
	Meeting Tuesday 12 January 2010	
	Chairman's communications	
1	HR Functions of the Governance Committee	Abraham Ghebre-Ghiorghis
2	Bye laws – update on current position at BHCC and impact of new provisions under Local Government and Public involvement in Health Act 2007	Oliver Dixon
3	Casework software	Mark Wall
4	12 month review of Council's Constitution	Elizabeth Culbert
	Meeting Tuesday 9 March 2010	
	Chairman's communications	
1	Independent Remuneration Panel Report on Members' Allowances	Mark Wall
2	E-Petitions – review of working and update on legislation	Elizabeth Culbert
	Meeting Tuesday 27 April 2010	
	Chairman's communications	
1	Counter Fraud Strategy - Update	Ian Withers
2	Code of Corporate Governance - Update	Ian Withers
3	Annual report on urgent decisions exempt from scrutiny	Mark Wall

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00PM 22 SEPTEMBER 2009

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

17. PROCEDURAL BUSINESS

17a Declaration of Substitutes

17a.1 There were no declarations of substitutes.

17b Declarations of Interest

1b.1 There were none.

17c Exclusion of Press and Public

17c.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).

17c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 34 onwards.

18. MINUTES OF THE PREVIOUS MEETING

18.1 **RESOLVED** - That the minutes of the meeting held on 7 July 2009 be approved as a correct record.

19. CHAIRMAN'S COMMUNICATIONS

19.1 The Chairman updated Members on the renamed Civic Awareness Project (formerly known as 'Improving the Civic Offer'):

- Adam Trimmingham had been asked to chair a ‘task and finish’ commission focussing on how to take the project forward; Groups had been asked to nominate Members and former councillor Andy Durr and Jim Buttimer would be participating.
- A seminar for Members on how best to make use of the Council’s Constitution was planned 9 October with the aim of enhancing understanding of the opportunities within the Constitution for Members and residents to interface with the Council’s decision-making process.
- Three-cornered working through Scrutiny was progressing and proposals in relation to Cabinet Member Meetings were also moving forward.
- The review of the Council’s Constitution had begun and Members would be asked to provide comments.

19.2 The Chairman thanked all colleagues who had worked collaboratively on the project.

20. CALLOVER

20.1 **RESOLVED** - That all the items be reserved for discussion.

21. PETITIONS

21.1 There were none.

22. PUBLIC QUESTIONS

22.1 There were none.

23. DEPUTATIONS

34.1 The Committee considered a deputation presented by Mr Lawrence O’Connor. Mr O’Connor spoke on behalf of Saltdean Residents’ Association who were campaigning for the unification of the Saltdean area under one local authority. Saltdean was currently split between Brighton & Hove City Council and Lewes District Council and this has resulted in confusion and unnecessary bureaucracy therefore the deputation requested that the Council to undertake a coordinated survey to determine the will of residents in Saltdean.

34.2 Councillor Mears stated that as ward councillors, she and Councillor Smith understood the practical problems encountered by residents and supported a report coming forward on the issue.

34.3 Opposition councillors spoke in support of a report being prepared to consider the matter of unification and consulting the residents of Saltdean on the matter, and were sympathetic to the issues raised by the current situation.

34.4 In response to queries from opposition councillors regarding the need for full Council involvement in the issue, the Head of Law confirmed that, following consultation, the Council’s view would be determined by the Cabinet as it was an executive function and was not a local choice function that could be reserved for full Council; ultimately the

decision would be taken by the Boundary Commission. He added that a report could go to the full Council for information.

34.5 The Chairman confirmed that the deputees would be notified when a report was forthcoming.

34.6 **RESOLVED –**

(1) That the deputation be noted.

(2) That a report be prepared.

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

24.1 There were none.

25. PATCHAM WARD AND STANFORD WARD - CHANGE OF NAME

25.1 The Committee considered a report of the Acting Chief Executive concerning a proposed consultation exercise for changing the name of two Council Wards (for copy see minute book).

25.2 The Electoral Services Manager explained that the proposal to change the name of Patcham Ward arose following the change of name in the Hollingdean and Stanmer Ward in November 2008 and that the proposal to change the name of Stanford Ward arose resulted from a petition signed by 21 residents, which was presented to Council on 4 December 2008.

25.3 The Chairman confirmed that following the consultation a Special Meeting of the Council would be called on 10 December 2009 and held prior to the scheduled meeting of the Council.

25.4 Councillor Simpson stated that she supported the proposal to consult, but hoped that any changes that resulted were properly publicised to ensure that council publications used the correct Ward names.

25.5 Councillor Brown, councillor for Stanford Ward, stated that while she understood the need to consider changes to Ward names for reasons of geographical clarity, this was not the case with the proposal for her Ward; she was concerned that an important historical reference to the Stanford Estate could be lost on the strength of a petition with a relatively small number of signatures.

25.6 The Assistant Director for Customer Services confirmed that a similar consultation process to that followed for the Hollingdean & Stanmer proposal would be used, but that feedback on that process had been incorporated into the new approach.

25.7 In response to queries by opposition councillors the Head of Law explained that changes to Ward names was a function that was reserved to the full Council by virtue of Section 59 of the Local Government and Public Involvement in Health Act 2007.

25.8 **RESOLVED** -That the Committee a consultation exercise regarding the proposed electoral area name changes to the current Patcham and Stanford Wards be agreed.

26. **RESPONSE TO CLG 'STRENGTHENING LOCAL DEMOCRACY' CONSULTATION PAPER**

26.1 The Committee considered a report of the Acting Director of Strategy & Governance which outlined the recent consultation paper, 'Strengthening Local Democracy' issued by the Department of Communities and Local Government and the Council's proposed response (for copy see minute book).

26.2 Councillor Mitchell moved an amendment to the proposed response, seconded by Councillor Simpson.

26.3 Councillor Mitchell explained that she wished to amend the proposed responses to questions 11, 14, 15, 16, 20 and 21 and made the following comments:

- Question 11: the Government should be asking Council's to demonstrate both competence and confidence in return for greater powers.
- Question 15: the response needed to be stronger and suggest greater flexibility through implementation of local policies.
- Question 16: it would be key for local authorities to set an example, but with central Government taking the lead and working closely with local authorities.
- Question 20: there was a need for clear and effective regional and sub-regional working.

26.4 The Chairman stated that while the Conservative Members supported most of the amendments, with regard to Question 20 they were confident that Council's could co-operate across borders.

26.5 The Chairman put each Labour amendment to the responses to the vote individually:

- | | |
|---------------|----------------------|
| ▪ Response 11 | The vote was carried |
| ▪ Response 14 | The vote was carried |
| ▪ Response 15 | The vote was carried |
| ▪ Response 16 | The vote was carried |
| ▪ Response 20 | The vote was lost |
| ▪ Response 21 | The vote was carried |

26.6 Councillor Randall moved a further amendment to the proposed response, seconded by Councillor Taylor.

26.7 Councillor Randall explained that he wished to amend the proposed responses to questions 15 and 16 and agreed that his proposed amendment to response 15 be taken as two separate parts.

26.8 Councillor Mears stated that she was sympathetic to the request to simplify the insulation grant regime, but explained that, when a similar suggestion was debated through a Notice of Motion at Council, concerns were raised about the cost to the taxpayer of insulating all homes.

- 26.9 Councillor Fallon-Khan added that the Council could not commit to increasing Council tax to provide insulation for all because of the detrimental effect on low income families.
- 26.10 Councillor Simpson echoed the comments from Councillor Fallon-Khan and was concerned that the suggestion made in relation to food consumption would restrict choice rather than raise awareness.
- 26.11 Councillor Elgood spoke in support the Green proposal for local authorities to expand insulation programmes to all homes and added that clearer intentions from the Government would be helpful.
- 26.12 The Chairman stated that the both the proposals in relation to food consumption and transport served to restrict individual choice.
- 26.13 Councillor Randall explained that the 44% of CO₂ emissions in the city came from domestic premises, which was higher than the national average, and by expanding insulation programmes the city would benefit. The proposals in relation to food consumption were needed to tackle the issue of methane produced by livestock, which contributed to air pollution.
- 26.14 The Chairman put each Green amendment to the responses to the vote individually:
- Response 15 (amendment A) The vote was lost
 - Response 15 (amendment B) The vote was lost
 - Response 16 The vote was lost
- 26.15 **RESOLVED** - That Members agree the draft response to the consultation questions as amended (see Appendix 1 to the minutes), to include the comments from Overview and Scrutiny Commission as detailed in Appendix 3 to the report.

27. 'GET INVOLVED' CAMPAIGN

- 27.1 The Committee considered a report of the Acting Director of Strategy & Governance which summarised proposals for a 9 month 'Get Involved' local democracy and citizenship campaign, beginning with a launch day on Saturday 21 November 2009 (for copy see minute book).
- 27.2 Councillor Simson explained that the campaign presented an opportunity to try out the Council's Community Engagement Framework and that partners had enthusiastically welcomed the campaign.
- 27.3 Councillor Mitchell welcomed the campaign and asked that promotion of the role of scrutiny be factored to the programme; she added that it was important that involvement of Members in events was politically balanced.
- 27.4 Councillor Fallon-Khan assured Members that the campaign was a programme of events for the city's residents and was not intended to be political. The findings of the Place Survey 2008 were a factor in the development of the campaign and the Council hoped to increase turnout at elections and participation in all aspects of local decision-making.

- 27.5 The Central Policy Development Team Manager explained that the campaign was also about encouraging residents to become involved in their local communities and that increasing awareness was part of the aim. She added that an Equalities Impact Assessment was ongoing and that this would inform the proposed activities and the groups targeted.
- 27.6 Councillor Elgood requested that consideration be given to engaging students in the campaign and to opening up the Council's civic buildings to residents.
- 27.7 The Acting Director of Strategy & Governance confirmed that all suggestions would be considered during development of the programme and that some may be picked up as part of the Civic Awareness Project.
- 27.8 In response to a query from Councillor Randall the Chairman confirmed that the initial campaign would run for 9 months, but the duties to involve and promote democracy were ongoing and so a long term strategy would be developed following the initial programme.
- 27.9 **RESOLVED -**
- (1) That the need for a 'Get Involved' campaign and the approach outlined in the report be endorsed;
 - (2) That Members consider any additional activities that could be explored that are either existing planned events or new activities.

28. E-PETITIONS

- 28.1 The Committee considered a report of the Acting Director of Strategy & Governance which set out proposals for Brighton & Hove City Council to commence an e-petitions facility (for copy see minute book).
- 28.2 Members welcomed the trial of the e-petitions facility and sought clarity on their role in the process.
- 28.3 The Head of Law explained that the intention was to carry forward the existing position followed for paper petitions as detailed in the Council's Standing Orders; Members could initiate an e-petition, but could not sign it themselves, and the guidance would be amended to reflect this clearly.
- 28.4 Councillor Elgood requested that, in addition to the petitioner, the relevant Ward Councillor also be invited to attend the meeting at which the petition is considered.
- 28.5 **RESOLVED -**
- (1) That the Committee recommends that Full Council:
 - (a) Approves the launch of an e-petitions facility with effect from 21st November 2009 for Brighton & Hove City Council for a trial period and requests a further

report on the outcome of the pilot is brought to Governance Committee on 9th March 2010;

- (b) Notes that the pilot period will be shorter if the provisions relating to e-petitions in the Local Democracy Economic Development and Construction Bill come into force prior to the review date;
 - (c) Agrees the e-petitions guidance attached at Appendix One;
 - (d) Authorises the Head of Law to take all steps necessary to implement the e-petitions facility, including making any necessary amendments to the Council's Constitution;
- (2) That the Committee notes the provisions of the Local Democracy Economic Development and Construction Bill in relation to e-petitions and requests officers to bring a further report back to Committee when the commencement date is known.

29. MEMBERS' WEB PAGES - REVIEW OF GUIDANCE

29.1 The Committee considered a report of the Acting Director of Strategy & Governance which set out a revised Members' Web Page Policy (for copy see minute book).

29.2 The Chairman apologised for the Members' Web Page Policy document being omitted from the papers for the meetings and explained that he intended to defer the consideration of the item. He suggested that, given the importance of the policy, it be circulated to all Members for comment before being considered first by the Leaders' Group and subsequently coming back to the Committee for final approval.

29.3 Members supported the approach outlined by the Chairman.

29.4 RESOLVED -

- (1) That the report be deferred to the next meeting of the Governance Committee.
- (2) That the Members' Web Page Policy be circulated to all Members and an opportunity to comment be provided.
- (3) That the Members' Web Page Policy be considered by the Leaders' Group before coming back to the Governance Committee.

30. MEMBERS' SECRETARIAL & IT SUPPORT

30.1 The Committee considered a report of the Acting Director of Strategy & Governance updating Members on the secretarial and IT support provided by and through Democratic Services and proposals to improve the resources available to Members (for copy see minute book).

30.2 Councillor Taylor commented that Green councillors supported provision of casework software for some time and that he was pleased it was being progressed.

30.3 Councillor Simpson requested that a mixed ability group of Members be chosen to trial the software and the approach was supported by the Committee.

30.4 **RESOLVED** -

- (1) That the Committee notes the information in the report;
- (2) That the Committee approves the establishment of a working group of Members to take forward the development of a casework software programme to enable Members to manage their own casework more effectively; and
- (3) That a report is brought back to the next meeting on the outcome of the development of the casework programme, whether it should be purchased and the funding provision.

31. ANNUAL GOVERNANCE STATEMENT 2008/2009

31.1 The Committee considered a report of the Interim Director of Finance and Resources presenting the Council's Annual Governance Statement 2008/09 for consideration and approval (for copy see minute book).

31.2 In response to concerns raised by Councillor Mitchell the following comments were made:

- The Acting Director of Strategy & Governance explained that Members had been interviewed as part of the Good Governance Review under the Audit Commission's Advice & Assistance Programme and that this was not part of the annual review. The draft report produced had been of an unsatisfactory standard and the Council had responded with comments to which a response was being awaited; it was expected that the report would be considered by the Audit Committee in December.
- Proposals for an independent whistle-blowing function could be taken forward by the Committee and a report would be required.

31.3 In response to a request from Councillor Elgood the Acting Director of Strategy & Governance stated that it was not the Council's usual practice to make evolving drafts of reports available to all Members while officer concerns around credibility remained outstanding; he agreed to ask the Acting Chief Executive to provide written confirmation of this.

31.4 Councillors Mears stated that the highest priority for any whistle-blowing process was to ensure complete confidentiality, so that whistle-blowers could come forward with confidence.

31.5 Councillors Mitchell and Randall echoed the comments made about confidentiality and both felt confident that it could be achieved through an independent process.

31.6 The Acting Director of Strategy & Governance explained that a number of independent routes were already available, such as the Local Government Ombudsman, and that all the issues would be covered in the report.

31.7 RESOLVED –

- (1) That the Committee notes the draft extract from the proceedings of the Audit Committee.
- (2) That the Committee endorses the Annual Governance Statement 2008/09 as approved by the Audit Committee.
- (3) That a report on whistle blowing be brought back to the Governance Committee.

32. EFFECTIVE USE OF THE COUNCIL'S CONSTITUTION

32.1 The Head of Law gave a verbal update concerning the Council's focus on ensuring effective use of the Council's Constitution. He explained that the aim was to increase awareness of the opportunities available within the constitution for Member to influence decision-making; any comments received would also be fed into the review of the constitution.

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

33. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION BILL - UPDATE ON IMPLEMENTATION

33.1 The Council Lawyer gave a verbal update on the progress of the Local Democracy, Economic Development and Construction Bill. He reported that Royal Assent was expected in November 2009 with the local democracy elements proposed for implementation from April 2010.

33.2 He explained that statutory guidance was expected on the promoting local democracy element, but that as work on it was already underway it was unlikely to affect the Council's plans; a board of officers was coordinating local democracy activities across the council and tracking the Bill.

33.3 In response to a question from the Chairman the Council Lawyer confirmed that there was provision for statutory guidance, but that there was no expectation of regulations and orders.

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

PART TWO SUMMARY

34A PART TWO MINUTES OF THE PREVIOUS MEETING

34A.1 **RESOLVED** – That the Part Two minutes of the meeting held on 7 July 2009 be approved as a correct record.

34. EQUAL PAY UPDATE

34.1 The Acting Director of Strategy and Governance gave a verbal update on the progress of equal pay negotiations accompanied by a presentation.

35. PART TWO ITEMS

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

35.2 **RESOLVED** – That items 34A and 34, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.25pm

Signed

Chair

Dated this

day of

**BHCC Response to:
Strengthening Local Democracy, July 2009, CLG consultation
paper**

**CHAPTER 1: LOCAL GOVERNMENT AT THE CENTRE OF
DECISION MAKING**

1. Do you agree that we should extend scrutiny powers in relation to Local Area Agreement (LAA) partners to cover the range of their activities in an area, not just those limited to specific LAA targets?

Yes. This would prevent problems of definition and simplify matters significantly.

For scrutiny to enjoy an increased role in 'place shaping' it needs powers to look at all of the actions of agencies delivering services in a locality not just the limited number that relate to LAA targets.

Any new powers/guidance should however ensure that scrutiny focuses on specific issues rather than the running of individual agencies. Scrutiny, whilst local government based, should be seen as having a significant role within the LSP.

2. Do we need to make scrutiny powers more explicit in relation to local councils' role in scrutinising expenditure on delivery of local public services in an area? If so, what is the best way of achieving this?

Yes. There should be a power for committees to scrutinise any bodies delivering central and local government services in an area, whether directly or under contract.

It seems odd that scrutiny enjoys different powers in relation to health organisations than to other service providers. There should be standardisation across all sectors.

3. Do you agree that we should bring all or some of the local public services as set out in this chapter fully under the local authority scrutiny regime? Are there other bodies which would benefit from scrutiny from local government?

Yes. Local authority scrutiny functions should be given very broad powers to look at any organisation contributing to the wellbeing of an area. This should include local/regional offices of Government departments and agencies; privatised utilities and transport operators, governing bodies of schools, universities and colleges.

If scrutiny is to be able to really 'place-shape' then private companies e.g. transport/utilities should be under a duty to cooperate. There is also an argument for placing such a duty on large companies whose actions will have

a significant impact on local communities, for example supermarkets, large local employers, and developers, utility companies and transport operators.

4. How far do you agree that we should extend scrutiny powers to enable committees to require attendance by officers or board members of external organisations to give evidence at scrutiny hearings, similar to the powers already in existence for health and police?

Strongly agree, to be effective scrutiny powers need to include the ability to require information and attendance from senior officers. It would seem sensible to extend the requirement to attend to all senior officers in all organisations that scrutiny enjoys a remit with.

5. What more could be done to ensure that councils adequately resource and support the local government scrutiny function to carry out its role to full effect?

The precise funding arrangements for council's scrutiny functions should be left for local consideration.

However government should make clear it's expectation of the role of scrutiny; this can be done by increasing the remit and power of local authority scrutiny functions government as well as adequately recognising the cost of an effective scrutiny in local authorities annual settlement.

A scrutiny function that has the power to look in a meaningful way at the actions of other local organisations and really support a council in its partnerships is far more likely to be well resourced than if it's powers are primarily internally focused.

6. How can council leaders ensure that scrutiny is a core function of how their organisations do business and have a full and proper role in scrutinising the full range of local public services?

Most council leaders already seek to ensure scrutiny has a full and proper role in how councils do business, for example, ensuring timely information is provide to committees, offering meetings between committee chairs, relevant cabinet member and directors to ensure continued dialogue between the executive and cabinet function and providing full and considered responses to scrutiny recommendations.

Nevertheless, there is a slight paradox evident in the question in that part of scrutiny's role is to hold the council leader to account; charging the council leader therefore with ensuring the effectiveness of scrutiny is questionable. This is surely the role of Full Council, Chief Executive or Monitoring Officer.

Scrutiny can be supported by ensuring it has sufficient resources to undertake an appropriate number of detailed policy reviews that its recommendations

are seen to be seriously considered and it enjoys parity of esteem with the executive function.

Regarding the specific reference to allowances for certain scrutiny chairs we would see this as a task for the IRP.

7. What more could be done to better connect and promote the important role of local government scrutiny to local communities, for example citizens as expert advisers to committees?

Greater clarity is required from Government regarding this question. Our scrutiny function already has the ability and does so regularly, to make use of local people's experiences, expert advisors and co-opted members.

Government could usefully explore direct public requests for scrutiny of a topic and area based scrutiny to support elected members ward roles.

CHAPTER 2: STRONG LOCAL GOVERNMENT OPERATING IN THE LOCAL INTEREST

8. How best should any reduction in numbers of LAA targets ensure that services are responsive to the most important local needs and priorities as well as national entitlements?

Whilst, we support the notion of reducing LAA targets and introducing new entitlements we are concerned that it may potentially generate another additional bureaucratic monitoring and reporting system. It is not clear from the consultation how this will be avoided. LAA targets are and should continue to be linked directly to the Sustainable Community Strategy. The strategy identifies and prioritises the most important local needs and this along with our corporate plan is our pledge to meet the most important priorities for local citizens. As the delivery of the sustainable community strategy is a fundamental plank of the CAA assessment it is assumed that this will be sufficient inspection/monitoring.

9. Should councils have a power to engage in mutual insurance arrangements?

Yes although the consultation document is silent about whether government intends to clarify or re-issue its 2001 guidance on the scope of the well-being powers. This is concerning in light of the recent LAML court case.

10. Are there other powers need to cover engagement in further complex arrangements of a possibly speculative nature outside of existing powers?

Yes a general power of competence based on the assumption that, unless Parliament specifically wanted a task doing by Central Government or a quango alone, local government should have the power to do it.

11. Do you agree that greater powers should be premised on demonstration of local confidence? How should this be demonstrated? How can councils best reverse the decline in confidence?

We believe that Government should be asking two questions here. These should be how to demonstrate competence and confidence? How should councils present their 'business case' for having greater powers. We would be concerned if greater powers were premised on demonstration of local confidence that was measured by perception surveys. All too often residents' confidence in the council is affected by actions of our partners and beyond our control, or by singular incidents which overshadow other good work. Councils could best reverse the decline in confidence by having greater influence with partners, greater autonomy from central government and reduction in interference from regional quangos.

It makes sense to award greater powers to those councils that are seen to have the confidence of their residents. One way of measuring this would be to look at the participation of local people in becoming involved in council supported neighbourhood schemes and the numbers that take advantage of the opportunity to use the avenues available for contact with decision-makers via a council's constitution.

12. Are there core issues that should have greater council control which councils believe they are currently prevented from undertaking? If so what are they and what is the case for councils to take on these roles?

As noted in response to question 10 unless Parliament specifically wanted a task done by Central Government or a quango alone, local government should have the power to do it. There should be greater clarity from Government about which functions and decisions it retains control over and those that it devolves to local government. In particular there should be far less interference from un-elected quangos on key issues such as housing and planning.

13. Do you agree that there should be a review of the structure of local partnerships with a view to identifying unhelpful overlap and duplication? Are there particular issues on which such a review should focus?

We review our partnership regularly and do not see the need for a formal national or regional review of local partnership structures. The formation and review of local partnership structures should be at the discretion of local public, private and third sector stakeholders. In addition, Government should not impose requirements for new/additional partnerships where councils can demonstrate that there is in existence and effective partnership body available to deal with the relevant issue. This would avoid duplication, unnecessary bureaucracy and cost, and ensure relevance to existing local partners, arrangements and communities.

CHAPTER 3: LOCAL AUTHORITIES TACKLING CLIMATE CHANGE

14. How is the current national indicator system working to incentivise local authorities to take action on climate change? Should Government take new steps to enable local authorities to play a greater role in this agenda?

NI 188 is working well and is a good process indicator.

NI 185 whilst useful in areas where less progress has been made on reducing CO₂ emissions, for councils like ours that have been proactive on the issue the indicator has generated an additional administrative burden. This is because it requires a different carbon footprint calculation from the Carbon Trust (which we use for our Local Authority Carbon Management Programme) and different again from that for the Carbon Reduction Commitment.

NI 186 is proving problematic due in particular to the long data lag (2 years) making it difficult to demonstrate a direct correlation between target achievement and action.

In addition to requiring councils to include climate change targets in their Local Area Agreements, the Government should also take into account the recommendations of the LGA Climate Change Commission and campaigns.

The Government should regularly review all areas where local government is able to play a greater role in respect to action on climate change. It should enable greater flexibility in terms of Local Development Frameworks where local policy requirements can demonstrate their effectiveness on issues such as renewable energy and energy efficiency. Percentage requirements for renewable energy should be able to be set locally and similarly requirements for retrofitting of these and other energy efficiency measures should be able to be part of local policy making.

15. Where can local authorities add most value in meeting climate change aims, and what should Government do to help them do so, giving consideration to the proposals set out in this chapter?

Local authorities do and should continue to provide clear, consistent, practical and money saving information; and funding to local citizens and communities to take local action.

We are currently undertaking a scrutiny review into adapting to climate change and we would encourage other local authorities to consider the roles of scrutiny especially with augmented powers to call in private companies, ie utilities.

We would support the notion of localised funding including up front funding for capital initiatives such as district heating schemes. This echoes the LGA's proposals for the establishment of Local Community Energy Funds.

Local Authorities should lead by example not only in terms of reducing their own carbon footprint but via the implementation of their own local policies such as local transport plans and local waste strategies.

16. How do we ensure that national policies reinforce local efforts – for example, around transport, renewable energy, and energy efficiency?

We would strongly encourage Government to use and learn from the best practice being carried out by local authorities and their partners around the country when developing national policies which seek to reinforce local effort. In particular we urge Government to recognise, through the opportunity of

flexibilities or freedoms those local authorities that are considered leaders in tackling climate change.

Ultimately it is national government that has to take the lead on this issue. It must work strongly with local councils to set the pace and provide them with the incentives, the backing and flexibilities that they need.

CHAPTER 4: SUB-REGIONAL WORKING

17. Should the activity of sub-regional partnerships be required to be subject to scrutiny arrangements?

Yes

18. Should councils' joint overview and scrutiny committees be able to require sub-regional bodies to provide them with information on the full range of their activities and to consider their recommendations on sub-regional matters?

Yes

19. Should the duty to respond to petitions be extended to sub-regional bodies?

Yes

20. Do current and planned models for joint working give people a clear enough voice in decisions that are made sub-regionally?

The possible introduction of new sub-regional authorities, sub-regional executive mayors and a directly elected sub-regional scrutiny body would only serve to add a further layer of bureaucracy causing confusion for the electorate about which decision were made where by whom. It would undoubtedly have an impact on people's confidence in local authorities as it would directly reduce councils' role and remit over key issues such as planning, transport as we have previously experienced.

21. How could we go further to make existing and planned city- and sub-regional structures more accountable, in addition to the suggestions in this document?

Sub-regional structures are already accountable through the direct election of local councillors to the various boards/committees etc. Further options will add confusion to the electorates understanding about the role and remit of sub-regional bodies' particularly in relation to local councils. It should be for the local authorities within an area to decide on the appropriate form and function for their sub-regional arrangement and for Government to provide the opportunity for reaching an agreement on the arrangement and the powers to be devolved. Currently, few powers are truly devolved from central government.

Structures can only be accountable if people can understand them and how to call them to account. Any new structure should reflect these principals and be

tailored to a particular sub-regional area. Multi Area Agreements are doing this and are a good model to follow.

22. Should we give more powers and responsibilities to city- and sub-regions? If so, what powers or responsibilities should be made available?

The opportunity for devolved powers should be available to sub-regional partnership and should include power over housing and planning, employment and skills, economic growth and transport. However, we remain unconvinced about the likelihood of this being progressed having heard this many times before from Government.

23. Is there a need for direct democratic accountability at the sub-regional level? What would be the best means of achieving this, giving consideration to the options set out above?

We do not support the concept of democratically elected bodies at sub-regional or regional level. It adds unnecessary costly bureaucracy not only in terms of the administration of elections which would undoubtedly fall to local authorities but the cost of running yet another layer of government. Councils already work in sub-regional partnerships sharing responsibilities for governance, financial accountability etc. between them. Imposing a new structure is both needless and uncalled for.

CHAPTER 5: CLEAR RELATIONSHIPS WITH LOCAL GOVERNMENT

24. Should central and local government's roles be more formally established?

This would seem like a welcome move however clarity would be required between this new set of principles and the Central-Local Concordat agreed in 2007.

25. What are your views on the draft principles set out above as away of achieving this ambition?

Whilst, the draft principles would seem to help achieve this ambition we remain sceptical about the Government's commitment to the principles without evidence of greater and genuine devolution of power to local councils, which this consultation makes little head way with. The robustness of the arrangement would only be evident on the outcome of any challenges put before the ombudsman style arrangement and/or the joint select committee.

26. Do you agree that an ombudsman-style arrangement and a joint select committee of both Houses of Parliament are the correct approaches to oversee and enforce these principles, if adopted?

This would seem the most practical way of enforcing these principles.

GOVERNANCE COMMITTEE

Agenda Item 44

Brighton & Hove City Council

Subject:	Administrative Boundary Review – Saltdean	
Date of Meeting:	17 November 2009	Governance Committee
	9 December 2009	Cabinet
Report of:	Director of Strategy & Governance	
Contact Officer:	Name: Oliver Dixon	Tel: 291512
	E-mail: oliver.dixon@brighton-hove.gov.uk	
Wards Affected:	Rottingdean Coastal	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In response to correspondence and a deputation from Saltdean Residents' Association, this report considers the issues relating to a possible administrative boundary review of the Saltdean area, and whether to conduct a referendum or survey to ascertain the views of Saltdean residents.
- 1.2 As a decision on these matters is an executive function, the role of Governance Committee in this instance is to make recommendations to Cabinet.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee recommends the following to Cabinet:
 - (a) To support Saltdean Residents' Association's request for an administrative boundary review of the Saltdean area, and to instruct officers to write to the Boundary Committee for England strongly supporting the request and asking for the review to be expedited; and
 - (b) To note Saltdean Residents' Association's request for the council to conduct a local referendum or survey on the matter and, whilst understanding the rationale for the request, not to proceed with the proposal for the reasons set out in the report.
 - (c) To report their decision on (a) and (b) to Council, for information.
 - (d) To communicate their decision on (a) and (b) to Lewes District Council and East Sussex County Council, also for information.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The western side of Saltdean lies in the area administered by Brighton & Hove City Council, whilst the eastern side lies in the area served by Telscombe Town Council, Lewes District Council, and East Sussex County Council. See the boundary area map at Appendix 1.
- 3.2 The boundary line between these two areas runs north/south along Longridge Avenue, the main shopping street in Saltdean. Based on information supplied by Saltdean Residents' Association (SRA), the boundary originates from 1928 when the County Borough of Brighton was extended westwards to Longridge Avenue, while the eastern part of Saltdean remained under what was then Newhaven.
- 3.3 SRA carried out a survey in 2001 of residents' views on unifying the local governance of Saltdean. Those campaigning for a "yes" vote gave the following examples of how a unified Saltdean might be beneficial:

- A stronger community voice, with one contact point
- More influence in Saltdean affairs
- A united approach to municipal issues
- Resolution of parking, traffic control and maintenance problems in Longridge Avenue
- Same council tax rate
- Single planning policy
- Representation by councillors from one authority

The result of the survey revealed that 80% of respondents wanted Saltdean to be united under one local authority, and of those in favour, 75% wanted that authority to be Brighton & Hove. On the strength of this outcome, later in 2001 SRA sent a request for unification to the relevant councils and the Boundary Commission.

- 3.4 SRA resurrected the issue in 2009 by holding a public meeting in March to discuss how to progress matters. Among the 120 people who attended were Councillors Gill Mitchell and David Smith, as well as the MP for the area, Des Turner. A show of hands at the meeting indicated a majority in favour of unification.
- 3.5 On 31 May 2009, SRA wrote to Brighton & Hove City Council, Lewes District Council and East Sussex County Council (copy at Appendix 2), calling on each local authority:
- (i) to request the Boundary Committee for England to carry out an administrative boundary review of the area as soon as possible; and
 - (ii) to carry out a survey or referendum of all Saltdean residents to ascertain their current views on unification
- 3.6 To strengthen their cause, SRA handed a 'United Saltdean Petition' in June to Councillor David Smith, ward member for Rottingdean Coastal, which he offered

to present to the Council meeting in July. SRA asked him to wait until September as they expected more residents to add their names. The “petition” is in fact a single item questionnaire, asking the respondent whether they think East and West Saltdean should be united under one council and, if so, which. (See copy at Appendix 3).

3.7 SRA made a deputation to the Governance Committee on 22 September 2009, reinforcing the two requests made in their letter of 31 May, and handed over the questionnaire, which by now bore 469 entries (approximately 7% of the electorate for the whole of Saltdean). Although some entries were invalid, the summary position is as follows:

- 96% of respondents said they favoured a unified Saltdean under one council
- Of these, 88% wanted to be under Brighton & Hove; 12% under Lewes

3.8 Before writing to the council in May and making a deputation in September, SRA had already written directly to the Boundary Committee, requesting a review.

3.9 The Boundary Committee for England is part of the Electoral Commission and has power to undertake reviews of the external boundary of a district or county.

3.10 In June, officers approached the Boundary Committee (‘BC’) informally on the matter. Their Review Manager confirmed the position on administrative reviews as follows:

“For the current and next financial year, given the Committee’s planned workload, it is very unlikely that we will be in a position to review the external boundaries of local authorities in England until 2011-2012 at the earliest. We have responded to Saltdean Town Council [sic] informing them of this and have placed their request on file. We will return to all the requests we have received for administrative boundary reviews at a later date and give consideration as to which areas we will be reviewing and their timing.”

3.11 Following a boundary review, the BC may make a recommendation to the Secretary of State. If the BC recommends a boundary change, the Sec of State may:

- (i) implement it with or without modification;
- (ii) take no action with respect to the recommendation
- (iii) request the BC undertake a further review

3.12 If the BC recommends that no boundary change is desirable, the Sec of State may accept the recommendation or request a further review.

3.13 The Cabinet of Lewes District Council considered SRA’s request in July. They resolved to authorise officers to write to SRA and BC, advising that the council supports SRA’s request for a review of the administrative boundary of Lewes and Brighton and Hove in the area of Saltdean, subject to the understanding that it is very unlikely that the BC will be in a position to review the external boundaries of local authorities in England until 2011-2012.

- 3.14 In a follow-up letter, Lewes District Council informed SRA they did not consider it appropriate to seek the views of Saltdean residents before the BC began any boundary review of their own, which was not due until 2011 at the earliest.
- 3.15 East Sussex County Council advised SRA that:
- (i) they have alerted the BC to the Association's desire for a boundary review; and
 - (ii) they do not consider it a good use of resources to consult with them at this stage, as any subsequent BC review would involve a comprehensive consultation with local people.
- 3.16 The BC have advised that agreement amongst those authorities potentially affected by a review *may* have an impact in deciding prioritisation. However, this is not something they are required to take into account and they say they would likely balance consensus locally against the objective need for a review.
- 3.17 The existing boundary between Brighton & Hove and Lewes can cause the residents of Saltdean genuine difficulties when dealing with local authority matters which affect the whole area. In addition, splitting Saltdean into east and west local government areas makes it difficult to create a coherent community. It is therefore questionable whether the existing boundary best serves the interests of Saltdean residents. On this basis, the Governance Committee is advised to recommend that Cabinet strongly support SRA's request for an administrative boundary review of the area concerned and instruct officers to write to the BC accordingly (recommendation 2(1)(a)).
- 3.18 BC has advised that the council's view can be communicated to them at any time and will be placed on record. When the time comes to prioritise reviews, they will consider all the views received.
- 3.19 Additionally, SRA have requested that we conduct a survey or referendum of all Saltdean residents to ascertain their views on the whole locality coming under one authority, on the basis this will, they believe, help to inform BC's decision on whether to carry out an administrative review. The report now considers the merits or otherwise of complying with SRA's further request.
- 3.20 It would be possible to send a short questionnaire to all or a representative sample of Saltdean residents. The cost of carrying out the exercise would fall entirely on this council, as Lewes DC and ESCC have decided against a survey at this stage. The estimated cost of such an exercise would be:
- (i) £12,500 - £15,500 for preparation, data analysis and report writing; and
 - (ii) up to £6,300 for producing, sending out and returning surveys
- 3.21 Apart from cost, there are a number of reasons why conducting a survey in the short term would not be advisable:

- (i) Between now and 2011 (the earliest date for an administrative review), the composition of the electorate in Saltdean could change, with some residents leaving and some arriving into the area over the two year period. Moreover, even among the settled population, views can change over time due to external factors; their response to a questionnaire in 2009 may not match that in two years' time.
- (ii) If the council were to survey Saltdean residents, its ability to act on the findings would be limited to informing the BC. Conversely, there is a real risk of the survey raising expectations among some residents that, if the consensus were in favour of unification, an administrative review would follow. In reality, a review is a minimum of two years away.
- (iii) In conducting an administrative boundary review, the BC must consult the council(s) of the local government area affected, and "other persons as appear to them to have an interest" – s9(2) of the Local Government and Public Involvement in Health Act 2007. Given SRA's long history of campaigning for a change, it is almost certain the BC would consult them as part of any review.

Furthermore, when considering whether a boundary change is desirable, the BC must take into account the interests of local communities - s8(6)(b) of the 2007 Act.

In view of this, any survey by the council would pre-empt the BC's own statutory consultation.

- (iv) A survey covering the whole of Saltdean would involve writing to certain households and businesses currently outside Brighton & Hove's jurisdiction. Doing so at a time when the councils who do cover these other areas have decided against a survey could appear disjointed and runs counter to the normal practice of working in partnership with neighbouring authorities.
- (v) Under the Local Democracy, Economic Development and Construction Bill currently before Parliament, the functions of the BC will transfer to a new organisation, the Local Government Boundary Committee for England. Its priorities may change, which may affect the timescale for reviewing the boundary at Saltdean. Until the new body is established and their priority areas agreed, a survey of residents would be of little value.

3.22 For the above reasons, it is recommended that Members decline SRA's request for a survey or referendum by the council (recommendation 2(1)(b)).

4. CONSULTATION

4.1 Advice was taken from the Electoral Commission's Review Manager for Boundary Reviews. His responses are documented in paragraphs 3.10 and 3.16 above

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of conducting a residents survey is approximately £20k, as detailed in section 3.20 of the report. This would have to be met within existing resources.

Finance Officer Consulted: Peter Francis

Date: 28/10/09

Legal Implications:

- 5.2 As indicated in paragraph 1.2 above, the decision about whether to support SRA's request for an administrative review, and whether to conduct a survey of Saltdean residents, is an executive function and thus reserved to Cabinet. In this instance the role of Governance Committee is to make a recommendation to Cabinet.
- 5.3 At Governance Committee on 22 September, Members requested that Cabinet report their decision to Council, purely for information.
- 5.4 The decision on whether to perform an administrative boundary review, and when, lies with the Boundary Committee. Following such a review, it would be for the Secretary of State to determine which of the BC's recommendations to implement, if at all.
- 5.5 Section 8 of the Local Government and Public Involvement in Health Act 2007 permits a local authority to request the Boundary Committee to conduct an administrative boundary review.
- 5.6 Relevant statutory duties of the Boundary Committee are referred to in paragraphs 3.11 - 3.12 above.
- 5.7 Section 116 of the Local Government Act 2003 permits the council to conduct a local survey to ascertain views about the provision of council services. The type of survey referred to in the report would come within this provision.

Lawyer Consulted:

Oliver Dixon

Date: 21/10/09

Equalities Implications:

- 5.8 There are no equalities issues arising directly from this report

Sustainability Implications:

- 5.9 There are no sustainability issues arising directly from this report

Crime & Disorder Implications:

- 5.10 There are no crime and disorder issues arising from this report

Risk and Opportunity Management Implications:

- 5.11 There is a risk that the Boundary Committee, or its successor, may not select the Saltdean area for an administrative boundary review in 2011 or within a reasonable timeframe thereafter. Similarly, if an administrative review of the area does take place, there is no guarantee this will result in Saltdean coming wholly within one local government area. As noted above, it is for the Secretary of State to make the final decision on the matter.
- 5.12 If a review cannot be held until 2011 at the earliest, there may be an opportunity for the council to work with Lewes DC and ESCC on a protocol that assists Saltdean residents closest to the boundary line to resolve issues requiring liaison between these three authorities.

Corporate / Citywide Implications:

- 5.13 If and when there is an administrative boundary change which results in the whole of Saltdean coming within a single local government area, the wards most affected would be Rottingdean Coastal and, in relation to Lewes DC, Telscombe Cliffs and East Saltdean.
- 5.14 The likely effect of a new boundary would be an increase or decrease to the size of these wards and, potentially, a corresponding change to the number of members representing these wards.
- 5.15 A change to the boundary line would also affect the Peacehaven and Telscombe Towns division of East Sussex County Council, and the East Saltdean ward of Telscombe Town Council. As SRA's letter of 31 May recognises, moving the boundary eastwards could call into question the viability of the Town Council.
- 5.16 Were the boundary to be relocated to the west of Saltdean, some or all of Rottingdean Parish Council may be affected.
- 5.17 As noted in 3.21(iii) above, the Boundary Committee would consult all these local government bodies, were an administrative review of the area to be undertaken.

SUPPORTING DOCUMENTATION

Appendices:

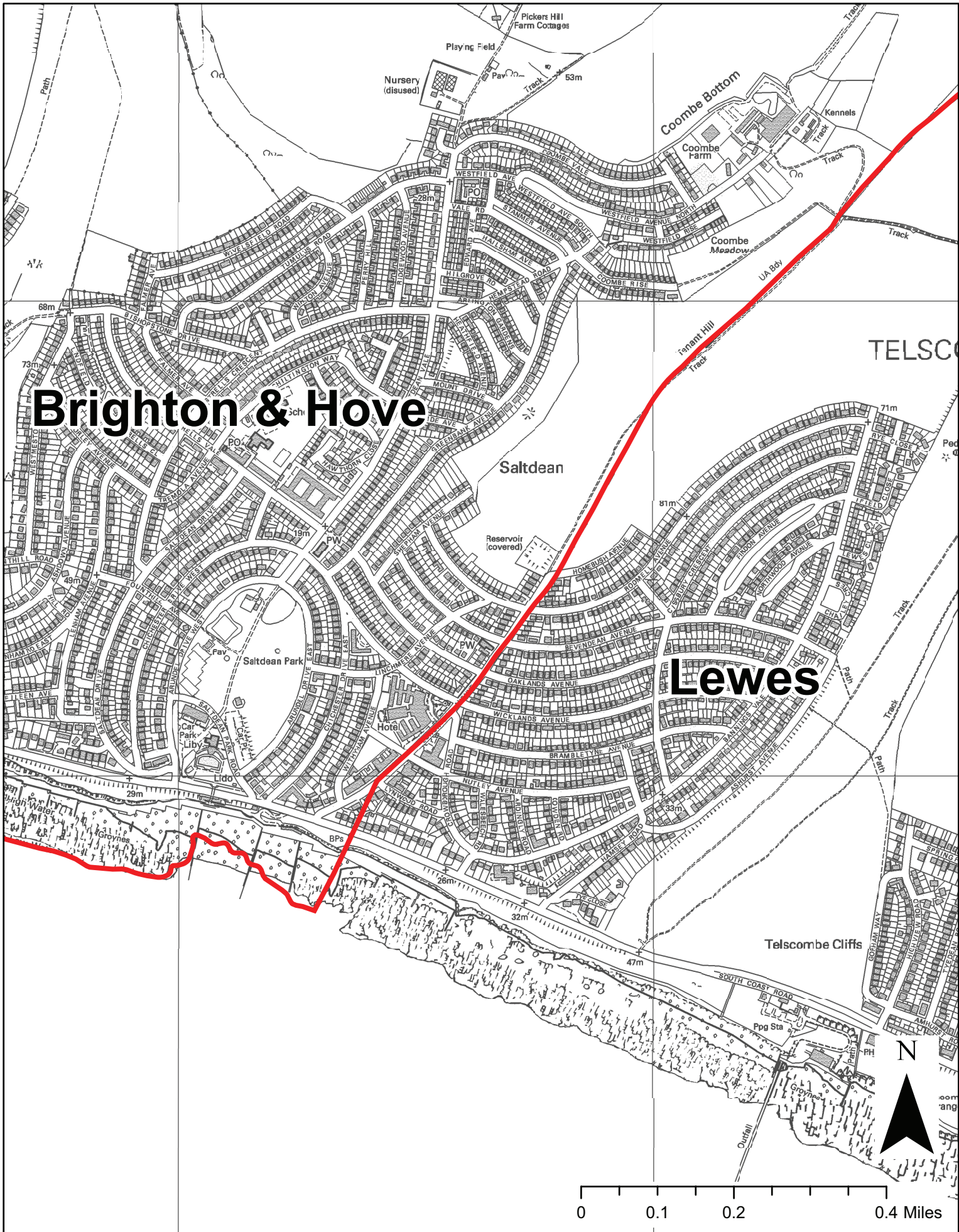
1. Map of Saltdean, highlighting the existing boundary between Brighton & Hove City Council and Lewes District Council
2. Letter of 31 May 2009 from SRA to the council's Head of Legal and Democratic Services
3. Template for SRA's questionnaire submitted to Governance Committee on 22 September 2009

Documents In Members' Rooms

None

Background Documents

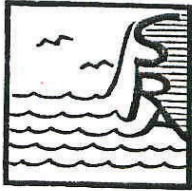
1. Details of the Saltdean Boundary Referendum carried out by SRA in February 2001 – see www.saltdean.info/sraref.htm



Scale: 1:10,000



Unitary Authority Boundary



Saltdean Residents' Association

*Founded in 1934 Embracing East and West Saltdean
(Currently over 700 members)*

**Ms Janet Preece
1 Rye Close
Saltdean
East Sussex
BN2 8PP**

Mr Abraham Ghebre-Ghiorgis
Head of Legal & Democratic Services
Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS



31 May 2009

Dear Mr Ghebre-Ghiorgis

Re: Administrative Boundary Review – Saltdean, Sussex

The Saltdean Residents Association (over 700 members) is campaigning for the unification of Saltdean within one local authority. As you may know at present it is split between Brighton and Lewes District. The division is right down the main shopping street and this causes tremendous confusion and unnecessary bureaucracy. This matter has been outstanding ever since Saltdean was created over 80 years ago and it is about time the town stopped being ignored in its requests for unification. The last request made after a full survey in 2001 undertaken by this organisation was ignored by all the councils and the Boundary Commission.

We have written to the current Boundary Committee asking that a review be undertaken but we know that such requests can also be made by the local authority. We would therefore ask that Brighton and Hove undertake a coordinated survey of all areas within Saltdean to see what the will of the community is. This would mean that Brighton & Hove would need to deal with Lewes District Council to ensure that a common approach is adopted. Although the residents may want to be unified within one authority there is also the question of which one they would prefer. Thus any survey would need to cover both aspects.

As background can I say that this Association has asked that the Boundary Committee undertakes an administrative boundary review and takes account of the legitimate desire by this community to be treated as one town rather than having an arbitrary boundary which historically was in place as a parish boundary before the town was built in the 1920's and 1930's. We now need the town to be unified within one authorities area . It is appreciated that this creates other issues in adjoining towns in respect of electoral wards and sizes of those wards but why should Saltdean not have a right to be treated as a community in its own right. The adjoining towns of

Telscombe Cliffs and Rottingean are able to enjoy a sense of completeness whilst Saltdean is not. This is simply not acceptable.

This Association held a meeting on the 28th March 2009 to discuss how we progress the desire for unification. It was very well attended with over 140 people present. A presentation by ex SRA Chair Duncan Ward provided the history and background to the division of Saltdean into East and West. He detailed the results from the referendum that he organized in 2001 which had a high and significant response. This showed at that time that 80% of respondents wanted Saltdean to be united and of those in favour 75% wanted to join with Brighton and Hove. Full details are on an old SRA website at:

<http://www.saltdean.info/sraref.htm>

Contributions from residents at the meeting included the fact that East Sussex County Council had a higher council tax and there were more tiers of local government for East Saltdean. It has 10 councillors on 3 councils whereas West Saltdean which is a larger area has just 3 councillors on Brighton and Hove City Council. Other issues raised were the difficulty in getting things changed as we have to deal with so many different officials especially if it is anything to do with Longridge Avenue as it spans the boundary. Of course having Saltdean under one council might encourage more investment in the area, give the town more of a say in influencing issues of concern and create savings in costs.

At the meeting there were concerns that unification within Brighton and Hove would create no real benefits for East Saltdean. In addition there are difficulties in rearranging electoral wards, ensuring that their size is consistent across the various councils. Any change would impact upon Brighton and Hove wards as well as call into question the viability of Telscombe Town Council if it lost East Saltdean. A suggested approach might be to discuss with Telscombe and Peacehaven the possibility of their unifying under one council. To do this they would need a referendum and similarly Saltdean should have another referendum.

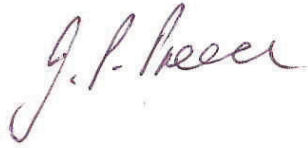
For your interest

- There were 120 people that signed into the meeting of which were 62 East Saltdean residents, 41 West Saltdean residents, 17 did not note their address, plus 5 others including Dr Des Turner MP, Cllr Gill Mitchell, Cllr Carly Butler, Cllr John Livings, Cllr Philip Howson. Cllr Brian Page and Cllr David Smith.
- It is difficult to draw any conclusions but the fact that there were 50% more East Saltdean residents present when in fact West Saltdean is a larger area indicates to me that unification as a subject is of more interest to East Saltdean residents than West Saltdean residents.
- A show of hands indicated that a majority were in favour of unification. Another show of hands showed a slight majority in favour of unification within Brighton and Hove.

Since then we have raised this matter with the press and The Argus printed a full centre page article on the 30 May 2009 with a supportive comments article demanding that the pros and cons be drawn up and presented to all its residents so that they can decide once and for all in a vote.

I would now ask that this whole matter be looked into by all the councils concerned and that they request an administrative boundary review by the Boundary Committee as soon as possible as well as organize a survey or referendum of all residents in Saltdean.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'J. Preece'.

Janet Preece
Secretary Saltdean Residents Association

Cc: Heads of Democratic Services, Brighton & Hove, East Sussex, Lewes District.
Councillors for Brighton & Hove, East Sussex, Lewes District, Telscombe Town
Dr Des Turner, MP

**EXTRACT FROM THE PROCEEDINGS OF THE OVERVIEW & SCRUTINY
COMMISSION MEETING HELD ON THE 8 SEPTEMBER 2009**

OVERVIEW & SCRUTINY COMMISSION

4.00PM 8 SEPTEMBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mitchell (Chairman); Alford, Bennett, Elgood, Meadows, Morgan, Older, Pidgeon (Deputy Chairman), Randall and Wakefield-Jarrett

29 PLACE SURVEY

29.1 Cabinet Member for Central Services, Councillor Ayas Fallon-Khan and the Head of Analysis and Research introduced the report on the Place Survey 2008: Findings and Comparator Results.

29.2 There are some significant areas of extremely good results, such as residents being happy with Brighton and Hove as a place to live, and others where more work is needed. Further mapping and analysis could be done if needed.

29.3 Explaining some of the findings in more depth, the Head of Analysis and Research explained that many of the results are based on perceptions which are influenced by expectations and both were difficult to quantify and interpret. For example, our satisfaction levels as a council have stayed relatively stable since 2000 where levels have declined considerably in other areas. The media and messages about the council also have an effect on perceptions.

29.4 The Commission heard replies to questions about anti-social behaviour, refuse and doorstep recycling collections and getting involved in decisions. Communal bins and the recruitment for a six-month period of a social media officer were also discussed.

29.5 Additional funding from the DCLG had been secured to support community engagement across the City. In line with the duty to involve and promote democracy, the 'Get Involved' day was being planned for 21 November.

29.6 The Chairman asked that the draft City Volunteering Strategy (report paragraph 4.3 refers) be brought to OSC.

29.7 RESOLVED –

(1) That the report be noted.

(2) That the draft volunteering strategy be requested to a future meeting.

GOVERNANCE COMMITTEE

Agenda Item 45(ii)

Brighton & Hove City Council

Subject:	Place Survey 2008: Findings and Comparator Results	
Date of Meeting:	8 September 2009	Overview & Scrutiny Commission
	17 November 2009	Governance Committee
Report of:	Director of Strategy & Governance	
Contact Officer:	Name: Paula Black	Tel: 29-1740
	E-mail: paula.black@brighton-hove.gov.uk	
Wards Affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Place Survey replaced the Best Value User Satisfaction Survey (BVPIs) and provides data for 19 of the new national indicators, all focused on citizen perspectives. It also provides evidence for some of our Local Area Agreement (LAA) targets.
- 1.2 The focus of the Place Survey shifted from satisfaction with services delivered by the Local Authority, to satisfaction with the local area as a place to live. This incorporates services delivered by partners outside of BHCC. For this reason the Place Survey was branded under the Local Strategic Partnership (LSP) and carried the LSP logo in addition to that of the Local Authority.
- 1.3 The fieldwork for the survey was carried out between September and December 2008. The sampling is overseen by the Audit Commission and we exceeded the minimum response rate to make the survey sample robust. We received a total of 2,255 responses from 6,000 (a rate of 38%). The Audit Commission also weight the data in order to make sure that it represents the different groups resident in the city. The following report contains data on Brighton and Hove's comparative performance to other areas.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Place Survey was undertaken between September-December 2008.
- 3.2 A final data set containing comparator data was released by the Audit Commission at the end of June 2009. This report is based on that data.

4. CONSULTATION

- 4.1 Findings from the Place Survey will be distributed to Directorates within B&HCC and to external partners. This data will be used in consultation and to understand the priorities of local residents.

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 Costs for conducting the Place Survey are borne by Strategy and Governance. These costs are included in budget planning.

Finance Officer Consulted: *Name* *Date:*

- 5.2 There are no legal implications arising from this report's recommendation.

Lawyer Consulted: *Alison Leitch* *Date: 27/10/09*

Equalities Implications:

- 5.3 Findings from the Place Survey have been analysed by equalities groups and areas of the city. This information has been made available to service areas, the Equalities and Inclusion Team, the Communities Team, Members, and partner organisations.

Sustainability Implications:

- 5.4 The Place Survey does not contain significant information relating to sustainability issues.

Crime & Disorder Implications:

- 5.5 The report contains information relevant to anti-social behaviour and community safety and will be shared with appropriate colleagues internal and external to B&HCC.

Risk & Opportunity Management Implications:

- 5.6 N/A

Corporate / Citywide Implications:

- 5.7 The Place Survey findings and this report contain information on B&HCC and partner organisations. The report is to be considered by the LSP in October 2009. Data from the Place Survey has been shared between public sector partners and the Community and Voluntary Sector.

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton and Hove Place Survey 2008: Findings and Comparator Results

Documents in Members' Rooms

None

Background Documents

None

BRIGHTON AND HOVE PLACE SURVEY 2008: FINDINGS AND COMPARATOR RESULTS

REPORT OF THE ACTING DIRECTOR OF STRATEGY & GOVERNANCE

1 Summary

1.1 This report presents findings from the 2008 Place Survey and compares them to the performance of other Local Authorities. Further reports are available from the Analysis and Research Team on initial headline findings, and a comparison of satisfaction levels amongst different demographic groups and areas of the city.

1. Summary
2. Key messages
3. Comparative results
4. What are we doing about...?
5. What information do we now have from the Place Survey
6. Issues to note
7. The Place Survey background information
8. Appendix 1: People, place and satisfaction: the national context

Rankings are based on results for 352 Local Authorities and 55 Unitary Authorities.

1.2 Typically unitary authorities cover towns or cities which are large enough to function independently of county or other regional administration. For this reason they tend to be more urban than the comparators for all Local Authorities taken together where significant rural areas will be included. This partly explains the shift in comparative performance for some indicators when compared against all LAs or against Unitaries only.

2. Key messages

2.1 Satisfaction with the local area as a place to live is high at 86%. This figure ranks us as 9th amongst other Unitaries and in the second quartile for all local authorities. This indicator has improved in comparison to 2006 when it stood at 72%.

2.2 Overall satisfaction with the way the Local Authority runs things stands at 45.2% ranking us 18th amongst other Unitaries. The average for Unitaries is 42% and England is 45.4% (ranking 182).

What does this mean?

2.3 Our figure is higher than the average for Unitaries and close to the English average. Nationally since 2000 satisfaction levels have been

falling with the average then standing at 65% (55% in 2003). Brighton and Hove has not followed this trend with our score staying relatively steady (49% in 2000). This means that we have gradually improved in relation to other Local Authorities.

- 2.4 Approximately one-third of people (32%) feel that the council offers value for money which is a better performance than the average for other Unitary Authorities (30% satisfaction). This performance is in line with the figure for England (33%) and the South-East (34%). B&HCC ranks 23rd amongst other Unitaries and 213rd in comparison to all other Local Authorities
- 2.5 In some areas (notably anti-social behaviour), Brighton and Hove has improved its performance and satisfaction levels although our comparative performance has not shown such a positive improvement. People feeling that those being drunk or rowdy in public places is a problem has fallen from 49% in 2006 to 34% and people who think dealing or using drugs is a problem in their local area has fallen from 56% in 2006 to 30%.
- 2.6 Similarly, there has been improvement in some areas of refuse and recycling satisfaction levels whilst our comparative performance has not fully reflected this. Satisfaction with refuse collection has risen from 68% in 2006 to 70% and satisfaction with keeping land free of litter has risen to 55% from 53% in 2006.
- 2.7 Best performance when compared to all LAs is in relation to transport information (2nd), parks and open spaces (14th) and cultural services (6th in satisfaction with theatres and concert halls).
- 2.8 In comparison to Unitary Authorities only we rank first for people agreeing that their local area is one where people from different backgrounds get on well together; people wishing to be more involved in local decision making; and satisfaction with local theatres and concert halls.
- 2.9 We have a high ranking (4th amongst all Local Authorities and 1st amongst Unitaries) for residents who would like to be more involved in decisions which affect the local area and this has risen from 34% in 2006 to 38%.
- 2.10 Areas where we do less well comparatively: police and public services seeking views about anti-social behaviour and crime; feeling informed about what to do in the event of a large scale emergency; belonging to the immediate neighbourhood. In terms of looking at a service area for which we have detailed data, refuse and recycling performs least well, despite improving satisfaction levels within the city in recent years. We have not been provided with comparative data on some service areas and partners outside of the Local Authority and we are waiting for this to be made available.

3. Comparative Results

3.1 The table below lists results for all National Indicators and our comparison to all other Local Authorities. They are ranked in terms of our comparative performance to all Local Authorities. Those listed first are those where we compare most positively. The rankings take into account the fact that questions differ as to whether a higher or lower score is more positive.

Table 1: Comparison to all Local Authorities

INDICATOR	South East	England	B&HCC	Rank out of 352 Authorities in England
	%	%	%	
% satisfied with local transport information	44.3	48	69.5	2
Generally speaking would you like to be more involved in the decisions that affect your local area	26.7	26.6	37.7	4
% satisfied with theatres/concert/halls	46.7	43.2	72.8	6
% satisfied with museums/galleries	40.8	41.5	62.9	10
% satisfied with local bus services	48.9	55.2	76.1	11
% satisfied with parks and open spaces	72.6	68.5	82.1	14
% who agree that their local area is a place where people from different backgrounds get on well together (NI 1)	78.9	76.4	86.1	14
% satisfied with libraries	70.2	69	73.3	67
% who agree that in their local area parents take enough responsibility for the behaviour of their children (NI 22)	30.9	29.6	36.0	67
% who say their health is good or very good (NI 119)	79.3	75.8	79.8	89
% who are satisfied with their local area as a place to live (NI 5)	82.8	79.7	85.9	102
% who think there is a problem with people not treating each other with respect and consideration in their local area (NI 23)	28.1	31.2	24.8	111
% who have given unpaid help at least once per month over the last 12 months (NI 6)	24.8	23.2	24.3	151
% who have been involved in decisions that affect the local area in the past 12 months (NI 3)	14.2	14	14.5	153

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INDICATOR	South East	England	B&HCC	Rank out of 352 Authorities in England
	%	%	%	
% who agree that the police and other local public services are successfully dealing with anti-social behaviour and crime in their local area (NI 21)	26.2	26.3	26.5	174
% people aged 65 and over who are satisfied with both home and neighbourhood (NI 138)	85.5	83.9	85.7	177
very or fairly satisfied with how council runs things	47	45.4	45.2	182
% who agree that they can influence decisions in their local area (NI 4)	28.2	28.9	27.6	204
Strongly or tend to agree local council provides value for money	34.4	33.2	31.9	213
% who would say that they have been treated with respect and consideration by their local public services in the last year (NI 140)	75.8	72.4	73.4	213
sport/leisure facilities	49.4	46.2	44.3	214
% who think that drug use or drug dealing is a problem in their local area (NI 42)	24.4	30.5	29.8	220
% who think that anti-social behaviour is a problem in their local area (NI 17)	16.2	20	19.4	221
% satisfied with doorstep recycling	68.2	69.8	67.8	225
% satisfied with keeping public land clear of litter and refuse	59.8	56.9	54.6	243
% satisfied with local tips/hold waste recycling centres	72.6	71.2	67.8	266
% satisfied with refuse collection	76.8	77.6	70.2	286
% who think that drunk and rowdy behaviour is a problem in their local area (NI 41)	26.6	29	33.9	286
% who think that older people in their local area get the help and support they need to continue to live at home for as long as they want to (NI 139)	28.4	30	25.8	289
% who feel they belong to their immediate neighbourhood (NI 2)	58.3	58.7	53.9	290
% who feel informed about what to do in the event of a large-scale emergency (NI 37)	15.5	15.3	11.9	324.0
% who agree that the police and other local public services seek people's views about anti-social behaviour and crime in their local area (NI 27)	23.7	24.8	19.5	344

3.2 The table below lists results for all National Indicators and our comparison to Unitary Authorities only. They are ranked in terms of our comparative performance to Unitary Authorities. Those listed first are where we compare most positively. The rankings take into account the fact that questions differ as to whether a higher or lower score is more positive.

Table 2: Comparison to Unitary Authorities

INDICATOR	All Unitary Authorities	B&HCC	Rank out of 55 Unitary Authorities in England
	%	%	
% who agree that their local area is a place where people from different backgrounds get on well together (NI 1)	75.8	86.1	1
Generally speaking would you like to be more involved in the decisions that affect your local area	26.2	37.7	1
% satisfied with theatres/concert/halls	45.7	72.8	1
% satisfied with local transport information	45.9	69.5	2
% satisfied with local bus services	51.6	76.1	2
% satisfied with parks and open spaces	68.5	82.1	2
% satisfied with museums/galleries	42.5	62.9	3
% who agree that in their local area parents take enough responsibility for the behaviour of their children (NI 22)	28.6	36.0	5
% satisfied with libraries	69.3	73.3	8
% who are satisfied with their local area as a place to live (NI 5)	79.2	85.9	9
% who think there is a problem with people not treating each other with respect and consideration in their local area (NI 23)	31.5	24.8	9
% who say their health is good or very good (NI 119)	75.7	79.8	12
% who have given unpaid help at least once per month over the last 12 months (NI 6)	22.7	24.3	15

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INDICATOR	All Unitary Authorities	B&HCC	Rank out of 55 Unitary Authorities in England
	%	%	
% who have been involved in decisions that affect the local area in the past 12 months (NI 3)	13.6	14.5	16
very or fairly satisfied with how council runs things	42.3	45.2	18
% people aged 65 and over who are satisfied with both home and neighbourhood (NI 138)	83.6	85.7	19
% who agree that the police and other local public services are successfully dealing with anti-social behaviour and crime in their local area (NI 21)	25.7	26.5	20
Strongly or tend to agree local council provides value for money	29.8	31.9	23
% who think that anti-social behaviour is a problem in their local area (NI 17)	20.1	19.4	26
% who would say that they have been treated with respect and consideration by their local public services in the last year (NI 140)	72.6	73.4	27
% who think that drug use or drug dealing is a problem in their local area (NI 42)	30.5	29.8	27
% satisfied with keeping public land clear of litter and refuse	56.5	54.6	29
% who agree that they can influence decisions in their local area (NI 4)	27.9	27.6	32
sport/leisure facilities	46.4	44.3	35
% who think that drunk and rowdy behaviour is a problem in their local area (NI 41)	29.8	33.9	39
% satisfied with doorstep recycling	71.4	67.8	39
% who feel they belong to their immediate neighbourhood (NI 2)	57.2	53.9	41
% who think that older people in their local area get the help and support they need to continue to live at home for as long as they want to (NI 139)	30.7	25.8	44
% satisfied with local tips/hold waste recycling centres	72.4	67.8	44
% satisfied with refuse collection	78.3	70.2	46

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INDICATOR	All Unitary Authorities	B&HCC	Rank out of 55 Unitary Authorities in England
	%	%	
% who feel informed about what to do in the event of a large-scale emergency (NI 37)	15.9	11.9	53
% who agree that the police and other local public services seek people's views about anti-social behaviour and crime in their local area (NI 27)	24.4	19.5	55

4. What are we doing about?:

4.1 People feeling that in their local area people from different backgrounds get on well together (NI1)

This indicator is included in our Local Area Agreement with a target of 86%. We have exceeded the target and this is an area where we perform comparatively well. The Stronger Communities Programme Partnership leads on this indicator and activities which have contributed to meeting our target include: community development commissioning to support community development in 13 neighbourhoods and other areas across the city; work around a common framework for commissioning and procurement; revised discretionary grants programme; and a strengthening of the festivals network resulting in stronger and more varied festival delivery.

4.2 People who feel they can influence decisions in their local area (NI4)

As a perceptual indicator this is difficult to measure and interpret. A range of factors may impact upon whether a person feels they are able to influence local decision making. This indicator is included in our Local Area Agreement with a target of 29.4% and a score from the Place Survey of 27.6%. Key activities here include: the communication and implementation of the Community Engagement Framework including a CEF e-learning programme; significant growth in Community and Voluntary Sector Forum representation so increasing the influence of the third sector on citywide decision making; extensive networking and support events held across the city; active neighbourhood fora with action plans; attendance by service providers at Neighbourhood Action Groups; support for 20 community newsletters; developing the role of B&HCC as a community empowerment champion; developing and strengthening the work of the city's Equalities Coalition. The Citizens' Panel also provides opportunities for residents to regularly have an input into consultation carried out by partner organisations across the city.

4.3 Participation in regular volunteering (NI6)

This is a new indicator where we have no previous figures to compare. Our performance is mid ranking in comparison to other Local Authorities, but much better (ranking 5th) when compared to Unitaries only. A City Volunteering Strategy has been developed which will be implemented by a steering group. £190,000 of funding has been secured from DCLG for the Take Part Programme to develop local learning opportunities. Community development support has been provided to initiate community groups in neighbourhoods and informal learning and training is being offered to develop the skills of volunteers.

4.4 Involvement in decisions which affect the local area (NI3)

Activities relating to NI4 and NI6 will impact upon this area. B&HCC is organising a 'Get Involved' campaign to promote citizens' involvement in local democracy. The implementation of actions contained in the Community Engagement Framework is also contributing to potential improvement in all Community Engagement indicators.

4.5 Antisocial behaviour

Measures of perceptions of anti-social behaviour and satisfaction with how changes have been made in the area have shown significant improvement in recent years.

The city has an anti social behaviour team which includes caseworkers, police staff and a solicitor. The team analyse data on anti social behaviour from across the city and then target their resources at individuals who are causing anti social behaviour and areas where anti social behaviour is a particular problem. The team works with individuals using a variety of methods starting with early intervention measures such as visits, warning letters, behaviour contracts and referring people in to support services such as treatment for substance misuse and parenting classes. In most circumstances this early intervention is successful. However, if it fails to achieve an improvement in behaviour then the team can utilise the legal tools it has available such as anti social behaviour orders, injunctions and property closure orders.

The anti social behaviour team work closely with other agencies. This includes a joint operation with Sussex Police, RUOK (the young peoples substance misuse service) and the youth service to tackle youth disorder and underage drinking which takes place across the city on a Friday and Saturday night. They also work closely with the Business Crime Reduction Partnership taking referrals about individuals who cause anti social behaviour in local shops, pubs and clubs.

Consultation with residents is undertaken by Sussex Police and the Council via local action teams which are resident led groups which exist across the city to identify problems and bring services together to

tackle them. The Citizens' Panel is also used for consultation with local residents on ASB issues.

4.6 Refuse and recycling

Satisfaction with refuse and recycling has increased in Brighton and Hove since 2006. The service has recently undergone a complete reorganisation resulting in a 17% reduction in costs (a saving of almost £1million). As part of the reorganisation, 120,000 household collections were rerouted. This was undertaken at the time of the field work for the Place Survey in Autumn 2008. However, from a comparison of questionnaires returned before and after the round changes were introduced, it does not appear that this in itself had a negative impact in satisfaction levels.

The recent extension of communal bins is expected to have a positive impact on street cleanliness in the city centre.

5. What information do we now have from the Place Survey?

- 5.1 We now have a full set of data for the Brighton and Hove Place Survey findings. The second set of data which was made available to us on 23rd June 2009 includes comparator data for all Local Authorities for National Indicators and some additional questions only. The Place Survey included NIs and other additional questions some of which we do not have comparator data for and we are waiting for this to be made available.

6. Issues to note

- 6.1 The results on many of the indicators are very closely bunched together. This can mean that a comparatively small difference in the % figure can lead to a large difference in ranking and the corresponding quartile we are placed in.
- 6.2 Given that confidence intervals can also be up to + or - 2% these in themselves could potentially shift rankings.
- 6.3 Weightings on the data were changed between the first and second release to us. This means that initial headline figures reported may have shifted slightly in later reports. The trajectories remain the same and no rankings or comparisons will be affected.
- 6.4 Data is weighted at a city wide level. At Ward, or area level the data remain un-weighted in order to avoid skewing the impact of different demographic groups. For this reason comparisons between Ward or area level data and that at city level is made between two different data sets.

7. The Place Survey background information

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- 7.1 The Place Survey replaced the Best Value User Satisfaction Survey (BVPIs) and provides data for 19 of the new national indicators, all focused on citizen perspectives. It also provides evidence for some of our LAA targets.
- 7.2 The focus of the Place Survey shifted from satisfaction with services delivered by the Local Authority, to satisfaction with the local area as a place to live. This incorporates services delivered by partners outside of BHCC. For this reason the Place Survey was branded under the LSP and carried the LSP logo in addition to that of the Local Authority.
- 7.3 The fieldwork for the survey was carried out between September and December 2008. The sampling is overseen by the audit commission and we exceeded the minimum response rate to make the survey sample robust. We received a total of 2,255 responses from 6,000 (a rate of 38%). The audit commission also weight the data in order to make sure that it represents the different groups resident in the city.

Paula Black
September 2009

APPENDIX 1

Place survey and satisfaction: the national context (Ipsos MORI local: People, perception and place, July 2009)

In general, residents are increasingly happy with where they live. Brighton and Hove residents are happier than the average for Metropolitan Authorities and Unitaries. ASB is declining, particularly people using and dealing drugs. However, Local Authorities are not receiving credit for these improvements. Satisfaction with councils is down from scores in the 50s in 2003 to satisfaction levels in the 40s in 2008. Inner London does not follow this trend. Brighton and Hove has also maintained a comparatively steady score over this time.

Satisfaction can be correlated with the public feeling that they are not informed about local public services (37% feel informed in Mets and Unitaries)

Satisfaction with local police forces is similar to that of councils - again despite improvements in ASB.

Two key points

1. Understand what is driving these perceptions (both what is under local control and what is not)
2. Look more carefully at local neighbourhoods within authorities

Issues with perceptual indicators

Perceptions are heavily influenced by factors beyond local control (see the list below).

There is a strong relationship between perception and key indicators. There is a time-lag between changes to service delivery and perception of improvement/change as well as a lag between satisfaction with individual services but dissatisfaction with the council or service deliverer

Looking across all measures, what are the background factors that are largely beyond the control of local services that are most related to perceptions?

82% of all variation in satisfaction with local areas can be explained by knowing five characteristics of the local population

- Indices of Multiple Deprivation (IMD)
- Young people (proportion of the population aged under 21)
- Physical living conditions (levels of occupancy)
- Percentage of the population with degrees
- Region

According to these factors the most challenged Unitary and Met is: Manchester and the least is Rutland

What background characteristics are consistently associated with making 'satisfaction' hard to achieve?

- IMD
- Ethnic diversity (the level of ethnic fractionalisation – or how diverse an area is)
- Young people – the more people under 19 in an area, the more difficult it is to achieve high levels of satisfaction
- Population churn
- Physical living conditions (particularly over-occupancy)
- Urbanity – the more urban an area, the harder it is to achieve positive perceptions
- Region – the North-East is associated with higher satisfaction and London is (generally) associated with lower satisfaction scores

But there are things which Local Authorities and partners can do:

- Local public services really matter to a sense of place and satisfaction with the local area. ASB is key here.
- Understanding and targeting local priorities
- Informing and listening. No councils that communicated well are poorly rated overall in the Place Survey. In terms of shifting perception the biggest impact would be to communicate activities to a wide group, rather than active involvement of smaller numbers of residents. However, communication does not simply involve information provision and the most effective activities relate to seeking out views, acting upon them and communicating back how they have been acted upon.
- Crime measures are heavily related to respect and parenting
- Targeting individual neighbourhoods

What does this mean for Brighton and Hove?

A communications programme aimed at most influential perceptual indicators is key

Combining research, consultation and analysis effectively to fully understand local issues is vital

Area analysis is required, for example using tools such as the Brighton and Hove Local Information Service (BHLIS). In terms of satisfaction levels for B&HCC, areas of the city are becoming as influential as membership of particular demographic groups (a report on demographic and area analysis of Place Survey results is available from the Analysis and Research Team)

Subject:	Information update on Implementation of New HR and Payroll System		
Date of Meeting:	17 November 2009		
Report of:	Director of Strategy & 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 To provide an information and progress update on the implementation of the new integrated HR/Payroll system that was approved at the Cabinet meeting on 15 January 2009.
- 1.2 The new HR/Payroll replaces the current system with an integrated suite of software. The new system which is post-based will support improvement of HR processes and financial control and provide improved reporting capability.
- 1.3 The system will enable faster and more efficient HR service to all customers and is scheduled to provide employee and line manager online access to view and change personal data.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The contract for the provision of the integrated HR/Payroll system was signed with MidlandHR on 18 April 2009.
N B. MidlandHR has been recognised for its excellence in provision of leading payroll solutions and services by the Institute of Payroll Professionals (IPP) who awarded them Payroll Service Provider of the Year 2009.
- 3.2 The contract for the provision of a Recruitment module was signed with Stepstone on 26 August 2009. Stepstone is one of the largest providers of recruitment software solutions and this module will be integrated with the HR/Payroll system to ensure non-duplication of activity. The decision to purchase a separate Recruitment module was made because the MidlandHR product does not support the recruitment requirements of the council.

- 3.3 The project implementation is being managed in 2 phases. The first phase provides an integrated HR/Payroll system covering recruitment, core HR, absence and payroll processes. This phase is on target for scheduled completion in April 2010.
- 3.4 The second phase delivers HR functionality for workforce development and health and safety management in addition to employee and line manager online access to the HR/Payroll system. This phase is scheduled for completion by December 2010.
- 3.5 Project governance and implementation assurance is managed through monthly reporting to Project Board and through five key audit and assurance gateways for each phase:
- Procurement
 - Design
 - Build
 - User test
 - Preparation for go-live.
- 3.6 The project has completed Phase 1 Procurement and Phase 2 Design Gateway. Both phases have been given substantial assurance from (Deloitte) our external auditors.

4. CONSULTATION

- 4.1 Successful delivery of the HR and Payroll System project divides into two key areas:
- The delivery of technical improvements required by the council for an HR and Payroll system.
 - Getting users of the system to engage so that the improvements and efficiencies can be realised and sustained.
- 4.2 Significant progress has been made on the technical side - this will need to be maintained and resource will now need to focus on timely and meaningful consultation, communications, engagement and training.
- 4.3 Plans have been put together and agreed by the Project Board to manage all of the consultative issues whilst also taking into account the learning points and experience gained from previous projects.
- 4.4 All stakeholders have been identified and engagement and communications plans prepared to help ensure appropriate level awareness. Learning interventions are being developed based upon Customer needs identified through process work and user group consultation. Initial consultation with the Trade Unions on the roll out and implementation is scheduled for 25 November 2009.
- 4.5 Design Walkthroughs of the system have been completed with HR and Finance representatives who have assured the design approach, high level process maps

and testing scenarios for the core HR and payroll processes and data migration. The areas listed have been through the assurance process:

- Absence, Expenses and Timesheets
- Starters and Leavers
- Organisation Structure and Inheritance
- Payroll Processing

4.6 The main differences for all employees at April 2010 will be:

- A change of payroll reference number and an improved payslip advice.
- Employees with a Brighton and Hove City council email account may be given the option of receiving the payslip advice via e-mail.
- Integrated reporting to support management information requirements
- The opportunity to provide line managers with view access to employee data

4.7 The key focus for engagement for Phase 1 is to:

- Ensure all employees are aware of the pay reference number and payslip change.
- Ensure line managers are aware of the benefits of the post-based system, understand the need to keep establishment and employee information updated and do so.

4.8 A demonstration of the HR & Payroll System including both employee and line manager online access to information has been prepared and roadshow events will run from early 2010.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The Project Budget and any variances are reported monthly to the Project Board. The project is currently forecast to be delivered within budget. HR and Finance time, external to the budget, provided to support the implementation of the project is being captured to inform future implementation and budget planning. Financial and service benefits set out in the original business case are scheduled to be delivered from April 2010 and will be monitored by service management. The measurement of benefits will confirm realisation of project outcomes and baseline measures are being agreed and will be subject to tracking from December 2009 (see Section 5.8).

Finance Officer Consulted: Nigel Manvell

Date: 23/10/09

Legal Implications:

5.2 The contracts referred to in this report fall under 'Part A' of the EU Procurement Directive and accompanying UK Regulations. As a result, they were subject to the full application of both the Directive and Regulations. The tender process was undertaken in compliance with the relevant legislation. The Council

must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer Consulted:

Sonia Likhari

Date: 15/10/09

Equalities Implications:

- 5.3 The new system will support improved diversity monitoring across a range of employment related areas. An equalities impact assessment of the system was prepared prior to contract award and will be re-confirmed during the build phase and the outcome will be reviewed as part of the Build approval gateway.

Sustainability Implications:

- 5.4 The contract has been awarded in line with the council's sustainability strategy. The provision of an integrated HR/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. 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. Measurements to track the improvement in benefits are being measured with effect from October 2009.

Crime & Disorder Implications:

- 5.5 The 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:

- 5.6 A risk and opportunity log is maintained for the project and reviewed monthly at the Project Board and interventions are being in place to ameliorate the risk as appropriate
- 5.7 The project is carrying 2 major elements of risk which are currently being managed:
- Availability of HR resource for user testing and parallel running of the new systems whilst maintaining the existing Business as usual activities for customers
 - Potential conflict of interest in resource requirement for other high profile activities which require access to the resource and skills that are currently identifies to support the HR/Payroll implementation programme eg. single status

Corporate / Citywide Implications:

5.8 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 from April 2010

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

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None

Subject:	Whistleblowing Policy and Operation of the Council's Whistleblowing Function		
Date of Meeting:	17 November 2009		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Charlotte Thomas	Tel: 29-1290
	E-mail:	charlotte.thomas@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report has been produced at the request of members of the Governance Committee at the meeting held on 22 September 2009 when the issue of whistleblowing, to an external body, was discussed.
- 1.2 The purpose of the report is to brief the Governance Committee on the operation of the Whistleblowing function within the council and to consider whether, in the light of experience, there is a need to make any changes including the introduction of whistleblowing to an external body.

2. RECOMMENDATIONS:

- 2.1 That the Committee note the contents of the report and the operation of the Whistleblowing Policy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

The Policy

- 3.1 The council introduced a Whistleblowing Policy in 1998 to encourage a culture of openness, probity and safety within the workplace. It was recommended that School Governing Bodies adopted this policy framework to ensure compliance with the Public Interest Disclosure Act 1998 within their schools and all have done so.
- 3.2 Since it was originally introduced, the Policy has been regularly reviewed and updated. The most recent review took place in November 2007.
- 3.3 The Whistleblowing Policy enables council employees and others who work on council premises, such as agency workers and contractors, to raise any genuine concerns they may have about alleged malpractice. They do this secure in the knowledge that questions will be asked and appropriate action taken, and that they will not suffer victimisation from having disclosed confidential information in the public interest.

3.4 The types of concern that are covered by the Whistleblowing Policy include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of council funds
- action that is contrary to the council's financial procedures or contract regulations
- possible fraud, corruption or financial irregularity
- practice which falls below established standards or practice
- sexual or physical abuse of clients
- other unethical conduct.

3.5 Considerable effort has been put in to making sure our employees are aware of the policy and that they know how they can raise a concern, if they have one.

3.6 In 2005, the policy was publicised through a widespread poster campaign within council workplaces. In addition, a letter was sent by the Chief Executive to all employees together with a small card giving details of how concerns of alleged malpractice could be raised.

3.7 Since then, employees have been made aware of the policy by:

- making detailed information available via the Wave, latterly through the intranet site dedicated to HR matters, called "People First"
- placing on line messages on the Wave at intervals during the year
- including a summary of the Whistleblowing Policy in the employee handbook that is issued to all new recruits on appointment
- asking managers to brief all new members of staff on the Whistleblowing Policy as part of the induction process
- including a section on whistleblowing and how to raise a concern in the e-induction package that is provided for new staff.

Procedure for raising and dealing with a concern

3.8 Normally an employee is expected to raise their concern with their line manager in the first instance. Agency workers, contractors etc should raise the matter in the first instance with their contact within the council, usually the person to whom they directly report.

3.9 If the employee prefers not to approach their line manager, for whatever reason, he/she may raise the matter with any of the following officers:

- Relevant Chief Officer/Headteacher/Chair of Governors
- Charlotte Thomas, AD Head of Human Resources
- Ian Withers, Head of Audit & Business Risk
- Catherine Vaughan, Director of Finance & Resources or
- Alex Bailey, Director of Strategy and Governance (The Monitoring Officer).

- 3.10 If these channels have been followed but the employee still has concerns, or if he/she feels that the matter is so serious that they cannot discuss it with any of the officers listed above, he/she may contact the Chief Executive.
- 3.11 The employee may raise their concern anonymously, either in writing or by telephone, and will need to provide sufficient information on the background and history of the situation and explain why he/she is particularly concerned about the matter.
- 3.12 Once a concern is raised, the appropriate council manager will make initial enquiries, taking advice from the AD, Head of HR if necessary, to decide whether an investigation is appropriate and if so, what form it should take. The Director of Strategy and Governance, as the City Council's Monitoring Officer, will also be notified that a concern has been raised.
- 3.13 As soon as possible, and in any case within 10 working days of the concern being raised, the employee will receive confirmation that their concern has been lodged and how, as far as possible, it is proposed to deal with it.
- 3.14 Some concerns may be resolved by agreeing action with the employee without the need for investigation. However, in other cases, and depending upon its nature, the matter may:
- be investigated by management, internal audit, the Monitoring Officer or through the disciplinary process
 - be referred for consideration under the relevant procedure e.g. child protection
 - be referred to the Police
 - be referred to the external auditor
 - form the subject of an independent inquiry or
 - be more appropriately dealt with under another council policy e.g. the Anti-fraud and Corruption Policy, the Grievance Procedure, Harassment Policy.
- 3.15 The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

Support available for an employee who wishes to raise a concern

- 3.16 It is important that any employee who has a concern about possible serious malpractice within the council, feels able to come forward and make their concern known. Apart from the internal support that can be provided by the employee's trade union representative or a work colleague, the employee can also access external, independent advice from the charity, Public Concern at Work. To ensure that cost is not a barrier to accessing advice, the council pays an annual fee to this independent charity so that our employees can obtain this free of charge. Alternatively, an employee can seek help by contacting their union lawyer or professional association.
- 3.17 The council will also take all reasonable steps to minimise any difficulties to employees or others raising concerns and provide advice and support should they be required to give evidence, for example at a disciplinary hearing by:
- providing extra support for witnesses or

- offering counselling services where they may be beneficial etc.

Recording and Monitoring

- 3.18 HR maintains a register of all whistleblowing cases. Historically, the number of cases received each year has been very low with numbers in single figures. In the last 12 months, for example, there has been only one concern raised. The matter is currently under investigation.
- 3.19 Although the number of cases is low, enquiries made of other local authorities has shown Brighton & Hove City Council not to be unusual in this respect.

Safeguards to ensure concerns are properly investigated

- 3.20 It is vital that anyone raising a complaint under the Whistleblowing Policy has confidence that their concerns will be taken seriously and rigorously investigated and that they will not be subjected to any victimisation or detrimental treatment as a result of whistleblowing.
- 3.21 The Policy makes provision for complaints, where the nature of the complaint makes it appropriate to do so, to be referred to an external body, for example, the Police or an external auditor.
- 3.22 There are also safeguards to ensure that those complaints investigated internally are properly handled.
- 3.22.1 Concerns relating to alleged fraud and corruption are referred to the Head of Audit & Business Risk for an internal audit investigation. Where possible, the outcome is communicated back to the Whistleblower, currently verbally. The internal audit team has a statutory requirement to comply with the professional standards set out in the Code of Practice for Internal Audit in Local Government. This Code requires the council's auditors to be independent of the activities they investigate and audit. In line with other local authorities, the council's audit function is reviewed every three years by the Audit Commission to ensure that it is performing effectively. As part of the review, an assessment is made of how independently the audit function operates within the organisation. The latest review has just been reported. It concluded, among other things, that the council's audit function has a strong profile within the council and it has a high degree of independence.
- 3.22.2 The Head of Law, Head of Audit & Business Risk and the Assistant Director, Head of Human Resources meet regularly to review concerns raised under the Whistleblowing Policy to ensure investigations are pursued appropriately. There is also an Officers' Governance Board consisting of the Director of Strategy & Governance, the Director of Finance & Resources, the Head of Law, the Head of Audit & Business Risk and the Risk Manager which is responsible for overseeing the operation of corporate governance systems, including the whistleblowing policy.

3.22.3 In addition, an employee who is not satisfied with the outcome to their complaint, or is unhappy about the way their concern has been investigated or otherwise handled, can take the matter direct to an external body such as:

- the Audit Commission
- relevant professional bodies or regulatory organisations
- the Ombudsman
- the Police.

3.23 In the light of the safeguards outlined above, and the provision within the existing Whistleblowing Policy for an individual to whistleblow to any one of a number of external bodies it is not considered necessary, or desirable, to have another distinct external body to deal with complaints.

3.24 This view appears to be shared by other local authorities. None of those in the South East region who were contacted had provision for whistleblowing complaints to be referred to an external body for investigation.

3.25 The Committee might wish to know that the Audit & Business Risk team will be carrying out a review of the operation of the Whistleblowing function in Quarter 3 as part of the agreed 2009/10 Audit Plan. It might be useful for the outcome of that review to be presented to the Committee.

4. CONSULTATION

4.1 The Head of Audit & Business Risk has been consulted on this report and his comments incorporated.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications arising from the recommendations in the report.

Finance Officer Consulted: Peter Francis Date: 26/10/09

Legal Implications:

5.2 All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. To encourage a culture of openness, probity and safety, the council has a Whistleblowing Policy in place which complies with the requirements of the Public Interest Disclosure Act 1998. An effective whistleblowing function is a vital component to ensuring good governance. The legal implications are incorporated within the report.

5.3 The Council must also take the Human Rights Act 1998 into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 28/10/09

Equalities Implications:

- 5.4 The policy applies to all employees.

Sustainability Implications:

- 5.5 The policy and guidance is published on our intranet and hard copy information is only circulated to those staff not connected to the internet.

Crime & Disorder Implications:

- 5.6 The whistleblowing policy is designed to encourage reporting of allegations so that they can be properly investigated and, where they are founded, appropriate action can be taken.

Risk and Opportunity Management Implications:

- 5.7 An effective whistleblowing function will contribute to a climate of trust, probity and safety at work. It is also a safeguard against the council unknowingly harbouring malpractice.

Corporate / Citywide Implications:

- 5.8 It is vital that a public body has in place a mechanism for its staff and others who work on its premises such as contractors and agency workers to be able to raise concerns about alleged malpractice, secure in the knowledge that something will be done and that they will not suffer victimisation from having raised the issue.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None

Subject:	Patcham Ward and Stanford Ward – Change of Name consultation	
Date of Meeting:	17 November 2009	Governance Committee
	10 December 2009	Special Council
Report of:	Chief Executive	
Contact Officer:	Name: Paul Holloway	Tel: 29-2005
	E-mail: paul.holloway@brighton-hove.gov.uk	
Wards Affected:	Patcham Ward; Stanford Ward	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Governance Committee meeting of 22 September 2009 approved a consultation exercise to explore changing the name of two council wards:
 - (i) the current Patcham Ward to become Patcham and Hollingbury Ward.
 - (ii) the current Stanford Ward to become Hove Park Ward
- 1.2 The proposal to change the name of the current Patcham Ward arose following the change of name in the Hollingdean and Stanmer Ward in November 2008.
- 1.3 The proposal to change the name of the current Stanford Ward arose when a petition signed by 21 residents was presented to Council on 4 December 2008.
- 1.4 A four week consultation period between 28 September and 26 October 2009, gave residents living in the two wards, the opportunity to register their support, or otherwise to the proposals.

2. RECOMMENDATION:

- 2.1 That the Governance Committee notes the result of the consultation.
- 2.2 That the Governance Committee recommends Council to give approval for the name of Stanford Ward to be changed to Hove Park Ward.
- 2.3 That the Governance Committee recommends Council to agree that Patcham Ward retains its current name.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 In November 2008 the Council approved the change of name for Hollingbury and Stanmer, to Hollingdean and Stanmer Ward. The loss of reference to Hollingbury resulted in local residents raising the need to continue to recognise Hollingbury as a district.

- 3.2 It was therefore proposed to put forward a change of Ward name as Patcham and Hollingbury, for consultation. This proposed name change accurately reflects there is no significant change to the current Patcham Ward, and also recognises that Patcham forms the greater part of the geographical area of the ward.
- 3.3 The proposal to re-name Stanford Ward to Hove Park Ward was put forward in a petition signed by 21 residents, to Council on 4 December 2008.
- 3.4 Governance Committee on 22 September 2009 approved a 4 week consultation exercise between 28 September and 26 October 2009 in each Ward and requested a report on the findings of the exercise to be submitted to the 17 November Governance Committee meeting.
- 3.5 Any subsequent resolution to agree the proposed ward name changes, following the consultation exercise, must be passed at a specially convened meeting of Full Council, where two thirds of members voting need to support the proposal.

4. CONSULTATION

- 4.1 By law, a local authority may not pass a resolution to change the name of a ward unless it has taken reasonable steps to consult with such persons as it considers appropriate on the proposed new name(s).
- 4.2 Patcham and Stanford Ward Councillors, the council's main political groups, local community groups and organisations within the wards, together with the electorate, were consulted on the proposals in the following way:
- Notices in community magazines in both wards.
 - Council Website survey question regarding the proposed changes
 - Information on the Electoral Services website.
 - Notices in libraries and community centres
 - Notices in parks
 - Publicity in The Argus
- 4.3 The results of the consultation exercise are detailed below together with information regarding the breakdown of responses received:

Table 1

Ward Name	Total number of responses	Number in favour of proposed change	Number against proposed change
Patcham	102	39	63
Stanford	576	307	269

Table 2

Ward name	Number of web responses	Number of emails to Electoral Services inbox	Number of other responses (petition and letters)
Patcham	76	6	20
Stanford	70	14	492

- 4.4 Ten additional signatures in support of the retention of Stanford Ward were also received just after the deadline for the consultation, but have not been included in the figures above.
- 4.5 In line with a previous Governance Committee report recommending the consultation exercise, this report has detailed the findings of the consultation and has made recommendations based on the findings, using the democratic approach of recommending in favour of the greatest number of responses.
- 4.6 If the Governance Committee accepts the recommendation of a change of Ward name in Stanford Ward, Members will be asked to make a decision at a specially convened meeting of Full Council on 10 December 2009.
- 4.7 The Council has at all times during this process remained in a neutral position, neither supporting nor opposing the proposed changes. It has simply invited the affected electorate to indicate their support or opposition to the proposals.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 5.1 The costs for carrying out the consultation were £2,000. By accepting the recommendations within this report the Council will incur costs in the region of £1,000 to amend the current ward.

Finance Officer Consulted: Alasdair Ridley

Date: 06/11/09

Legal Implications

- 5.2 The legal requirements set out in paragraphs 3.5 and 4.1 above are provided for in section 59 of the Local Government and Public Involvement in Health Act 2007.
- 5.3 By virtue of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000, functions carried out under section 59 of the 2007 Act, which include the passing of a resolution to change the name of an electoral area, are reserved to Full Council.

Lawyer Consulted: Oliver Dixon

Date: 6 November 2009

Equalities Implications

- 5.4 As this is just a change of name, which does not impact directly on any individual, an Equalities Impact Assessment has not been carried out.

Sustainability Implications

- 5.5 There are no implications.

Crime & Disorder Implications

- 5.6 There are no implications.

Risk and Opportunity Management Implications

5.7 There are no implications.

Corporate / Citywide Implications

5.8 The recommendations are in line with council priorities, specifically for open and effective city leadership.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None

Subject: Scrutiny Good Practice
Date of Meeting: 17 November 2009
Report of: Director of Strategy & Governance
Contact Officer: Name: Tom Hook Tel: 29-1110
E-mail: tom.hook@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 As part of the six month review of the constitution it was agreed that a good practice review of scrutiny in other local authorities be undertaken. This report sets out the findings of the review.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee notes the scrutiny good practice review.
- 2.2 That the Governance Committee endorses the moves towards annual work plans for scrutiny panels.
- 2.3 That the Governance Committee endorses regular tripartite meetings.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 As part of the six month review of the constitution it was agreed that a good practice review of scrutiny in other local authorities be undertaken. Appendix one of this report sets out the findings of the review.
- 3.2 The findings of the review were discussed at the Overview and Scrutiny Commission on the 20 October. A draft extract from this meeting is attached to this report at Appendix 2.
- 3.3 The Commission resolved to:
1. Support in principle the development of an annual work programme for scrutiny panels
 2. Welcome the introduction of regular meetings between Cabinet Members and Scrutiny Committee Chairs
 3. Request officers undertake further investigation on ways to improve the involvement of residents in the scrutiny process

4. CONSULTATION

- 4.1 The Overview and Scrutiny Commission has been consulted on the findings of the review. An extract from the draft minutes of their meeting of the 20 October are attached to this report at Appendix 2.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer consulted: Anne Silley Date: 09/10/09

Legal Implications:

- 5.2 The council's overview and scrutiny function must operate in accordance with sections 21 and 21A to 21E of the Local Government Act 2000. Any proposed changes to overview and scrutiny arising from this good practice comparison should be checked for compliance with these statutory provisions before implementation.

Lawyer consulted: Oliver Dixon Date: 07/10/09

Equalities Implications:

- 5.3 There are no direct equalities implications arising from this report.

Sustainability Implications:

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

Crime & Disorder Implications:

- 5.5 There are no direct crime & disorder implications arising from this report

Risk and Opportunity Management Implications:

- 5.6 There are no direct risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

- 5.7 The Council's financial position impacts on levels of Council Tax and service levels and therefore has citywide implications.

SUPPORTING DOCUMENTATION

Appendices:

1. Comparative information on the discharge of Local Authorities Overview & Scrutiny duties
2. Draft extract from the proceedings of the Overview & Scrutiny Commission meeting held on 20 October 2009.

Documents In Members' Rooms

None

Background Documents

None

1.1 This paper presents comparative information as to how a number of Local Authorities discharge their Overview & Scrutiny (O&S) function; it also highlights some instances of good practice in O&S across England and Wales.

1.2 The BHCC Scrutiny team questioned their counterparts in a number of other Local Authorities with regard to how their Scrutiny systems operate. The authorities were chosen either:

(a) because they have been recognised as exemplar organisations for O&S (i.e. by the Centre for Public Scrutiny: CfPS). Local Authorities approached included Birmingham, Cardiff, East Lindsey, Maidstone, Tameside and Tunbridge Wells.

(b) because they are useful comparators for Brighton & Hove (e.g. similar demographics or similar political situations). Local Authorities approached included Wolverhampton, Stockton and Plymouth.

or

(c) because they are near neighbours. Local Authorities approached were East Sussex and West Sussex.

1.3 It swiftly became apparent that few, if any, Local Authorities can be directly compared to Brighton & Hove in terms of their O&S function. Some of our respondents have atypically large O&S budgets (Birmingham, due to its sheer size; Cardiff due to its success in accessing Welsh Assembly funding); others operate in a climate where both a council's Executive and its Scrutiny function are dominated by one political group (East Hertfordshire, West Sussex etc). There are few, if any councils which are of a comparable size to Brighton & Hove, and which have a similar political make up; and, even if direct comparators could be found, they would almost certainly have been running a Cabinet system (and therefore a full Scrutiny system) for the past nine years, which would put them in a very different position from Brighton & Hove.

1.4 We asked each of our respondents 10 questions, initially by email, although we followed up in several instances with phone calls. Responses to these questions were varied, although they tended to divide on relatively predictable lines according to each council's budget for O&S, its political make-up etc. There would therefore be little value in reproducing every response to these questions. Instead we have summarised the general responses to each question, and have concentrated on the answers which we felt to be of the greatest interest, either because our respondents identified them as representing good

practice, because some other body (e.g. CfPS) so identified them, or because they differed significantly from general practice.

2. QUESTIONS AND RESPONSES

2.1 How many Overview and Scrutiny Committees do you have and what is the general remit of each? How often does each committee meet?

- There was a good deal of variation here, although much of this was fairly predictable, with very large authorities running the most committees, and small authorities the least.
- Birmingham City Council has 12 standing scrutiny committees, one for each portfolio holder on the council's executive, with additional committees looking at health and co-ordinating the work of O&S. (However, Birmingham has 120 Councillors and a very large budget to play with.)
- East Lindsey District Council (Lincolnshire) has a single Overview committee which selects topics for scrutiny, and two Scrutiny committees which undertake reviews. Harrow DC has only two committees: a general scrutiny committee and one dedicated to examining performance and finance.
- The majority of authorities we spoke to operate several O&S committees mirroring a council's directorates, its cabinet posts (although with some doubling-up involved), or which are based around major themes (health and well-being etc).
- Most councils hold scrutiny meetings on a two to three month cycle (i.e. 4-6 a year). Some councils, particularly those with the greatest resources, hold much more frequent meetings (monthly, in the case of Birmingham and Cardiff).

2.2 Is there a co-ordinating committee and if so, what is its role? Does it coordinate work plans for other committees or are committees responsible for their own work plans?

- There was considerable variance here, with some councils having a co-ordinating committee, either formally or via custom and practice. Other councils do not have any committee fulfilling this role. Councils which do not have a co-ordinating committee generally arrange regular informal meetings between the O&S committee Chairs to plan work etc.

- In Stockton, an Executive Scrutiny Committee co-ordinates the work of O&S as well as scrutinising corporate performance and handling Call-Ins.
- In Cardiff ,there is no co-ordinating committee, but there are informal 'Chairs' Liaison' meetings held (in private) every two months or so.
- In Maidstone, each committee is responsible for its own work programme, but a co-ordinating committee made up of Chairs and Deputy Chairs meets twice a year to oversee the work planning process.
- In Birmingham, the Co-ordinating Committee oversees the portfolios of the council's Leader and Deputy Leader, approves the annual programme of scrutiny reviews across O&S, determines where new responsibilities should be scrutinised (i.e. scrutiny of partnerships, Councillor Call for Action), and seeks to encourage thematic links across the entirety of O&S. However, each individual O&S committee determines the details of its own work programme.

2.3 Do you have a formal link between Overview and Scrutiny and the Executive- are there any meetings between Scrutiny Chairs and cabinet members, for example? How are the directorates involved; are there formal directorate meetings?

- In general, few of our respondents reported having formal systems in place to facilitate dialogue between O&S members and Cabinet members. However, most councils seem to encourage informal liaison between Scrutiny and Executive members, and some authorities make a point of ensuring that Scrutiny engages with the Executive before embarking on major pieces of work (i.e. Scrutiny reviews/panels).
- In Wolverhampton O&S does not have formal links with the Cabinet, but often seeks to brief Cabinet Members on the outcome of scrutiny reviews before reviews are published. (This sometimes helps get scrutiny recommendations accepted, but doesn't always work out.)
- Before and after each scrutiny review, Stockton arranges a meeting between the Scrutiny Chairman, the Deputy Chairman, the relevant Cabinet Member, the relevant Director and Link Officer. These meetings are intended to help scope panel work and to ensure that there are no surprises for the executive in terms of panel recommendations.
- In Cardiff, O&S has no formal links with the Executive, but O&S Chairs are regularly invited to attend Cabinet Member Chairs' meetings.

- Birmingham has no formal O&S/Executive link, but informal meetings are often arranged between CMs and Scrutiny Chairs.
- Maidstone has no O&S/Executive link at a member level, but the Head of Scrutiny has a standing invite to all DMT meetings so that he can advise O&S members on emerging issues.
- Harrow has quarterly meetings involving the council's Leader, Deputy Leader, the Chairman of Scrutiny and the Chief Executive.
- Tameside has an Overview (Audit) Panel where Scrutiny Chairs sit alongside Cabinet members.

2.4 Could you say what the political make up of your council and how does Overview and Scrutiny reflect this? How much are the different political groups involved?

- There was, predictably a wide range of responses here, and various ways of reflecting the political balance of a council via its O&S function.
- In Wolverhampton all Scrutiny Chairs come from the governing group (or its informal coalition partner), but all Deputies are from the main opposition group and panel Chairs are usually also from this group.
- In Birmingham all O&S Chairs and Deputies come from the governing coalition.
- In Maidstone each O&S committee elects its own Chair and Deputy.

2.5 How do you get Members involved in Scrutiny? How do you get their interest and keep it?

- Almost all our respondents identified this as being one of the major challenges they had faced since adopting a scrutiny system. Whilst no council seemed confident that they had totally managed to convince all their members of the value of scrutiny, we did receive some useful suggestions on how members can best be involved.
- Stockton recommended that O&S committee work programmes should be 'owned' by committee members, that topics of broad public interest should be identified, and that members should be encouraged to visit other councils and to make 'site visits' to service providers etc. wherever possible.

- Birmingham note that member enthusiasm for O&S is essentially determined by the political groups rather than by council officers: if all the political groups buy in to scrutiny, members are likely to be enthusiastic and engaged.
- Maidstone suggested that members should be heavily involved in work planning. Maidstone holds an annual workshop involving all scrutiny members and senior officers from the council's directorates at which subjects for scrutiny review are identified.
- Cardiff stressed the value of encouraging O&S members to visit other authorities, expert witnesses etc, both in terms of engaging with members and in terms of producing high quality O&S work. It was pointed out that many eminent people who were happy to meet a delegation from Cardiff council may not have been quite so willing to travel to Cardiff to do so.
- Tameside produces very short, focused O&S committee agendas with a maximum of 5 items (including minutes, procedural business etc.) This brevity allows members to prepare fully for one or two topics rather than expecting them to be well informed about a very wide range of issues. To further support members, Tameside circulate confidential briefing notes in advance of meetings, and hold pre-meetings for committee members directly before the public meetings begin.

2.6 How many officers do you have to support the scrutiny function and how is this arranged? Do other teams, e.g. Democratic Services/ service teams assist?

- Unsurprisingly, large authorities tend to have large O&S teams and small authorities fewer O&S staff. It also seems to be the case that O&S is most likely to be a discrete service in larger authorities – it is obviously easier in practical terms to run a large team as a relatively separate entity than a small one. Most O&S services seem to receive a good deal of admin support from their colleagues in Democratic Services.
- Wolverhampton has 5 Scrutiny officers and a Head of Scrutiny. All administrative support is provided by Democratic Services. Wolverhampton O&S sits within the council's policy team.
- Stockton has 4 Scrutiny officers, including a team leader. All administrative support is provided by Democratic Services.
- Cardiff has a Head of Scrutiny, 7 Scrutiny officers and 4 Scrutiny researchers. The O&S team was, until recently, discrete from any other council services, and was responsible for its own admin. It has now

been amalgamated with Democratic Services (and downsized – the above figures represent the new, slimmed-down, O&S team), as part of a council-wide service redesign, and DS is doing some of its admin. Formerly Cardiff used to regularly second officers from other departments into its O&S team. The intention here was for Scrutiny to gain knowledge of other directorates, and for returning secondees to champion O&S once they returned to their substantive posts. However, a number of these secondees opted to pursue O&S posts in other authorities rather than returning to their original jobs, and this initiative has now been abandoned.

- Birmingham has a Director of Scrutiny (with his own office staff), 19 Scrutiny officers and a Media Manager. Democratic Services clerk all O&S committee meetings.
- Maidstone has 2.5 FTE Scrutiny posts and is responsible for its own admin.
- Harrow has a service manager and 3 Scrutiny officers. All administrative support is provided by Democratic Services.
- Tameside has a six person O&S team, working out of the council's Performance directorate. The team does all its own admin.

2.7 How do you involve the public and stakeholders/ other partners? Do you have much public involvement?

- In general, our respondents agreed that it was difficult, if not impossible to interest members of the public in O&S unless the topic chosen was one of pressing public concern.
- Harrow has established a 'Pool of Advisers': members of the public who are willing to sit as co-optees on various Scrutiny reviews (all Harrow Scrutiny panels feature community co-optees). Harrow had previously involved members of the community in its O&S work, but the people involved had tended to be the 'same faces' (members of representative bodies, former Councillors etc.) It was thought that this approach risked excluding parts of the community and the council therefore advertised for a pool of volunteers in the local media. Around 20 people have agreed to be part of the Pool.
- Birmingham concentrate on getting members of the public involved in Scrutiny panels rather than in day-to-day committee work (as they feel the latter is never going to engage significant numbers of people).

2.8 Do the committees have a role in performance monitoring, and if so, how is this managed?

- Our respondents were fairly equally split in terms of performance monitoring, with some councils routing most performance data via a dedicated O&S committee, and others delegating performance monitoring to the individual O&S committees. There was a general feeling that 'raw' performance information was of relatively little use to O&S.
- Tameside try not to swamp members with performance information, as they do not believe that it generally leads to good Scrutiny. However O&S does review LAA indicators on a quarterly basis, and there has been in-depth work on particular Performance Indicators (PIs).
- In Cardiff, O&S works closely with the Performance team to ensure that performance data is meaningful to O&S members. Cardiff is currently exploring the idea of O&S performing a quasi-regulatory role in some instances – i.e. that an O&S oversight of particular services might provide enough assurance to an external regulator for the regulatory regime to be somewhat relaxed, directly benefiting the services concerned.

2.9 Do the committees have a role in policy development and if so, how is this managed? How are any ideas taken forward, how well are they received by the Executive?

- In general most policy development work seems to channelled through scrutiny reviews with scrutiny committees undertaking little forward looking policy development .
- In Birmingham, major O&S recommendations are debated at Full Council rather than at Cabinet. If Council accepts an O&S recommendation, it will then ask the Executive to implement it.
- A number of Council's secure policy development roles for scrutiny through a more strategic approach to establishing scrutiny panels than currently undertaken in Brighton and Hove. This is typically achieved through an annual trawl of issues from all Members, partner organisations and local residents. All sensible suggestions are then scoped and a priority list of topics for detailed scrutiny review developed.

2.10 Do you hold any single issue/ task and finish panels-if so, how are these arranged and coordinated? What types of topics are covered?

- All the councils we spoke with ran some form of 'task and finish' panels, and there seems to be general agreement that these are the most effective way for Scrutiny to effect change, as well as the format which most engages public attention. Several councils plan their panel work well in advance (i.e. annually). There are obvious advantages here in terms of co-ordinating (and 'theming') work across O&S, and in terms of managing budgets, member commitments etc. However, joint O&S decision making clearly impacts upon the autonomy of individual committees.
- Harrow has a wide range of panels, ranging from single meeting 'challenges' to standing reviews. Topics for review are agreed annually.
- Cardiff runs a number of task and finish panels, and seeks to do work jointly with other Welsh local authorities (there seems to be Welsh Assembly funding specifically targeted at this kind of partnership working).

DRAFT EXTRACT FROM THE PROCEEDINGS OF THE OVERVIEW & SCRUTINY COMMISSION MEETING HELD ON THE 20 OCTOBER 2009

OVERVIEW & SCRUTINY COMMISSION

4.00PM 20 OCTOBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillors Mitchell (Chairman); Bennett, Cobb, Elgood, Hyde, Meadows, Morgan, Older, Randall and Wakefield-Jarrett

47 OVERVIEW AND SCRUTINY GOOD PRACTICE

- 47.1 The Head of Scrutiny introduced the report on Overview and Scrutiny Good Practice.
- 47.2 He said one area in particular – planning for ad hoc panels – could be improved. Some local authorities arrange an annual ‘trawl’ for suggestions of matters for scrutiny from councillors, residents and partners. The matters are then scoped and brought back to a scrutiny coordinating group for prioritisation.
- 47.3 This would allow for more input from partners and help plan resources while still allowing for flexibility for Overview and Scrutiny Committees’ own issues to be brought forward.
- 47.4 Councillors welcomed this approach however there was some concern that expectations could be unrealistically high. The process therefore had to be carefully managed.
- 47.5 Cabinet Member briefings were suggested on the findings of scrutiny reviews prior to publication and some members thought closer working would be achieved if the Head of Scrutiny were invited to Departmental Management Teams.
- 47.6 Members agreed that further publicity about scrutiny was needed, to promote the role of scrutiny and encourage members of the public to suggest possible topics. Involving residents and others on scrutiny panels was also seen as beneficial.
- 47.7 The Commission wished the tripartite meetings that had started between Scrutiny Chairmen, Lead Members and Directors, to continue.
- 47.8 To discuss equalities and inclusion issues the Commission suggested that Councillor Simson be invited to a future OSC meeting. Councillor Simson attended ECSOSC twice yearly in her roles as Cabinet Member for

Community Affairs, Inclusion and Internal Relations and Chairman of Community Safety Forum.

47.9

RESOLVED -

- (1) To support in principle the development of an annual work programme for scrutiny panels
- (2) To welcome the introduction of regular meetings between Cabinet Members and Scrutiny Committee Chairs
- (3) To request officers undertake further investigation on ways to improve the involvement of residents in the scrutiny process

Subject:	Guidance to Members on Confidential Information
Date of Meeting:	17 November 2009
Report of:	Director of Strategy & Governance
Contact Officer:	Name: Abraham Ghebre-Ghiorghis Tel: 29-1500
	E-mail: abraham.ghebre-ghiorghis@brighton-hove.gov.uk
Wards Affected:	All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In September 2007, guidance on confidential information was issued to Members and Officers outlining the legal position and to reflect the revised Code of Conduct for Members. The Guidance is attached as Appendix 1.
- 1.2 This report seeks to update the guidance to take account of some recent decisions of the Adjudication Panel for England. It is being brought to the Governance Committee before being submitted to the Standards Committee for approval.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee notes the principles summarised in paragraph 3.3 and supports their inclusion in the revised guidance;
- 2.2 That a revised guidance incorporating those points be submitted to the Standards Committee for approval.
- 2.3 That a copy of the revised guidance be circulated to all Members following approval by the Standards Committee.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 A combination of national legislation and the Council's policies mean that there is always a presumption in favour of openness and transparency. However, there are circumstances when the business interests of the council (and ultimately the public) or the protection of individuals requires that the confidentiality of some information is respected. This is recognised in law and the Code of Conduct for Members imposes a duty not to disclose confidential information.
- 3.2 In 2007, guidance was issued to Members outlining the legal position and making some practical suggestions (attached as Appendix 1.) Although the overall level of compliance with the duty of confidentiality among Members and Officers in the Council remains high, there have been some instances where information of a

confidential nature was disclosed without authority. Some of these include information relating to the Waste PFI contract, terms of retirement of some officers and matters relating to industrial relations. In most cases, it is not possible to ascertain how confidential information is disclosed without authority but the Council will continue to remind Members and Officers of their obligations under the law and relevant Codes of Conduct.

3.3 The Adjudication Panel for England recently heard two cases. The North Dorset case involved a planning matter and the West Somerset case involved the disclosure of terms of retirement of the Chief Executive. The principles emerging from these cases are:

1. The fact that information given in confidence has been improperly made public does not mean that it loses its confidential nature and can thereafter be recited in public with impunity. It is a breach of the code to disclose information of a confidential nature however it is acquired;
2. There is a public interest in Councils being able to rely on confidential information remaining so where the proper process has been followed. This would for example be the case where Members unanimously resolve that an item should remain exempt from disclosure;
3. The legitimate expectations of third parties about the information being kept confidential are an important relevant factor when considering whether the disclosure is reasonable.
4. In looking at whether disclosure is reasonable and in the public interest for the purposes of the code of conduct for Members, one has to take account of the Human Rights Act. In particular, article 10 (right to freedom of expression) and article 8 (right to respect for private and family life, home and correspondence.) Any interference with the public interest in disclosure has to be balanced against the interference with the right of the individual to respect for their private life. Neither article 8 nor article 10 as any pre-eminence over the other.

3.4 Although the above principles may be implicitly recognised in the current guidance, it would be useful to have them referred to in the section on Members' duty of confidentiality and the "public interest" exemption. It is proposed that, subject to Members' agreement a revised draft incorporating these principles is submitted to the Standards Committee and that the final version circulated to Members.

4. CONSULTATION

4.1 The proposals in the report are simply updating the current guidance to reflect case Tribunal decisions. There has therefore not been any prior consultation with Members.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no financial implications arising from this report

Legal Implications:

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

Lawyer consulted: Abraham Ghebre-Ghiorghis Date: 05/11/09

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 In some cases the disclosure of confidential information or the obstruction of access to information may constitute an offence. The guidance will contribute to minimising such risks.

Risk and Opportunity Management Implications:

5.6 None.

Corporate / Citywide Implications:

5.7 The proposals will contribute towards continuous development and improvement of our governance arrangements an higher ethical standards reflecting the Council's priority regarding Leadership.

SUPPORTING DOCUMENTATION

Appendices:

1. Guidance regarding Confidential Information

Documents In Members' Rooms

None

Background Documents

None

Guidance to Members and officers regarding confidential information

1 Introduction

1.1 The Council is committed to the principles of openness and transparency in decision making. However, in the practical application of these principles, the Council needs to have regard to legal obligations, which, in some cases, may require information to be kept confidential. One issue that Members and officers come across from time to time is the rights and obligations of Members regarding confidential information and the circumstances when such information may be disclosed. This note is intended as a general guidance to assist Members and Officers in dealing with such issues and covers the following topics:

- What is “confidential information”;
- Member’s rights to access information;
- Members’ duty of confidentiality;
- The position regarding officers; and
- Some “do’s and don’ts”.

2 What is confidential information

2.1 There is no legal definition of “confidential information” that is of general application. The confidentiality or otherwise of information therefore needs to be considered in the context of individual circumstances. However, by way of general indicative guidance, the following categories of information would normally be treated as confidential.

- (a) All reports that are in part II of Council or committee agendas (pink papers).
- (b) Matters concerning details of commercial negotiations.
- (c) Where there is a legal restriction on the disclosure of information (for example under the Data Protection Act, contractual obligations, a court order or pending legal proceedings covered with the sub judice rule).
- (d) Where information is supplied to a Member by an officer or other person and is stated to be confidential.

- (e) Matters concerning terms and conditions of employment of individual officers or pending grievance or disciplinary proceedings.
- (f) Personal information concerning individual service recipients (for example child protection cases, benefits investigations etc).
- (g) Information which, given its nature, timing and context is such that a reasonable person would consider it to be confidential. The disclosure of such information would normally tend to have a detrimental effect on the interests of the Council, the service users or third parties involved.

2.2 Some information, which would otherwise be confidential may nevertheless be subject to public rights of access under the law. This, for example, would cover subject access under the Data Protection Act 1998, a specific request for access under the Freedom of Information Act 2000, access to accounts and records under the Audit Commission Act 1998 as well as access to meetings and documents under the Local Government Act 1972. Such rights may be general or limited to a “qualifying” individual. Some rights of access to information also have procedural requirements attached to them (such as the need to submit the request in writing.) It is therefore generally advisable for such requests to be forwarded to the relevant officer, even where the Member may have the information at his/her disposal.

3 Members’ rights to access confidential information

- 3.1** The Council has a general commitment to openness and transparency. Members’ access to information and documents should therefore be restricted only where there is a good reason for doing so.
- 3.2** So far as the legal position is concerned, Members do not have unrestricted rights of access to all information. They have a common law right to access information on a “need to know” basis. This entitles them to access information or documents that are reasonably necessary to enable them to discharge their functions as Members of the Council. This would cover their roles as members of committees, subcommittees or working groups as well as positions to which they are appointed by the Council as Members and their community Councillor roles. The right is limited to a need to know and a mere curiosity or desire to know is not sufficient. The courts have also held that there is no right to a

“roving commission” to examine the books or documents of the Council.

- 3.3** An officer receiving a request is entitled to know the reasons why the information is needed so that a proper assessment of the need to know can be made. Where a Member is dissatisfied with the decision, the matter may be referred to the Monitoring officer, who is authorised to make a final decision under the Code of Conduct for Member/Officer relations.
- 3.4** In addition to the Common Law rights mentioned under 3.3 above, Members have the same rights as ordinary members of the public, including those mentioned in paragraph 2.2 above.
- 3.5** The Council has developed a protocol for access to information as part of the Council's constitution. A copy of this is attached as an annex to this note.

4 Members' duty of confidentiality

4.1 The Local Code of Conduct for Members provides under paragraph 4:

“You must not ---

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where---

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of

obtaining

professional advice provided that the third part agrees not to disclose the information to any other person; or

(iv) the disclosure is ---

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.”

4.2 The duty of confidentiality under the code applies only when a Member is acting in an “official” capacity. The information must therefore have been received and/or disclosed by the Member

as a Councillor and not in a private capacity unconnected with the role of the Councillor. Subject to that, the duty is not limited to information supplied by officers or the Council; it covers information given to a Member by **any** person in his/her capacity as a Councillor.

- 4.3** The code does not define what is confidential. However, what is clear is that it is not necessary for the person who supplied the information to have stated expressly that the information is confidential. For example, the fact that correspondence is not marked “confidential” does not necessarily stop it from being confidential. In many cases the fact that the information is confidential may be inferred from the subject matter and the surrounding circumstances. If you believe or “ought reasonably to be aware of” the confidential nature of the information, the duty under the code applies. You may wish to consider the guidance under paragraph 2 of this note to help you form a view regarding confidentiality.
- 4.4 Disclosure with consent:** The Code of Conduct refers to “the consent of the person authorised to give it” as a potential justification for the disclosure of confidential information. This would normally be the author of the document or the Director or a senior officer of the department for the area of service. Alternatively, consent may be obtained from the Chief Executive. In appropriate cases, the officer may need to consult the chairman of the relevant committee or sub-committee before giving consent.
- 4.5 Disclosure require by law:** Disclosure may be required by law for example in connection with legal proceedings or the Data Protection Act or the subject Access provisions of the Data Protection Act. In such cases the obligations to disclose overrides the duty of confidentiality.
- 4.6 Disclosure for the purpose of obtaining advice:** You can disclose confidential information if the disclosure is for the purpose of enabling you to obtain professional advice, such as legal advice from a solicitor. However, your need to make sure that he/she agrees not to disclose the information to a third parties.

5 Is there “a public interest” defence?

- 5.1** Paragraph 4 (iv) of the new code permits Members to disclose information “in the public interest.” However, the provision is much more restricted that may appear at first sight. It is subject to four conditions. These are that the disclosure:

- (1) must be reasonable;
- (2) must be in the public interest;
- (3) must be made in good faith; and
- (4) must be made in compliance with any reasonable requirements of the council.

A. Reasonableness: the first condition (reasonableness) requires consideration of matters such as:

- Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.
- Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
- The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.
- The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
- The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
- The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing, or is likely to re-occur.
- Whether the disclosure involves your authority failing in a duty of confidence owed to another person.

B. Public Interest: the second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

- (a) A criminal offence is committed.
- (b) Your authority some other person fails to comply with any legal obligation to which they are subject.
- (c) A miscarriage of justice occurs.
- (d) The health or safety of any individual is in danger.
- (e) The environment is likely to be damaged.
- (f) That information tending to show any matter falling within (a) to (e) is deliberately concealed.

C. Good Faith: the third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party political advantage or to settle a score with a political opponent.

D. Council's Reasonable Requirements: The fourth requirement, that you comply with the reasonable requirement of your authority, means that before making the disclosure you must comply with your authority's policies or protocols on matters such as whistle-blowing and confidential information, you must raise your concerns through the appropriate channels set out in such policies or protocols.

5.2 Given the restrictions and qualifications set out above, you need to proceed with extreme caution before disclosing confidential information's. If you are unsure, it is always advisable to seek guidance from the Chief Executive or the Monitoring Officer.

6 Position regarding officers

6.1 Although (until now) there is no a statutory code of conduct for officers similar to the code of conduct for Members, officers are subject to a duty of confidentiality under their contract of employment. The unauthorised disclosure of information is a disciplinary offence which in certain cases could lead to dismissal. In addition to the other express or implied conditions of contracts of employment, officers are subject to the Code of Conduct for Employees which forms part of the Council's constitution. In particular, paragraph 14 of the Code outlines the duties of officers, which are similar to the duties imposed on Members. They include the following:

"You should be aware that types of information which must remain confidential (even after you or the person concerned has left employment with the Council) include:

- *personal information given in confidence*

- *information that might compromise the right of commercial confidentiality*
- *information that if disclosed might prejudice enforcement action*
- *information that the authority is not allowed by law to disclose (e.g. under data protection legislation)*
- *information relating to the prevention, investigation or prosecution of a crime*
- *information that is defamatory*
- *requests for information that are unreasonable because of its volume or complexity*

“You should never pass on information, confidential or otherwise, for personal or financial benefit.

“You should be clear about the scope of information to which you have access and the constraints and freedoms applicable.”

7 Whistleblowing

7.1 The Public Interest Disclosure Act 1998 gives employees and contract workers

protection from detrimental treatment if, in the public interest, they “blow the whistle.” However, the types of disclosure that are protected by the Act are restricted. They include disclosure of a criminal offence, a breach of legal duty, a miscarriage of justice, damage to the health or safety of an individual, damage to the environment and any deliberate concealment of information tending to show any of the foregoing.

7.2 In order for the protection to apply, the disclosure has to be to the employer (i.e. the council itself) or some other person prescribed by regulations. The secretary of state has made regulations which prescribe, among others, the District Auditor, the Charity Commission, the Data Protection Registrar, the Environment Agency and the Health and Safety Executive. In some cases an employee may disclose information to a person not prescribed by the regulations, but only if he/she believes that the disclosure to the employer would result in the destruction or concealment of the information. Disclosure to a newspaper would therefore not be covered the act in most situations.

8 Some “Do’s and Don’ts”

8.1 By way of good practice, the following “Do’s and Don’ts” are suggested for Members.

“Do’s”:-

- When seeking access to what you believe to be sensitive or confidential information, you should, in the first place, approach a senior officer, preferably at Director or Assistant Director level.
- Unless it is obvious from the context, you should always say what you need the information for so that a “need to know” can be established.
- It is usually better to ask for a briefing or advice from officers rather than demanding to see files or original documents. If you are not satisfied with the information, you could always ask for specific documents.
- One aspect of the need to know principle is proportionality. In asking for information and documents therefore you need to ensure that what you are asking (in terms of volume of documents, time needed to locate, research and collate the information etc.) is commensurate to your need to know.
- Information in documents held by the Council belongs to the Council corporately rather than to individual officers or Members. Members and officers therefore need to accept that they do not “own” information or documents and they should access them or disclose them only for the purposes of discharging their functions.
- If Members have concerns about matters of a confidential nature, they should raise them with the Chief Executive or the relevant Director. If they have serious concerns and believe that disclosure would hamper a resolution of the matter, they may, in appropriate cases, raise the matter with the District Auditor or, in cases involving a criminal offence, the police. Disclosure of confidential information to the press is most likely to involve a breach of the code of conduct for Members and is rarely justified.
- Members should have regard to their fiduciary duty to the Council and council taxpayers and that they have joint responsibility to avoid the disclosure of information of a

commercially sensitive nature. Any confidential information gained by Members in connection with pending or ongoing litigation should not be disclosed under any circumstances as this would amount to a breach of trust.

- Before asking for information of a confidential or sensitive nature you should always ask yourself whether you have a “need to know.”

“Don’ts”:-

- Never allow your party political interests to override the interests of the Council and Council Tax payers in the way that you deal with access to or the disclosure of information.
- Just because communication is not labelled “confidential”, you should not assume that it is for general release. You should always consider the circumstances.
- The disclosure of confidential information that does not come within the narrowly defined exemptions is a breach of the Code of Conduct. You should not try justify any such action by reference to other principles.
- Do not disclose information gained while serving in working groups or panels, which is not meant to be for public consumption. You should have regard to the guidance on working groups, which states that there is a presumption that information relating to the business of such groups is confidential.
- Members should avoid stepping into a role, which is more appropriate for officers, and Officers likewise should respect Members’ need to know and not withhold information unless there is good reason for doing so.
- Don’t take risks. If in doubt, ask!

9 General

- 9.1 This paper is meant by way of general guidance as does not attempt to cover all eventualities. If you need further advice or clarification, you may contact Alex Bailey, Director of Strategy & Governance (and Monitoring Officer), on extension 1295 or Abraham Ghebre-Ghiorghis, Head of Law, (and Deputy Monitoring Officer) on extension 1500.

**Abraham Ghebre-Ghiorghis
Head of Law (and Deputy Monitoring Officer)
20th September 2007**

Subject: Members' Web Pages – Review of Guidance
Date of Meeting: 17 November 2009
Report of: Director of Strategy & Governance
Contact Officer: Name: Abraham Ghebre-Ghiorghis Tel: 29-1500
E-mail: abraham.ghebre-ghiorghis@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. BACKGROUND:

- 1.1 At its meeting on 22 September, the Governance Committee considered a report of the then Acting Director of Strategy & Governance which contained a draft revised Members' Web Page Policy (see item 51ii on the agenda).
- 1.2 Unfortunately, the actual revised Web page Policy attached to the report was not circulated with the agenda and the Chairman suggested that the item be deferred to the next meeting and that the draft policy be circulated to all Members for comment and considered by the Leaders Group before coming back to the Committee. The Committee agreed with the suggestion and resolved accordingly.
- 1.3 The draft revised policy was circulated to Members and there was one response suggesting that the revised draft did not clarify the situation and was open to misinterpretation.
- 1.4 The Leaders Group discussed the revised draft and the Head of Law explained the legal and practical context and gave examples of how the policy would operate in practice, bearing in mind that section 2 of the Local Government Act 1986, as reflected in paragraph 9.1 of the Policy, was paramount and the policy does not allow anything that appears to be intended to affect public support for a political party. The revised policy simply allows references to political parties or personalities in a factual and none party political context.
- 1.5 The Leaders Group agreed the revised draft policy but asked that the position be monitored and a report brought back to the Governance Committee in six months time.

2. RECOMMENDATIONS:

- 2.1 That Members approve the revised Members Web Policy;
- 2.2 That the Committee requires all Members who have pages published on the Members' web pages to sign the revised Web Page Policy as a condition of continuing to use the web page facility and that Members wishing to join the site in the future be granted access to it on condition that they first sign a copy of the revised Members' Web Page Policy.

2.3 That the operation of the policy be monitored and a report comes back to the Committee in six month time.

3. CONSULTATION AND IMPLICATIONS

3.1 These are the same as per the original report attached as item 51(ii).

**DRAFT EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE
COMMITTEE MEETING HELD ON THE 22 SEPTEMBER 2009**

GOVERNANCE COMMITTEE

4.00PM 20 OCTOBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

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

29 MEMBERS' WEB PAGES - REVIEW OF GUIDANCE

- 29.1 The Committee considered a report of the Acting Director of Strategy & Governance which set out a revised Members' Web Page Policy (for copy see minute book).
- 29.1 The Chairman apologised for the Members' Web Page Policy document being omitted from the papers for the meeting and explained that he intended to defer the consideration of the item. He suggested that, given the importance of the policy, it be circulated to all Members for comment before being considered first by the Leaders' Group and subsequently coming back to the Committee for final approval.
- 29.3 Members supported the approach outlined by the Chairman.
- 29.4 **RESOLVED -**
- (1) That the report be deferred to the next meeting of the Governance Committee.
 - (2) That the Members' Web Page Policy be circulated to all Members and an opportunity to comment be provided.
 - (3) That the Members' Web Page Policy be considered by the Leaders' Group before coming back to the Governance Committee.

GOVERNANCE COMMITTEE

Agenda Item 51(ii)

Brighton & Hove City Council

Subject:	Members' Web Pages – Review of Guidance	
Date of Meeting:	8 September 2009	Standards Committee
	22 September 2009	Governance Committee
Report of:	Director of Strategy and Governance	
Contact Officer:	Name:	Tel:
	Elizabeth Culbert	29-1515
	Caroline Banfield	29-1126
Wards Affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following two recent complaints, the Standards Committee has asked for some revisions to the existing Members' Web Page Policy, to clarify the guidance given on certain issues. This report sets out a revised Members' Web Page Policy which is in line with the Standards Committee's recommendations.

2. RECOMMENDATIONS:

2.1 That the **Standards Committee:**

- (a) Notes and approves the content of the revised Members' Web Page Policy, subject to the approval of Governance Committee.
- (b) Refers the revised policy to Governance Committee for approval on 22 September 2009.

2.2 That the **Governance Committee:**

- (a) Notes and approves the content of the revised Members' Web Page Policy having taken into consideration comments received from Standards Committee.
- (b) Requires all Members who have pages published on the Members' Web Pages to sign the revised Web Page Policy as a condition of remaining published on the site and that any Members wishing to join the site in the future should be granted access to it on condition that they first sign a copy of the revised Members' Web Page Policy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Members' Web Pages were launched in July 2006 in order to benefit both councillors and residents by:
- Providing information on the local area and councillor activities

- Facilitating increased communication and feedback between councillors and constituents
 - Promoting understanding of the role of councillors and of the local democratic process
- 3.2 Prior to the launch, an Acceptable Use Policy was drafted to emphasise a number of legal issues that could potentially affect website authors. The policy was approved by the Member Development Working Group and subsequently by Standards Committee at its meeting of 14 July 2006. Any member who wished to publish content on the Members' Web pages was asked to sign his/her acceptance to be bound by the policy as a prerequisite to being supplied with logon details.
- 3.3 On 12 September 2006, Standards Committee approved a revised version of the Acceptable Use Policy, and renamed it the Members' Web Page Policy (copy attached as Appendix One). The revised version contained further information on web page content that could be construed as "political" and also highlighted councillors' duty to promote race equality. All councillors who were live on the site were asked to sign this revised document to indicate their agreement to be bound by it and any new entrants to the site were also asked to sign it.
- 3.4 Since July 2006, the council's complaints team has received two formal complaints regarding content on the Members' web pages. A Standards hearing panel met to consider the complaints in mid June 2009. The substance of the complaints included concern that the Web Page Policy had been breached through inappropriately publicised political events.
- 3.5 The Standards hearing panel concluded that the Web Pages Policy had not been breached but that the complaint had highlighted a need for further guidance to be issued to all members. The panel stated that it would be helpful for the Policy to be reviewed in order to "set more clearly defined boundaries on what matters can properly be communicated using council resources, with particular reference to support for political events and information about visiting politicians."
- 3.6 The hearing panel also called for the Policy to state clearly whether members may use web pages to refer to national events and issues as well as local events and issues.
- 3.7 In response to the recommendations of the Standards hearing panel, paragraph 9 of the Web Pages Policy has been redrafted. The changes from the original text are shown in italics and underlined text in the document at Appendix One.
- 3.8 An additional paragraph has also been added to the Policy (paragraph 6) to remind members of the position when linking to external websites from their Members' web pages.

4. CONSULTATION

- 4.1 Changes to the Members' Web Page Policy have been requested by a Standards hearing panel and approved changes will be referred to Standards Committee for information.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications arising from the report. On-going support will continue to be met from existing Democratic Services budgets.

Finance Officer Consulted: Peter Francis

Date: 21/08/09

Legal Implications:

- 5.2 Members are required to use the Member Web Pages in accordance with the Web Page Policy. The policy addresses the key legal issues for Members to have regard to. They are: (a) avoid inclusion of any defamatory material, (b) avoid inclusion of any political promotion or political campaigning material. (c) comply with data protection confidentiality requirements, (d) comply with the council's Code of Conduct for Members, (e) avoid copyright infringement, (f) observe the terms and conditions of the Members Web Page Policy

Lawyer Consulted:

Elizabeth Culbert

Date: 19/08/09

Equalities Implications:

- 5.3 The website meets accessibility standards. All members are offered this facility.

Sustainability Implications:

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

Crime & Disorder Implications:

- 5.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The main risks associated with use of the site are that individual members could be found to have breached the code of conduct and/or to be legally liable for any of the other issues outlined in 5.2 above. The main risk for the council is that it could be found to have acted unlawfully in allowing its resources to be used for political purposes, contrary to the Local Government Act 1986. The opportunities associated with the use of this site are that it will improve community engagement and raise the profile of members and the council.

Corporate / Citywide Implications:

- 5.7 There are none.

SUPPORTING DOCUMENTATION

Appendices:

1. Members' Web Page Policy
2. Extract from the proceedings of the Standards Committee meeting held on 8 September 2009

Documents in Members' Rooms

None

Background Documents

None

Brighton & Hove City Council

Members' Web Page Policy

1. Introduction

1.1 The Councillors' Web Site is designed to provide Councillors with an improved and technological up-to-date medium of communication with their constituents. Web Sites of this nature are increasingly being used as a source of imparting information and facilitating interaction between Councillors and constituents while allowing Councillors to raise their personal profile as well as their democratic role within the local community. Councillors' Web Sites can also be used to encourage feedback from constituents as well as keeping the local community informed of matters affecting the community, news, events, surgery times etc.

1.2 Brighton & Hove City Council's Members' Web Page Policy is designed to afford protection for Councillors and to ensure that they get maximum value from their use of their web pages in a way that does not infringe any legislative or regulatory requirements as well as any existing Codes of Practice in a manner that would bring either their own or the Council's reputation into disrepute. The Council makes the facilities available for the use of Members in connection with Council business. Like all the Council's ICT equipment and systems, they must not be used for any purpose other than those directly concerned with official Council business*, or the work of Elected Members.

*'Official Council business' means matters relating to a Member's duties as an elected Councillor; as a member of a Committee or Scrutiny Panel, sub-Committee or as a Council representative on another body or organisation.

1.3 The Policy will explain the restrictions that will apply to Councillors in using the Web Site. In summary there are prohibitions against use of the Web Site for:

- any matter that would place the Councillor in breach of the Code of Conduct for Members (see section 2.1 below)
- any matter that would be against the decision making process (see section 3 below)
- financial gain (see section 4 below)
- the posting of illegal or inappropriate content (see section 5-6 below)
- political promotion or political campaign (see section 8-10 below)
- breach of confidentiality and data protection principles (see section 11 below and separate document "Data Protection: A Councillors Guide)

2 General usage

- Councillors are only permitted to use their Web pages in furtherance of their official role as an elected Member of Brighton & Hove City Council.
- Councillors are responsible for the content of their own web pages.
- The Council is not responsible for approving content placed on to Councillors' web pages.
- The Council does not authorise or in any way sanction or approve the publication of statements that may be construed as defamatory or in breach of equalities laws

2.1 The Council has adopted a Code of Conduct for Members. Councillors must ensure that they observe their obligations and responsibilities in the Code of Conduct together with any guidance that may be issued by the Standards Board for England and the Council's Standards Committee when using the Councillors' Web pages. In particular Councillors are reminded that the content of their web pages must comply with:

- the Council's Code of Conduct for Members
- any guidance issued by the Standards Board for England and the Council's Standards Committee
- the Council's Procedure Rules
- the Council's Equal Opportunities Policy*
- the Council's Use of ICT Policy
- the Code of Conduct for member/employee relations

* In 2000, the government gave most public authorities in Britain a legal duty to promote race equality ('race equality duty'). This means that, in carrying out its functions, the Council must now also have 'due regard' to how it will:

- Eliminate unlawful racial discrimination;
- Promote equal opportunities; and
- Promote good relations between people from different racial groups.

It is the responsibility of all Councillors and Council employees to look for and eliminate institutional racism and discrimination against all communities in the provision of services; as an employer; and as a democratic body, recognising that people are complex and may experience more than one form of discrimination. This includes discrimination on the basis of race and ethnicity (including travellers and Gypsies); homophobia; transphobia; ageism; sexism; and discrimination as a result of disability/learning disability; mental health; HIV/Aids; social class; refugee and asylum seeker status; and religion or belief.

2.2 Councillors are further reminded that the content of their web pages must:

- promote equality by not discriminating unlawfully against any person
- treat others with respect
- not compromise the impartiality of officers
- not contain information given them in confidence
- not bring them, fellow Councillors or the Council into disrepute
- not be used for political purposes (see below for further information)
- not infringe Copyright Law
- not breach the principles of data protection legislation

3. The Decision making process

Councillors must use their web pages responsibly and have regard to the decision making process:

- Councillors must not use their web pages in any way which taints the decision making process through biased or closed minds, based on a particular political view/personal interest. This could undermine the Councillor's commitment to consider openly all issues when the matter is determined;
- Councillors who are members of the Planning or Licensing Committees should not express personal opinions about Committee matters on their web pages as this will prevent them from being able to speak or vote as a member of that Committee when an application is determined.

4. Financial gain

Councillors must not use their web pages for financial gain. For example, web pages cannot be used for advertising a commercial service or for encouraging the Council to purchase a particular item or service.

5. Inappropriate content

The site must promote equality by not discriminating unlawfully against any person, must treat others with respect and not do anything which compromises the impartiality of people who work for or on behalf of the Council

- Councillors must treat officers' recommendations or known views impartially and should not refer to individual officers by name when commenting on Council recommendations or decisions.
- Councillors must not use their web pages to disclose information, which they know to be confidential.

6. Distribution/publication of any material on Councillors' web pages

Councillors must not distribute or publish any material that:

- (i) Infringes any intellectual property rights or is in breach of law, statute or regulation, including the Data Protection Act 1998;
- (ii) Is unlawful, defamatory, libellous, threatening, harassing, racially offensive, obscene, pornographic, indecent or otherwise objectionable;
- (iii) Contains any viruses or other computer programs intended to damage, detrimentally interfere with, surreptitiously intercept or expropriate any personal information

External Links

Where external links to personal blogs, web pages or political web sites exist these sites must comply with the restrictions at 6(i)-(iii) above. External links may be removed without notice at the Council's discretion. The disclaimer below shall appear on Members Web Pages and shall apply to all external blogs or web pages:

"Please note that external links from this website may include material of a party political nature. Brighton & Hove City Council takes no responsibility for information contained on external links from this website. Views expressed by individual Councillors on their own webpages are not necessarily those of the Council itself."

7. Monitoring Web pages and links

Councillors must:

- Monitor for libellous or defamatory material and must remove any such material when becoming aware of its existence;
- Take responsibility for any legal fees, damages or other expenses that may be incurred as a result of publication by them;
- Maintain and promptly update the information on their web pages to ensure it is true, accurate, current and complete.

Council checks

- One or more Council officers will periodically review the content of web pages authored by Members, including checking compliance with this policy, and if necessary may prevent publication of pages that appear not to comply. However, it must be noted that this is provided only as assistance as reviews are only likely to be carried out after page(s)/blog content has been authored by the Member, such that the Council accepts no responsibility whatsoever for content. It remains the responsibility of the authoring Member to ensure that the material they produce complies with the law and this

policy. Members who are unsure about any permissible uses of these facilities must seek clarification, in the first instance from the Member Support Officer.

Anyone who believes that they have been defamed by a Councillor will be able to take legal action directly against the Councillor concerned. Therefore care should be taken in what is said on the pages about other people or organisations. If the truth of any such comments could not be proved, then clearly there could be difficulty in defending a claim of defamation.

8. Political promotions or campaigns

According to the Local Government Act 1986, a council must not publish material which “in whole or part appears to affect public support for a political party”. Placing material on a publicly visible website almost certainly constitutes “publication” in this sense. This means that the Council would be acting unlawfully if it published such material on its own website.

The Code of Recommended Practice on Local Authority Publicity sets out detailed guidance on publicity material produced by councils. The Code makes specific reference to the situation in the pre-election period as well as in relation to councils providing “assistance to others to issue publicity” which might be taken to apply to links from council websites. As all Councillors’ web pages are funded by the Council, Councillors may not use their web pages to promote political campaigns or particular political stances on issues. For example:

- They must not use their web pages to promote a political party or persons identified with a political party.
- They must not use it to promote or oppose a view on a question of political controversy which is identifiable as the view of one political party and not of another.

The Code of Recommended Practice on Publicity states:-

“Publicity about individual Councillors may include the contact details, the positions they hold in the Council (for example Chair of a Scrutiny Committee) and their responsibilities. Publicity may also include information about individual Councillors’ proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory and whilst it may acknowledge the part played by individual Councillors as holders of particular positions in the Council, personalisation of issues or personal image-making should be avoided.

Publicity should not be, or liable to misrepresentation as being, party political. While it may be appropriate to describe policies put forward by an individual Councillor which are relevant to her/his position and responsibilities within the Council, and to put forward his/her justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party, or directly attacking policies and opinion of other parties, groups or individuals”

9. Publicity

9.1 As set out above, the Council is prohibited from publishing material that appears to be designed to affect public support for a political party and this restriction applies to material placed by individual Members on their Member web Page.

9.2 Subject to complying with the requirement at 9.1, Members may use their web pages to publicise issues relevant to council business or function.

9.3 Members are not precluded from referring in their web pages to an issue or event of a political nature, so long as the content complies with 9.1 and 9.2 above.

9.4 By way of example, subject to satisfying the conditions above, it would not be inappropriate for a Member’s web page to mention a forthcoming national political event or a visit by a national politician to Brighton & Hove. However, the Member author should be satisfied that the event or issue they are publicising is relevant to one or more functions of the authority.

10. Representation of the People Act 1983 and the Political Parties Elections and Referendums Act 2000

- These establish controls over political donations. A donation can include the provision of services or facilities. This means that, to the extent that Members website facilities are provided free of charge or at subsidized rates, they are regulated by the Act if they are used for political activity;
- During election times, including By-elections, (i.e. from the “notice of an election” to the election itself), most parts of relevant (in the case of By-elections) or all Councillors’ web pages will be suspended. Visitors will still, however, be able to contact Councillors through the Council’s main website.

11. Personal confidentiality

- Councillors must not disclose information given to them in confidence or information acquired, which they believe, is of a confidential nature, without first having the consent of a person authorised to give it. For example, details about a constituent who has made a complaint about a council service to the Councillor but does not wish their personal details to be passed to the Council.
- Councillors must not display or process personal data on their web pages other than for the purpose stated at the time of capture.
- In managing a web page Councillors may receive comments, enquiries or complaints from members of the public. Councillors may refer to (or publish) material that is based upon information drawn from the Council or obtained from external sources. All such personal information should be treated with care and respect for relevant data protection law.

12. Data Protection issues

Anyone processing personal data must comply with the eight Data Protection Act principles. (Please refer to Data Protection: A Councillor's Guide). The principles state that data must be:

- Fairly and lawfully processed;
- Processed for limited purposes;
- Adequate, relevant and not excessive;
- Accurate;
- Not kept longer than necessary;
- Processed in accordance with the data subject's rights'
- Secure;
- Not transferred to countries without adequate protection

Personal data covers both facts and opinions about the individual. It also includes information regarding the intentions of the data controller towards the individual.

The definition of processing incorporates the concept of obtaining, holding and disclosing.

13. Breach of the Members' Web Page Policy

- 13.1 Your authorisation to use the Members' Website automatically terminates without notice, at the Council's sole discretion, should you fail to comply with any of the Terms and Conditions of this Policy. Upon such termination you must cease all use of your web pages. This provision does not limit the Council's right to terminate at any time for any reason whatsoever.

- 13.2 A message will be posted on the website explaining that any visitor who wishes to complain about any Member's pages should, in the first instance, attempt to resolve any concerns with the Member direct. It is hoped that a number of potential complaints will be resolved informally in this way. It is also anticipated that some visitors will recognise that their concern is more connected to expressing a different point of view about published content rather than complaining that the content is intrinsically offensive, for example.
- 13.3 Visitors will also be offered the opportunity, in the case of serious complaints or complaints that were not resolved through discussion with the Member, to raise their complaint with the Standards and Complaints Team. The Standards and Complaints Team will refer all complaints to Democratic Services (who will discuss these with the Member concerned) and/or will direct complainants to the Standards Board as appropriate.
- 13.4 Staff in Democratic Services reserve the right to suspend a Member's pages while they or the Standards Board investigate any complaint and they also reserve the right to close a Member's pages permanently in the event of a serious complaint being upheld as well founded.
- 13.5 Democratic Services also reserve the right to suspend or remove permanently any pages that they themselves consider to be inappropriate, including in cases where no complaint has yet been received.

UNDERTAKING

I have read and understood the above Members Web Page policy and agree to be bound by the terms set out in it.

Signed:..... Date:

Print name:.....

**DRAFT EXTRACT FROM THE PROCEEDINGS OF THE STANDARDS COMMITTEE
MEETING HELD ON THE 8 SEPTEMBER 2009**

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

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, than 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 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.

Document is Restricted

