

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00PM 20 SEPTEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), A Norman (Deputy Chair), J Kitcat, Morgan, Powell, G Theobald, Hamilton, Mears, Summers and Sykes

PART ONE

17. PROCEDURAL BUSINESS

17a Declaration of Substitutes

17a.1 Councillor Mears declared that she was present as a substitute for Councillor Oxley.

17a.2 Councillor Hamilton declared that he was present as a substitute for Councillor Mitchell.

17a.3 Councillor Summers declared that she was present as a substitute for Councillor Kennedy.

17a.4 Councillor Sykes declared that he was present as a substitute for Councillor Randall.

17b Declarations of Interest

17b.1 The Monitoring Officer confirmed that all Members present had a personal, but non-prejudicial interest in Item 25, a report of the Independent Remuneration Panel concerning Members' Allowances.

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 not excluded from the meeting.

18. MINUTES OF THE PREVIOUS MEETING

- 18.1 **RESOLVED** – That the minutes of the meeting held on 26 July 2011 be approved as a correct record.

19. CHAIR'S COMMUNICATIONS

- 19.1 The Chair noted that the agenda contained two items that formed the first part of the constitutional review and that further reports would be brought to the Committee over coming months.

20. CALLOVER

- 20.1 The Chair advised that he proposed to bring Item 32 forward to be considered following Item 25.
- 20.2 **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

- 23.1 There were none.

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

- 24.1 There were none.

25. REVIEW OF MEMBERS' ALLOWANCES

- 25.1 The Committee considered a report of the Independent Remuneration Panel (IRP) concerning the outcome of a review of the Members' Allowances Scheme.
- 25.2 The Chair welcomed Simon Keane, Chair of the IRP, to the meeting and reported that he had met Mr Keane to learn about the Panel's remit and work programme. He thanked the IRP for their thorough review and noted that a number of councillors had made written and verbal representations.
- 25.3 Mr Keane thanked Members for attending IRP meetings and making representations. He advised that the report was very detailed and that the Panel was comfortable with how the proposed scheme compared to other local authorities (LAs). He highlighted the main recommendations and reported that the scheme would result in savings of over £20,000. He thanked the Democratic Services Manager, Mrs Angela Woodall, for her

support to the Panel over many years and wished her well as she prepared to leave the council.

- 25.4 Councillor Morgan thanked the IRP and officers and stated that the Labour Group comments on the report at full Council on 20 October. He noted the forthcoming review of Overview & Scrutiny arrangements and possibility of returning to a committee model of governance and advised that SRAs for deputy chairs of committees may need to be reconsidered in the future.
- 25.5 Mr Keane advised that reviews were conducted regularly, and that, while it was hoped that the current report would last some time, Members views were also welcomed. He explained that the guidelines provided that no more than 50% of Members should receive an SRA, and that to include the deputy chairs of other committees would exceed that level.
- 25.6 Councillor J Kitcat welcomed the report and thanked the IRP. In particular he noted that the changes would make it easier to claim for childcare costs and added that he hoped the issue of allowing councillors to claim childcare vouchers would be resolved by the Government.
- 25.7 Councillor A Norman thanked the IRP and Mrs Woodall and advised that the Conservative Group would reserve their comments for the debate at full Council.
- 25.8 In response to a question from Councillor Sykes regarding the level of SRAs for the deputy chairs of the Planning and Licensing Committees, Mr Keane explained that the Panel had recognised the heavy workload of the committees and were satisfied with the SRAs being higher than in other LAs.
- 25.9 Councillor Powell thanked the IRP for their ongoing work and highlighted the difficulties of juggling elected Member responsibilities with other commitments.
- 25.10 **RESOLVED –**
- (1) That the Committee recommends to Council:
 - (a) That the Special Responsibility Allowances for the Leaders' positions be payable as outlined in paragraphs 3.1 – 3.8 and Appendix 1 to this report.
 - (b) That the Special Responsibility Allowances for the Deputy Chairs of Planning and Licensing Committees be payable as outlined in paragraphs 3.9 – 3.15 and Appendix 2 to this report.
 - (c) That the Dependants' Carers' Allowance be payable as outlined in paragraphs 3.16 – 3.32 and Appendices 3 and 4 (childcare), and 3.33 – 3.37 and Appendix 5 (dependant care).
 - (d) That the 26 Special Responsibility Allowances set out at Appendix 6 to this report be approved as the full list of duties which constitutes Schedule 1 to the new Members' Allowances Scheme.

- (2) That it be noted the Basic Allowance of £11,463 has been retained and that all other allowances listed in the Scheme, other than those detailed in 2.1 – 2.4 above remain unchanged.
- (3) That the Members' Allowances Scheme 2011 set out at Appendix 7 be recommended to full Council for approval on 20th October 2011 with a proposal that the new scheme should take effect from 21st October 2011.

26. POLICE REFORM AND SOCIAL RESPONSIBILITY BILL - CONDUCT OF ELECTIONS

- 26.1 The Committee considered a report of the Strategic Director, Resources concerning the progress of the Police Reform and Social Responsibility Bill through Parliament, in particular the provision relating to elections of Police and Crime Commissioners.
- 26.2 The Head of City Services reported that the Bill had received Royal Assent since the report had been written and that some changes had been made. The first elections would now take place on 15 November 2012 and the annual electoral register canvass had been brought forward to September to accommodate the elections. She advised that the framework for the elections was not yet clear and that the challenge for officers would be to work with other local authorities (LAs) in Sussex to ensure a well co-ordinated process.
- 26.3 Councillor Morgan stated that he opposed the replacement of Police Authorities with Police and Crime Commissioners. He raised concerns about the cost implications impacting on frontline police budgets and that with one Commissioner for the whole of Sussex, it was unlikely that they would be from the city. He also noted that with 10 members on the Police and Crime Panel, the city would not be fairly represented..
- 26.4 Councillor G Theobald welcomed the proposals to elect Police and Crime Commissioners and stated that the cost of the election would not impact on frontline police budgets. He advised that each LA would not be allocated one Member on the Police and Crime Panel, but that 10 Members in total would be appointed from the area.
- 26.5 The Chair stated that Brighton & Hove would still be underrepresented on the Panel.
- 26.6 Councillor J Kitcat stated that he did not support the legislation and that although the costs would be funded by central Government, they would be passed on to LAs indirectly. He questioned how much guidance about the election process was yet to be published and stated that an all postal ballot would increase the risk on fraud.
- 26.7 Councillor Hamilton stated that he hoped it would be an all postal vote as turnout was likely to be low because, unlike at other types of elections, voters would know little of the candidates.
- 26.8 The Head of City Services reported that details about the process for the election had not yet been published, but noted that the council had received praise for its running of an all postal vote in 2004.

26.9 Councillor A Norman requested that the Committee continue to receive update report so that it could be involved in decisions relating to the operation of the election.

26.10 The Chair noted that the recommendations needed to be amended to reflect the fact that the Bill had been enacted.

26.11 **RESOLVED –**

(1) That the Governance Committee notes the content and implications of the Police Reform and Social Responsibility Bill.

(2) That the Governance Committee requests further reports ~~once the Bill is enacted, including specific implications for Brighton & Hove~~ **as and when further information becomes available.**

27. POLLING PLACE REVIEW

27.1 The Committee considered a report of the Strategic Director, Resources seeking approval to consult on alternative venues for two polling stations in Withdean and East Brighton wards following a partial polling place review.

27.2 Councillor Mears advised that the Whitehawk Inn was well used on a day to day basis and questioned where a polling station might fit. She also raised concerns about the ability to drop off elderly and disabled voters outside the venue.

27.3 Councillor Morgan reported that Councillor Turton had been assured by Electoral Services Officers that there was adequate space and no access issues. He stated that he hoped voters with mobility issues would apply for postal votes. He also advised that he had requested for consideration to be given to using the community space on the Whitehawk development in the future.

27.4 Councillor A Norman thanked the Head of Electoral Services for contacting ward councillors about the consultation, which she welcomed. She recognised that Westdene School was not suitable and stated that her preferred venue was the Ascension Church as it had good access and facilities.

27.5 Councillor G Theobald stated that portacabins were used in a number of polling districts where suitable venues could not be found.

27.6 The Head of City Services confirmed that the consultation identified one alternative venue for the East Brighton polling station and two options for Withdean. She explained that choosing polling station venues was challenging and that officers considered a variety of factors before making proposals.

27.7 **RESOLVED –**

(1) That the Governance Committee approves the attached consultation document and the consultation process outlined at section 4 of the report.

- (2) That the Governance Committee will consider a further report at its meeting on 15 November 2011, to approve recommendations for alternative polling places in the affected wards.

28. REVIEW OF POLICY FRAMEWORK

- 28.1 The Committee considered a report of the Monitoring Officer concerning a review of the content of the council's existing policy framework and to recommending amendments to full Council.
- 28.2 Councillor G Theobald welcomed the opportunity to debate the content of the policy framework at full Council and advised that the Conservative Group would consider whether to propose any additions to the list.
- 28.3 Councillor Morgan questioned whether there was an existing Youth Justice Plan and if so, whether it had been through Overview & Scrutiny and Council approval.
- 28.4 The Monitoring Officer explained that where an item in the policy framework existed, Full Council approval was required; however, it was possible that items had become obsolete, but that the Functions and Responsibilities Regulations had not been updated by the Government.

28.5 RESOLVED –

- (1) That Governance Committee review the council's existing policy framework which is set out in Part 3.1 of the constitution and reproduced at Appendix 1, by considering whether the list of plans and strategies that comprise the framework is correctly worded and up to date; and
- (2) That, in light of their review, Governance Committee agree the amended policy framework set out in Appendix 2, reflecting the analysis in paragraphs 3.4 and 3.5 below, and recommend its adoption by Full Council.

29. AMENDMENTS TO CONTRACT STANDING ORDERS

- 29.1 The Committee considered a report of the Monitoring Officer concerning some technical modifications to Contract Standing Orders (CSOs) to address practical issues around authorisation of officers, keeping of registers and extension of contracts designed to remove bureaucracy and bring the council into line with other local authorities.
- 29.2 The Monitoring Officer explained that the existing CSOs forced the council into a state of non-compliance because it was not practical for all contracts to be entered into by a Senior Officer or authorised Contract Officer; it was proposed to align CSOs with the Scheme of Delegation to Officers. It was also proposed to combine the register of declarations of interests relating to contracts with other registers of interests to create one single register, and also to give Strategic Directors the power to extend contracts valued about the EU threshold in exceptional circumstances to preserve continuity of service.

- 29.3 Councillor Mears stated that the council should maintain a register of officer interests in order to increase openness and transparency and allow members of the public to scrutinise officer interests alongside those of Members. She questioned whether all contracts were being properly supervised by procurement officers and at what point Cabinet Members became involved in the process.
- 29.4 The Monitoring Officer advised that research had shown that no other local authorities maintained a public register of officer interests, but that the Standards Committee Working Group was taking the idea forward and considering the best approach. He explained that amending the CSOs did not prejudice the ongoing work of the Procurement Strategy Manager to regulate practices, nor did it change the thresholds for Cabinet Member approval of contracts; Cabinet Members received regular briefings and could request for items to be brought before the Cabinet.
- 29.5 Councillor J Kitcat stated that he supported a public register of interests for Senior Officers and advised that work on centralising procurement was continuing, including proposals for a contracts database.
- 29.6 **RESOLVED** – That the Governance Committee recommends to Council that the amendments set out in paragraphs of the report and more particularly indicated in the appendix be approved and that they come into force with immediate effect.

30. USE OF MOBILE PHONES, AUDIO RECORDING AND FILMING AT COUNCIL MEETINGS

- 30.1 The Committee considered a report of the Monitoring Officer concerning the use of mobile phones, audio recording and filming at council meetings.
- 30.2 The Monitoring Officer noted some minor typographical errors in the report, including a deletion in Recommendation 2.1(ii). He explained that it was necessary to find a compromise that took into account developments in technology without disrupting proceedings of council meetings; it was proposed that existing rules relating to filming be retained and that the rules relating to audio recording and mobile be amended to permit discreet use of mobile devices. He advised that the Chair would retain the discretion to order all devices to be switched off.
- 30.3 Councillor Morgan welcomed the proposal and noted that other local authorities and the Houses of Parliament were following the same approach. He accepted that mobile phones could be distracting, but that Members were able to multi-task; access to the internet would enhance proceedings and increase active participation from residents.
- 30.4 Councillor Summers noted that the Chair of a meeting would have absolute discretion to order all mobile devices to be switched off and raised concerns that this could be abused.
- 30.5 The Monitoring Officer advised that, should Member feel it necessary, Procedure Rule 31.2(iii) could be qualified so that the Chair can only order that all devices be switched off if they consider their use not to be conducive to proceedings.

- 30.6 Councillor J Kitcat stated that the proposals were necessary in order to support new ways of working and increase access to decision-making, as well as enhancing debate by enabling Members to access information during meetings.
- 30.7 Councillor Mears highlighted the importance of the Mayor's power to use his or her discretion to make rulings when presiding over meeting of the full Council.
- 30.8 Councillor Summers moved an amendment to the recommendations, which sought to qualify Procedure Rule 31.2(iii) as per the Monitoring Officer's advice.
- 30.9 Councillor J Kitcat formally seconded the amendment.
- 30.10 Councillor G Theobald noted the benefits of the proposed changes, but reported that some Members were concerned about the distribution of extracts from web casts and advised that the changes should be kept under review in order to deal with any ongoing concerns.
- 30.11 Councillor A Norman raised concerns about the Green amendment and stressed the importance of the Chair's authority to preside over a meeting and the need to prevent a prolonged debate over such issues.
- 30.12 The Monitoring Officer confirmed that the Chair's absolute discretion could not be diluted by the amendment because it was prescribed in the Council Procedure Rules.
- 30.13 The Chair put the Green amendment to the vote, which was passed.
- 30.14 **RESOLVED** – That the Governance Committee agrees and recommends to Council:
- (i) that the existing rules relating to mobile phones and audio recording of council proceedings be amended as described in paragraphs 4 and 5 of the report; and
 - (ii) that the amended Council Procedure Rule 31, as set out in Appendix 2 be approved to come into affect immediately after the conclusion of the Council meeting on 20 October 2011 **with the following amendment:**
 - 31.2(iii) The person presiding at the meeting may require all mobile phones to be switched off at any time **if they consider that the use of devices is not conducive to the proper running of the meeting.**

31. AWARD OF WEB CASTING CONTRACT

- 31.1 The Committee considered a report of the Strategic Director, Resources seeking delegated authority to award the web casting contract following a tendering exercise.
- 31.2 The Head of Democratic Services reported that three tenders had been received and that evaluation had begun earlier in the day.
- 31.3 Councillor Mears noted that the quality of web casts in the Council Chamber at Hove Town Hall had been affected by the position of the cameras.

- 31.4 The Head of Democratic Services confirmed that the Hove Centre had agreed for the cameras to be moved in order to improve the quality of the web casts.
- 31.5 Councillor J Kitcat welcomed the re-tendering of the contract and stated that web casting meetings had increased interest in the council's decision-making processes and improved access.
- 31.6 Councillor Morgan stated that he hoped consideration would be giving to extending the web casting facility to more meetings.
- 31.7 **RESOLVED** – That the award of a 3-year contract for the web casting of meetings and associated events be delegated to the Strategic Director, Resources.

32. LIVING WAGE

- 32.1 The Committee considered a report of the Strategic Director, Resources concerning implementation of a new minimum basic wage for council employees as part of an overall strategy to move to a 'Living Wage' for Brighton & Hove.
- 32.2 Councillor Mears noted that the increase would be frontloaded and raised concerns about staff losing out in future years and the effect on the next grades up. She noted that school staff had been on summer holidays during the consultation period and may not have had an adequate opportunity to respond. She stated that agency staff were paid at a higher rate than those with permanent contracts and questioned how many council staff would benefit from the increase.
- 32.3 In response to questions from Councillor Mears, the Strategic Director, Resources made the following comments:
- There was no concern about the next grades up as the changes were confined within the existing lowest grade.
 - The increase would be applied to basic pay only.
 - A meeting with head teachers had been held on 13 July 2011; no issues had been raised at the meeting or separately.
 - 250 casual workers employed directly by the council would benefit from the increase.
- 32.4 Councillor J Kitcat explained that the living wage was part of the Administration's commitment to reducing inequality by reducing the pay ratio between the highest and lowest paid within the council. The proposed approach would not increase pay at higher grades and therefore had no onward implications.
- 32.5 In response to a question from Councillor A Norman, Councillor J Kitcat explained that the previous Administration had set aside a contingency fund in the Government required the council to implement a living wage; no such requirement was made, however, the current Administration intended to introduce the living wage to reduce the pay ratio.
- 32.6 Councillor Mears noted that the previous Administration had ensured that Single Status and Equal Pay issues were dealt with.

32.7 In response to a question from Councillor Hamilton concerning the Chief Executive's voluntary 5% pay cut, the Strategic Director, Resources agreed to provide a written response detailing the pay ratio before and after the introduction of the living wage.

32.8 RESOLVED –

- (1) That the Council's minimum hourly rate be changed to £7.19 with effect from 1st September 2011 by deleting scale points 7 to 9 of our current grading structure.
- (2) That that the minimum rate of £7.19 per hour be applied to the Council's casual workers with effect from 1st September 2011.

Note: This item was taken after Item 25.

33. GOVERNANCE COMMITTEE WORK PLAN

33.1 RESOLVED – That the Committee noted the work plan.

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of