

**BRIGHTON & HOVE CITY COUNCIL**

**GOVERNANCE COMMITTEE**

**4.00PM 16 NOVEMBER 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**PART ONE**

**35. PROCEDURAL BUSINESS**

**35a Declaration of Substitutes**

35a.1 There were none.

**35b Declarations of Interest**

35b.1 There were none.

**35c Exclusion of Press and Public**

35c.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).

35c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 47 onwards.

**36. MINUTES OF THE PREVIOUS MEETING**

36.1 The Chairman reported that, since the previous meeting, he had met with the Consultation Manager in relation to assisting Saltdean Residents' Association with running an online survey about the potential administrative boundary review and the matter was being progressed.

36.2 **RESOLVED** – That the minutes of the meeting held on 28 September 2010 be approved as a correct record.

### **37. CHAIRMAN'S COMMUNICATIONS**

37.1 The Chairman reported that a portrait of Henry Allingham, suggested the Leader of the Council and pursued by the Civic Awareness Commission, had been unveiled in the reception area of Brighton Town Hall. He thanked all of those who supported the project and attended the unveiling on Armistice Day.

37.2 The Chairman advised that the council's Chief Executive attended a recent meeting of the Civic Awareness Commission and that its members now had a stronger sense of what it could achieve within the financial constraints and a sense of direction was emerging.

37.3 The Chairman congratulated the Democratic Services team for winning the award for the 'Most Improved Service' at the city's Public Service Awards.

37.4 The Chairman reported that the new electoral register would be published on 1 December and would be used for all elections from then until 30 November 2011. With local elections and a referendum on the voting system taking place in May 2011, it was important to note that it was still possible to register to vote after the new register was published under the rolling registration process; further guidance could be found on the council's website.

### **38. CALLOVER**

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

### **39. PETITIONS**

39.1 There were none.

### **40. PUBLIC QUESTIONS**

40.1 There were none.

### **41. DEPUTATIONS**

41.1 There were none.

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

42.1 There were none.

### **43. ATTENDANCE MANAGEMENT PROCEDURE**

43.1 The Committee considered a report of the Strategic Director, Resources concerning the revised procedure for the improved management of sickness absence within the council.

- 43.2 The Head of Human Resources & Organisational Development explained that the new procedure had been developed over two years and would replace and simplify existing procedures. Significant consultation had taken place with managers, trade unions and workers' forums within the council, in addition to benchmarking against other local authorities and organisations. The procedure aimed to be supportive, rather than disciplinary, and encourage early problem solving and consistency amongst managers across the whole organisation. Emphasis was also placed on appropriate training for managers to enable them to support staff and in particular to understand issues around staff with disabilities or long term health problems.
- 43.3 The Chairman noted that a further report would be brought to the Committee after 12 months following several months of operation of the new procedure.
- 43.4 Councillor Mears requested further clarity on when the procedure would be implemented and when the update report would be received. She requested that the benchmarking data be circulated to members of the Committee and that an additional report on sickness levels over the last five years be brought to a future meeting.
- 43.5 The Head of HR & OD agreed to circulate the benchmarking data and advised that training for managers was currently being arranged, after which the procedure would be implemented in line with the new HR payroll system, which would offer real-time data on sickness absence and alerts to managers; a report on progress would be most valuable after 12 months of operation.
- 43.6 The Chairman suggested that the Committee receive a progress report six months after the procedure has been implemented, which was likely to be in April 2011, and that a report on sickness levels over the last five years be brought to the next meeting.
- 43.7 In response to questions from Councillor Mitchell in relation to time off for medical appointments, the Head of HR & OD explained that the emphasis was on staff attending appointments during their own time, but that the procedure allowed for flexibility where this was not possible.
- 43.8 Councillor Randall welcomed the procedure and the aim of reducing the number of days of sickness through early intervention and support. He noted that different jobs across the organisation would have different pressures and supported Councillor Mears' request for more contextual information.
- 43.9 In response to a query from Councillor Randall in relation to the issuing of a written warning at stage one of the formal process following an Absence Review Meeting, the Head of HR & OD explained that the decision to make this a requirement was made in order to provide clear guidance to managers and achieve greater consistency across departments; it was hoped that managers would be able to use discretion in the future, but a more prescriptive approach would be taken in the first instance.

The trade unions were generally supportive of the new procedure and were particularly pleased with the inclusion of stipulations around making reasonable adjustments where appropriate.

43.10 In response to questions from Councillor Elgood, the Head of HR & OD explained that the reduction in the number of absence spells triggering an Absence Review Meeting was in line with data received from organisations successfully managing sickness absence and also followed the principal on early problem solving.

She also explained that the procedure did not include information on time off for staff when their children were unwell as this was covered by existing policies on special leave.

43.11 The Chairman requested that information on the special leave policy be circulated to members of the Committee along with further explanation of the wording used in the procedure to explain the requirement for managers to confirm all discussions with employees about sickness in writing, as requested by Councillor Simson.

43.12 The Chairman moved an amendment to the recommendations, which would provide greater clarity on timescales for implementation of the procedure and subsequent reports to the Committee.

43.13 Councillor Mears formally seconded the amendment and opposition Members confirmed their support for it.

43.14 The Chairman thanked the Deputy Chairman for engaging in valuable preliminary discussions about the report prior to the meeting.

43.15 **RESOLVED –**

(1) That the Committee approves the new Attendance Management Procedure.

(2) That the impact of the new procedure be monitored **and a report be presented to the Governance Committee six months** after implementation ~~and a report be presented to the Governance Committee in 12 months time.~~

(3) **That the procedure be implemented on 1 April 2011.**

(4) **That information on sickness levels in the last five years be reported to the Governance Committee in February 2011.**

#### **44. RESPONSE TO CONSULTATION ON THE CODE OF RECOMMENDED PRACTICE FOR LOCAL AUTHORITY PUBLICITY**

44.1 The Committee considered a report of the Strategic Director, Resources concerning the council's response to the government consultation on the Code of Recommended Practice for Local Authority Publicity.

44.2 The Senior Corporate Lawyer explained that the council's main area of concern with the proposed new Code was the stipulation that council's could not publish their own newspaper more frequently than once a quarter; City News was currently published once a month and the council was concerned about the effects of reducing the frequency, including the cost of paying for alternative advertising.

- 44.3 Councillor Kitcat stated that the council would have to consider whether City News met the requirement within the new Code for even-handedness, and that all of the many publications produced by the council met the requirements of the Code.
- 44.4 In response to a query from Councillor Kitcat in relation to the process of agreeing consultation responses when timescales did not fit with the dates of meetings, the Chairman advised that he always worked with opposition Members to achieve a consensus wherever possible and that previous responses and reports had been altered on the basis of comments received. He added that such items could also be taken through the Leaders' Group.
- 44.5 The Monitoring Officer explained that the council's constitution gave urgency powers to officers to act following consultation with the relevant Cabinet Member or Committee Chairman and there was no requirement to consult with opposition Members in such circumstances. Alternatively a special meeting of the Committee could have been convened.
- 44.6 Councillor Elgood thanked the Chairman for his consultative approach. He welcomed the requirement for even-handedness and stated that most readers relied on the printed version of City News rather than actively searching for it online and that it could easily be discarded as junk because it was delivered with a number of leaflets. He also asked why there was no Members' steering group for City News.
- 44.7 The Chairman reported that issue of accessibility and delivery would be considered as part of a forthcoming review of City News.
- 44.8 Councillor Mears confirmed that Administration did not sit on a steering group for City News and that it was reviewed by the Chief Executive prior to publication. She advised that the council had a responsibility to advertise statutory notices, but that the Argus' circulation had reduced and an alternative method was needed.
- 44.9 Councillor Randall stated that City News could play an important role if it was more even-handed and queried whether there was any evidence that people read the statutory notices. He also queried whether individual departments paid to advertise in City News.
- 44.10 The Monitoring Officer confirmed that departments were charged, but that cost less than using commercial newspapers. He confirmed that City News complied with all relevant statutory legislation, but that it was inevitable that some members would feature more frequently as a result of their respective portfolios.
- 44.11 The Chairman agreed to ask the Communications Team to provide any data that they may have on whether people read the statutory notices printed in City News.
- 44.12 **RESOLVED** – That the Governance Committee notes the report, the consultation document (see Appendix 1) and the Council's response (see Appendix 2).

**45. PARLIAMENTARY VOTING SYSTEM AND CONSTITUENCIES BILL - IMPLICATIONS FOR THE COUNCIL**

- 45.1 The Committee considered a report of the Strategic Director, Resources concerning the implications of the Parliamentary Voting System and Constituencies Bill, which proposed a referendum on electoral reform and the creation of fewer and more equal sized constituencies.
- 45.2 The Head of Life Events explained that holding the referendum on the same day as the local elections presented some logistical issues for the Electoral Services Team and that it would be vital to provide the members of the public with clear information. He advised that the review of constituencies would take place by 2013 and that further information on both issues was expected and would be circulated.
- 45.3 Councillor Mitchell was concerned at the speed at which the Bill was going through Parliament and in particular highlighted worries over individual voter registration, which placed the onus on individuals to register or lose their vote, and the fact that there would be no right to appeal the forthcoming constituency boundary changes.
- 45.4 Councillor Mears stated that more detail on the proposals would be welcomed, particularly in relation to the referendum vote count. She reported that she had spoken with the Chief Executive to express a view that the vote count for the local election should take place during the night and not wait until the following day, and she hoped that opposition Members would also support this.
- 45.5 The Head of City Services gave a commitment to update Members on the points raised when further information was received from the Government. She added that that Electoral Services team would continue to provide the best possible service for councillors and members of the public, and that polling station staff would be sufficiently trained to offer assistance with both ballots.
- 45.6 Councillor Kitcat stated that dual elections could be problematic and that good preparation and publicity would be key. He advised that research had shown that vote counts were more likely to be accurate if conducted the next day and highlighted concerns that radical changes to constituency boundaries would break up natural communities.
- 45.7 The Chairman stated that it the responsibility of elected representatives to recognise the communities within their own wards, whatever the boundaries. He advised that political parties had a role to play in advising members of the public on the practicalities of voting.
- 45.8 Councillor Elgood noted that voters in Rottingdean had taken part in two ballots for a number of years without experiencing problems. He welcomed the referendum on the voting system and looked forward to the electorate's decision. He advised that natural boundaries were not easy to identify and it was, therefore, logical to have equal sized constituencies.

- 45.9 Councillor Simson advised that voters should not be underestimated and that polling staff were consistently well-trained. She highlighted concerns about the postal vote and the need for clear guidance.
- 45.10 Councillor Fallon-Khan wished to record his congratulations to the council's Business Rates Team, managed by the Head of City Services, for winning the award for 'Innovative Customer Service' at the Public Service Awards.
- 45.11 **RESOLVED** - That the Governance Committee notes the content and implications of the Parliamentary Voting System and Constituencies Bill.

#### **46. DECENTRALISATION AND LOCALISM BILL - UPDATE**

- 46.1 The Committee considered a report of the Strategic Director, Resources concerning Decentralisation and Localism Bill which was anticipated to deliver new freedoms and flexibilities for councils.
- 46.2 The Acting Assistant Head of Law noted that the Bill had not yet been published, but that it would almost certainly include reform of the planning system and housing subsidy system, as well as constitutional matters such as the opportunity for council's to return to the committee system of governance, and the abolition of the Standards Board. She advised that the most significant change from a legal perspective would be the 'general power of competence', which would allow councils to take any action unless it was strictly prohibited; this represented a major shift from the current approach, which meant that councils had to look for the authority to act.
- 46.3 Councillor Randall welcomed the general power of competence and the changes to the housing subsidy system, although he felt that the proposed new homes bonus would not make up for cuts to the housing allowance; the council needed to build new homes rather than subsidising the private sector. He also supported the community right to build in theory, but felt that it would not have the desired aims. He advised that he supported the overall aim of empowering communities, but felt that proposals in the Bill would instead create barriers to local decision-making.
- 46.4 Councillor Elgood welcomed the Bill, which he felt would bring important change. He stated that the general power of competence would give councils more freedom and that by removing ringfencing, communities would have a greater say in how money was spent. He also welcomed the abolition of the Standards Board, whose work could be undertaken by other bodies.
- 46.5 Councillor Mears stated that the proposals in the Bill would bring greater flexibility for councils and communities and that she looked forward to the full details. She welcomed the abolition of housing targets and advised that new council homes would be built in the city for the first time in many years.
- 46.6 The Deputy Chairman commented that the Bill would contain a wide range of proposals and that, while she welcomed reform of the housing subsidy system and the opportunity to return to the committee system, she had concerns about giving local communities the responsibility to determine neighbourhood planning applications without council

arbitration. She advised that she remained sceptical about the new homes bonus and its potential to incentivise councils to build new homes.

- 46.7 The Chairman welcomed the opportunity of the council to review its constitutional arrangements and confirmed that the Committee would consider a further report on the Bill in February 2011. He added that the new homes bonus had the potential to bring in a significant amount of money.
- 46.8 Councillor Fallon-Khan stated that the Bill would give local people powers to make decisions about the things that affected them and have a say in how city evolved.
- 46.9 **RESOLVED** - That the Governance Committee notes the report and requests officers to report back to the Committee once the draft Bill is published.

### **PART TWO SUMMARY**

#### **47. PART TWO MINUTES OF THE PREVIOUS MEETING**

- 47.1 **RESOLVED** – That the Part Two minutes of the meeting held on 28 September 2010 be approved as a correct record.

#### **48. EQUAL PAY (RESIDUAL ISSUES)**

- 48.1 The Committee received a verbal update from the Head of Human Resources and Organisational Development concerning residual issues in relation to equal pay.
- 48.2 **RESOLVED** – That the update be noted.

#### **49. PART TWO ITEMS**

- 49.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.
- 49.2 **RESOLVED** – That items 47 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.53pm

Signed

Chairman

Dated this

day of