

**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 CO<sub>2</sub> 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 21<sup>st</sup> 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 9<sup>th</sup> 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