

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00PM 13 JULY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

PART ONE

1. PROCEDURAL BUSINESS

1a Declaration of Substitutes

1a.1 Councillor Watkins declared that he was present as a substitute for Councillor Elgood.

1b Declarations of Interest

1b.1 Councillors Simpson and Randall declared personal, but non-prejudicial interests in item 122, a report from the Director of Strategy & Governance concerning a replacement Board Member for Brighton & Hove Seaside Community Homes Ltd, as they were both currently members of the Board.

1c Exclusion of Press and Public

1c.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).

1c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of item 123 onwards.

2. MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED** – That the minutes of the meeting held on 27 April 2010 be approved as a correct record.

3. CHAIRMAN'S COMMUNICATIONS

- 3.1 The Chairman advised that consideration was being given to how the council's minute books could be used to help raise civic awareness and that as part of that work he had arranged for a number of minute books to be displayed at the meeting. He hoped that Committee Members and members of the public would take the time to look at them.

4. CALLOVER

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

5. PETITIONS

- 5.1 There were none.

6. PUBLIC QUESTIONS

- 6.1 There were none.

7. DEPUTATIONS

- 7.1 There were none.

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

- 8.1 There were none.

9. UPDATE ON IMPLEMENTATION OF GOOD GOVERNANCE RECOMMENDATIONS

- 9.1 The Committee considered a report of the Director of Strategy & Governance updating Members on the implementation of recommendations from the Good Governance review.
- 9.2 In response to a query from Councillor Randall concerning the availability of a good practice checklist for councilors and managers, the Head of Law reported that the Audit Commission could not provide one, but had instead suggested that the council look at several other local authorities as examples of good practice. He added that the Standards Committee had agreed to set up a working group to consider Member/officer relations.
- 9.3 Councillor Simson sought assurances that the Overview & Scrutiny team was sufficiently staffed and resources to cope with the increased volume of work that was expected in the future.
- 9.4 The Head of Law explained that under the new arrangements the availability of resources would be a consideration when determining whether to proceed with a request for scrutiny; the council would not commit itself if the work could not be undertaken using existing resources.

9.5 In response to questions from Councillor Mitchell, the Head of Law confirmed that the coalition government had taken the decision to abolish the existing Standards framework, including the Standards Board for England. It was likely that the Code of Conduct framework would remain and therefore the need for a Standards Committee. He added that the National Standards Conference would not be going ahead.

9.6 The Chairman stated that it was important to recognise the progress made in relation to Member/officer relations and the council's Overview & Scrutiny function.

9.7 **RESOLVED –**

(1) That the contents of the report be noted.

10. STRENGTHENING COMMUNITIES REVIEW – PROGRESS UPDATE

10.1 The Committee considered a report of the Director of Strategy & Governance updating Members on the progress of the Strengthening Communities Review.

10.2 Councillor Mears commended the officers working on the review for the in-depth work carried out and the extensive consultation and community engagement undertaken.

10.3 Councillor Simson reported that only two Members attended the first meeting of the cross-party working group set up to ensure Member involvement in the review and requested that the Members Advisory Group (MAG) be used instead as they possessed the necessary expertise.

10.4 Councillor Mitchell welcomed the development of Equalities Impact Assessments and suggested that updates be given at the Overview & Scrutiny Commission where updates on equalities issues are regularly reported. She explained that the Labour Group did not send a representative to the first meeting of the cross-party working group because only one date was proposed and no Members were available. She added that she would want to speak to her Group's MAG representative before agreeing to use that body to work on the review.

10.5 The Chairman advised that as the Committee had taken the decision to establish the cross-party working group consideration would need to be given as to how to reverse that decision. He requested that Group Leaders speak with their MAG representatives and report back on whether they would be happy to take part in the review.

10.6 The Director of Strategy & Governance confirmed that, until a decision could be made, the cross-party working group would continue to meet and MAG would be used in parallel.

10.7 **RESOLVED –**

(1) That the update be noted.

(2) That it be noted that the first meeting of the cross party working group was held on 29 June 2010.

11. DIGNITY & RESPECT AT WORK POLICY

- 11.1 The Committee considered a report of the Director of Strategy & Governance concerning the council's Policy and Procedure for dealing with bullying and harassment at work and seeking approval for the implementation of the new Dignity & Respect at Work Policy and Procedure.
- 11.2 The Chairman invited Councillor Mitchell, in her capacity as Chairman, to introduce the report of the scrutiny panel accompanying the proposed policy and procedure.
- 11.3 Councillor Mitchell reported that the panel did not involve itself in the work undertaken by the working group, but allowed Members to gain a clear understanding of the approach and consider the the final draft policy and procedure. The panel had requested to hear from members of staff who had contributed their views and experiences to the project, and they confirmed that a very inclusive approach had been followed. In particular the panel welcomed the creation of Dignity and Respect at Work Advisors and independent investigators to look into complaints. The panel hoped that the option of moving immediately to the formal complaints process would remain and that the Committee would accept the recommendations put forward by the panel.
- 11.4 The Director of Strategy & Governance confirmed that the formal process would continue to be a first option within the new policy and procedure because there would be instances where the informal mediated approach would not be appropriate.
- 11.5 Councillor Mears advised that Councillor Elgood, who had been a member of the scrutiny panel, had reported that the proposed policy and procedure had not incorporated all of the issues raised by the panel. She asked Councillor Mitchell to confirm whether the panel had been satisfied with the outcome of the project.
- 11.6 Councillor Mitchell explained that she was not aware of the issues raised by Councillor Elgood, but suggested that members of the scrutiny panel could be satisfied with the final outcome if the Committee agreed to endorse the their recommendations.
- 11.7 The Director of Strategy & Governance gave assurances that all the recommendations had been addressed within the policy and procedure that was before the Committee for approval.
- 11.8 The Assistant Director for Human Resources confirmed that all the recommendations had been agreed in full, except for recommendations 5(a) and 9, which had been agreed in part and addressed in alternative ways.
- 11.9 Councillor Watkins advised that Councillor Elgood's concerns were around the emphasis placed transgender issues with the policy and that further explanation was required within it to clarify the reasons behind it.
- 11.10 The Chairman suggested that, as part of the launch, particular issues could be given greater emphasis and that this could include transgender issues.
- 11.11 Councillor Mears stated that it seemed clear that all parties where happy with the final policy and procedure.

11.12 Councillor Fallon-Khan explained that the aim of the project had been to ensure that staff would have confidence that, whatever the outcome, they had been treated fairly. He was certain that the proposed policy and procedure would achieve this and he thanked all staff involved and the members of the scrutiny panel.

11.13 Councillor Randall advised that he supported the proposals and agreed that they would give staff confidence in the process. He also welcomed the independent element and emphasis on mediation.

11.14 **RESOLVED –**

- (1) That the new Dignity and Respect at Work Policy and Procedure be approved.
- (2) That the council adopts the core values set out in the report.
- (3) That the core values set out in the Policy be incorporated within the council's management standards and behaviours framework currently being developed as part of the "Creating a Council the City Deserves" transformation programme.
- (4) That a network of Dignity and Respect at Work Advisers be established across the council.
- (5) That approval be given for a payment of £104 per annum to each Adviser in recognition of the important role they will be fulfilling in addition to their normal day-to-day duties.
- (6) That the training of a "pool" of independent investigators to look into complaints be approved.
- (7) That the use of external, accredited mediators to maximise the chances of resolving bullying and harassment issues informally be approved.
- (8) That the development, in conjunction with the Head of Learning & Development, and subsequent implementation of a corporate learning programme for managers to support the introduction of the new Policy be agreed.
- (9) That the Leader of the Council and the Chief Executive publicly endorse the Policy when it is launched to show that the council is serious about eliminating bullying and harassment from the workplace.
- (10) That the impact of the Policy be monitored as detailed in the report.

12. PETITIONS SCHEME

12.1 The Committee considered a report of the Director of Strategy & Governance, concerning the new statutory requirements for councils in relation to handling petitions, including a requirement to adopt a Petitions Scheme. The report outlined the new provisions and recommended the adoption of a Petitions Scheme for Brighton & Hove City Council.

- 12.2 The Acting Assistant Head of Law explained that, while many of the provisions within the scheme were mandatory, wherever possible the council had used the available flexibility to provide maximum accessibility.
- 12.3 The Chairman reported that, unlike the existing scheme, the new scheme would make it permissible for Members to sign petitions. He explained that the report advised that, subject to approval by Full Council on 15 July, the scheme would come into force immediately and that it was proposed that an additional recommendation be added to reflect this.
- 12.4 In response to a question from Councillor Kennedy, the Acting Assistant Head of Law advised that, following approval, the new scheme would be uploaded to the council's website.
- 12.5 In response to questions from Councillor Mitchell, the Acting Assistant Head of Law confirmed that Members would be able to sign both paper and e-petitions, and that the relevant decision-making body will have to consider all of the available options in determining the council's response to any petition.
- 12.6 The Chairman stated the proposed scheme had been influenced by recent experiences with petitions, including the Brighton History Centre e-petition, to create an inclusive and workable scheme.
- 12.7 Councillor Watkins raised concerns around the visibility of the names of signatories of e-petitions given that visitors to the council's website could easily print a list of the signatories of any e-petition.
- 12.8 The Head of Law advised that it was important to show the names of signatories to give users confidence in the credibility of the facility. He added that people could also request to see the names on any paper petition submitted to the council.
- 12.9 Councillor Simpson suggested that it be made clear to users that names would be visible on the website.
- 12.10 Councillor Simson advised that verification of email addresses was key because there was no way to prevent signatories using fictional names.
- 12.11 Councillor Kennedy suggested that officers consider using wording from the Prime Minister's petition website Number10.
- 12.12 The Acting Assistant Head of Law advised Members that the committee would review operation of the new scheme at a future meeting and that the review would include the opportunity to make any necessary amendments.
- 12.13 **RESOLVED –**
- (1) That the Committee recommends to Council:

- (i) That the Petitions Scheme attached as Appendix One be adopted as the Council's scheme for handling petitions pursuant to S11 Local Democracy Act 2009;
- (ii) That the Council's constitution be amended in accordance with the draft amended Procedure Rules attached at Appendix Two.

13. CIVIC AWARENESS COMMISSION: TERMS OF REFERENCE

- 13.1 The Committee considered a report of the Director of Strategy & Governance concerning the formal establishment of a Civic Awareness Commission.
- 13.2 Councillor Mears stated that the Commission was an excellent initiative to celebrate and raise awareness of the city's rich history.
- 13.3 Councillor Fallon-Khan advised that he had been co-opted on to the Commission and that it would serve to educate children and also to demonstrate to tourists how passionate the city is about its heritage. He added that the Commission would be bringing forward some exciting ideas.
- 13.4 The Chairman wished to place on record his thanks to all officers that had been involved in the work of the Commission so far, including the museums staff, Angela Dymott, Assistant Director for Property & Design, and Mark Wall, Head of Democratic Services.
- 13.5 Councillor Randall also wished to thank Paula Murray, Head of Culture & Economy, and stated that the Commission's real success would be demonstrated if it were able to encourage engagement, in terms of both community work and election turnout.
- 13.6 Councillor Watkins advised that the Mayor should take a lead role in the work of the Commission.
- 13.7 The Chairman invited Jim Buttimer, member of the Commission to comment on the proposals.
- 13.8 Mr Buttimer explained that the proposals represented an important step because they would give the Commission the necessary legitimacy to continue its work.
- 13.9 **RESOLVED –**
 - (1) That a Civic Awareness Commission be established in accordance with the terms of reference outlined in the report.

14. SOUTH DOWNS NATIONAL PARK AUTHORITY - DELEGATION OF DEVELOPMENT CONTROL FUNCTION TO CONSTITUENT AUTHORITIES

- 14.1 The Committee considered a report of the Director of Environment concerning temporary delegation of development control functions to the council from the South Downs National Park Authority (SDNPA), while it considers how best to deliver its planning services.

- 14.2 Councillor Kennedy thanked the Head of Planning Strategy for explaining the effect of the proposals and the assurances that they would not have a significant impact on the workload of the council's planning officers.
- 14.3 In response to a query from Councillor Kennedy the Head of Planning Strategy advised that he had not yet received confirmation of the funding arrangements, but that it remained the intention of the SDNPA that there would be no cost to local authorities.
- 14.4 **RESOLVED –**
- (1) That the scheme of delegation agreed by the SDNPA, the draft Joint working agreement under Section 101 of the Local Government Act 1972 and the Draft funding proposals be noted.
 - (2) That Full Council be recommended to agree the delegation of development control functions from the SDNPA to the Council on the temporary basis proposed, subject to any review.
 - (3) That the Head of Law be instructed to make any necessary amendments to the Constitution to reflect the interim delegation to the Council of SDNPA development control powers.
- 15. MANDATORY DEVELOPMENT FOR PLANNING COMMITTEE**
- 15.1 The Committee considered a joint report of the Directors of Environment and Strategy & Governance, concerning the proposed introduction of bi-annual mandatory training sessions for Members serving on or wishing to serve on the Planning Committee.
- 15.2 Councillor Simson welcomed the report and stated that it was important for the Planning Committee to have all the necessary tools to make robust decisions. She highlighted the cost of the training and advised that it would be necessary to ensure that a range of dates and times were offered to ensure that all Members of Committee and the pool of substitutes could attend.
- 15.3 Councillor Kennedy spoke in support of the increased training and advised that the policy framework around planning was changing rapidly making it vital that Members understood both local and national policy. She advised that she hoped investing in training would reduce the resources spent on defending challenges to decisions and commended the Chairman of the Planning Committee, the Head of Developmental Control and the Planning Team for taking the matter forward.
- 15.4 Councillor Mitchell welcomed the proposals and reiterated the need for flexibility in training dates and times in order to accommodate all Members.
- 15.5 The Chairman advised that he was confident that officers would ensure that dates would be flexible.

15.6 **RESOLVED –**

- (1) That the Committee gives its support for:
 - (i) mandatory training for all members of the Planning pool be introduced on a six-monthly basis;
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 - (ii) the training to be open to all other Members to attend on a non-mandatory basis;
 - (iii) mandatory development sessions being offered on at least two different time slots to take account of Members' other commitments;
- (2) That the proposals be recommended to Full Council for approval.
- (3) That, subject to the approval of Full Council, the requirement for ongoing mandatory planning training every six months should come into force with effect from 16 July 2010 and that the first mandatory session be arranged as quickly as possible.

16. REPLACEMENT BOARD MEMBER FOR BRIGHTON & HOVE SEASIDE COMMUNITY HOMES LTD.

16.1 The Committee considered a report of the Director of Strategy & Governance seeking authority to give notice to Brighton & Hove Seaside Community Homes Ltd to remove Councillor Wells as a Board Member and to appoint a replacement.

16.2 Councillor Mears confirmed that the Conservative Group proposed to nominate Councillor Barnett as the replacement for Councillor Wells.

16.3 **RESOLVED –**

- (1) That authority be given to the Head of Law to serve notice on Brighton & Hove Seaside Community Homes Ltd that the council wishes:
 - (a) to remove Councillor Geoff Wells as a Council Board Member; and
 - (b) to appoint a replacement, as nominated by the Committee
- (2) That Councillor Barnett be nominated as replacement Council Board Member.

PART TWO SUMMARY

17. PART TWO MINUTES OF THE PREVIOUS MEETING

17.1 **RESOLVED** – That the Part Two minutes of the meeting held on 27 April 2010 be approved as a correct record.

18. EQUAL PAY UPDATE

18.1 The Chairman advised that, although there was no provision on the agenda for an update on Single Status, he had asked the Assistant Director for Human Resources to inform the Committee of the latest position in line with the regular updates previously received.

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

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of