

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00pm 3 MARCH 2009

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Carden, Drake, Lepper, 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 Ayas Fallon-Khan and Ms M Carter (Independent Member)

PART ONE

52. PROCEDURAL BUSINESS

52a Declaration of Substitutes

52.1 There were none.

52b Declarations of Interest

52.2 There were none.

52c Exclusion of Press and Public

52.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Standards Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

52.4 **RESOLVED** – that the press and public be not excluded.

53. MINUTES OF THE PREVIOUS MEETING

- 53.1 **RESOLVED** – that the minutes of the meeting held on 11 November 2008 are signed by the Chairman as a correct record.

54. CHAIRMAN'S COMMUNICATIONS

- 54.1 The Chairman stated that the next Standards Board Conference was being held on 12 and 13 October in Birmingham. He stated that there were three places available for Brighton & Hove with the Standards Complaints Manager and the Chairman already scheduled to attend. He asked if any Member of the Committee would like to attend as the third member.

55. PUBLIC QUESTIONS

- 55.1 There were none.

56. AUDIT OF MEMBER'S CODE OF CONDUCT

- 56.1 The Committee considered a report of the Director of Finance & Resources concerning the Audit of Members' Code of Conduct.
- 56.2 The Principal Internal Auditor presented the report and stated that the audit was part of the overall assurance framework for governance arrangements. There were three main objectives to the audit and it had received a Substantial Assurance, the second highest opinion achievable.

Two main recommendations had occurred from the audit process. The current constitution requirement is to report Standards Panel minutes of investigations upwards to the parent Committee, which is not being done. It was recognised though that this action was deliberate in order to ensure it was not prejudiced by the untimely disclosure of minutes. It had been agreed to request that the Governance Committee allow minutes of such meetings to be reported upwards at the conclusion of an investigation rather than after each meeting.

The second recommendation was around the issue of use of substitutes for the Standards Committee. It was stated that the Standards Board guidance conflicted with the Council's Constitution, but the audit recommendation was that substitute members should not be allowed to sit on the Standards Committee. The Principal Internal Auditor stated that as part of the constitutional review, the protocol on substitutes for the Standards Committee was being recommended to be disallowed. The decisions of the review would be available in due course. It was noted that this recommendation had already been made by the Standards Committee.

- 56.3 Councillor Watkins asked if the guidance gave any indication of whether Cabinet Members should sit on the Standards Committee, and the Monitoring Officer replied that there were two lines of thought on this issue. He noted that there was a danger in excluding Cabinet Members from the Standards Committee as this would distance them from the process. It was useful for the Committee to have a direct link with the

administration, and a Cabinet Member with direct experience of the Committee and its panels would be able to provide a 'voice' for standards issues. He recognised however that there was a counter view to this given the high profile positions of these Members.

- 56.4 Councillor Watkins referred to the average number of declarations of gifts/hospitality contained within the report and asked why Brighton & Hove was low. The Principal Internal Auditor stated that the benchmark number was gained from information received from other authorities, and noted that the number of declarations and a summary from Brighton & Hove Councillors were available to view on the Brighton & Hove website.
- 56.5 Councillor Lepper raised the issue that when gifts of hospitality were refused by Councillors, this was recorded as 'did not attend' on the website, which was inaccurate. She asked for the website to record these declarations as 'refused'. The Monitoring Officer agreed and noted that this should be altered.
- 56.6 Councillor Lepper asked for clarification on whether she should declare interests when attending public events in a personal capacity. The Monitoring Officer stated that Members only needed to declare interests when accepting gifts or hospitality in their capacity as a Brighton & Hove City Councillor. If they attended events privately they did not need to declare this.
- 56.7 Councillor Watkins asked whether it was necessary for him to declare interests when he had refused invitations, as there were many he received that he did not even read. The Principal Internal Auditor stated that the de minimis level was £25, but anything over this value should be declared. Councillor Watkins expressed concern that he was not declaring offers correctly and the Monitoring Officer offered to send out guidance on this subject for Members at a later date.
- 56.8 **RESOLVED** – that the content of the report is noted.

57. GOOD GOVERNANCE REVIEW

- 57.1 The Committee considered an oral report from the Monitoring Officer on the Good Governance Review.
- 57.2 The Monitoring Officer stated that the review had been recently conducted and he had hoped that full results would be available by the time of the Committee, but this was not the case. He did however have some preliminary results which indicated that both Officers and Members were largely positive about the governance arrangements at the Council. He stated that the full results of the review would be brought back to the Committee when ready.
- 57.3 Mr Janse Van Vuuren asked what the response rate was for the review, and the Monitoring Officer stated that it was around 60-70 per cent and that more statistical information would be available in the final report, with qualitative information included to provide a more rounded picture of the results.
- 57.4 Councillor Watkins expressed concern that only just over 50 per cent of Officers felt that there were effective arrangements for overseeing Members' conduct, and the Monitoring

Officer clarified that it was 51 per cent who always agreed with this statement; 27 per cent who sometimes agreed with this statement; 5 per cent who rarely agreed with this statement and 5 per cent who never agreed with this statement. The figures for the review were therefore more positive than expected and the Monitoring Officer stated that the Standards Committee would have an opportunity to fully review the results and investigate any trends that emerged.

57.5 **RESOLVED** – that the content of the report is noted.

58. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

58.1 The Committee considered a report of the Monitoring Officer regarding the Code of Recommended Practice on Local Authority Publicity.

58.2 The Head of Corporate Communications introduced a draft response to the DCLG consultation paper, *Communities in Control: Real People, Real Power – Code of Recommended Practice on Local Authority Publicity*.

The Head of Corporate Communications stated that the consultation paper sought to review the Code, which was introduced in 1986, and aimed to establish how communications should be handled in an environment of increasing engagement with local communities. He stated that the old Code was vastly out-of-date and the draft response was suggesting a complete relaxation of the rules, but with guiding principles established in their place to ensure legality, fairness and ensuring better outcomes for citizens.

58.3 Councillor Steedman agreed that guiding principles were necessary to maintain and promote standards, but that the political nature of local government communications needed to be recognised. He stated that he would like to see more in the draft response on communications under the new arrangements, and how the work of back-bench councillors and ward work was promoted. The Head of Corporate Communications agreed that this was a vital area for the new code to recognise, and referred to question four, part three of the draft response which dealt with this.

58.4 Councillor Lepper felt that the range of views expressed within the Council did not currently have an outlet in terms of publicity. She noted that Brighton and Hove was a particularly diverse city and the Ward Councillors who represented these areas were not able to publicise some issues or campaigns because of the current restrictions. She felt that the work of some Ward Councillors was going unnoticed.

58.5 Councillor Watkins asked if there was a response from the Local Government Association. The Head of Corporate Communications stated that the LGA and the Local Government Communications Group both felt that the old code should be completely removed and local codes should be introduced to reflect local needs and views.

58.6 Councillor Watkins felt that there were times when there are differences of views at Council and only the views of the majority, as indicated by vote, are communicated to the government. He asked if there would be provision within the new code to allow the views of the minority to be represented as well.

The Monitoring Officer referred to the Local Government Act 1972, which states that any issue before a Council is decided by simple majority vote and this would not be changing. He felt that it would also be contradictory for the Council to communicate opposing views of Members to the government as that would weaken the impact of what it wishes to convey. There is however a facility, in the case of Overview and Scrutiny for minority reports in appropriate cases.

58.7 The Monitoring Officer referred to question two of the consultation paper and highlighted there was a vast range of different types of authority that this Code could apply to if left unrestricted. He felt that the new Code would be more valuable and relevant if it applied to 'principal authorities' only.

58.8 **RESOLVED** – that the content of the report and draft response is noted.

59. CORPORATE COMPLAINTS UPDATE

59.1 The Committee considered a report of the Monitoring Officer on the Corporate Complaints Update.

59.2 The Standards & Complaints Manager presented the report and highlighted the details of the standards complaints received so far and the outcomes of these investigations. Corporate complaints were contained within the second half of the report and it was noted that more complaints had been escalated to the Local Government Ombudsman this quarter than last quarter, but there continued to be no findings of maladministration for the Authority. Local settlements from the Ombudsman had so far amounted to £1,825, which was a very modest sum compared with other authorities. Stage one and stage two complaints were at fairly similar levels to last years' results.

59.3 Councillor Watkins asked if the complaints received this year were comparable with last year in terms of departments involved and types of complaints. The Standards & Complaints Manager stated that there had been a period where stage one complaints had been very high for Development Control, but this seemed to have reduced and they were receiving fewer stage two complaints due to the work that had been conducted to address this.

59.4 Councillor Watkins asked whether information on comparable statistics for stage one and stage two complaints could be made available and the Standards & Complaints Manager agreed that he would do this.

59.5 **RESOLVED** – to note the content of the report.

The meeting concluded at 6.00pm

Signed

Chairman

Dated this

day of