

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 15 NOVEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), A Norman (Deputy Chair), Kennedy, J Kitcat, Mitchell, Morgan, Oxley, Powell, Randall and G Theobald

Also in attendance:

PART ONE

34. PROCEDURAL BUSINESS

34a Declaration of Substitutes

34a.1 There were none.

34b Declarations of Interest

34b.1 Councillors Oxley, A Norman and G Theobald declared a personal interest in Item 43 as they knew the Leaseholder of Stanmer Park.

Councillor Mitchell declared a personal interest in Item 43 as she was Chair of the Brighton & Hove Estates Conservation Trust, and the Trust had dealt with Stanmer Park.

Councillor A Norman declared a personal interest in Item 45 as she was a councillor representing Withdean Ward.

34c Exclusion of Press and Public

34c.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).

34c.2 **RESOLVED** – That the press and public not be excluded from the meeting.

35. MINUTES OF THE PREVIOUS MEETING

35.1 **RESOLVED** - That the minutes of the meeting held on 20 September 2011 be approved as a correct record.

36. CHAIR'S COMMUNICATIONS

36.1 Councillor Littman stated that following a suggestion from Councillor Mitchell, the Governance Committee would be provided with an update of the Open Service Bill at the meeting due to be held on 10 January 2012.

37. CALLOVER

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

38. PETITIONS

38.1 There were none.

39. PUBLIC QUESTIONS

39.1 There were none.

40. DEPUTATIONS

40.1 There were none.

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

41.1 There were none.

42. REVIEW OF POLICY FRAMEWORK - SCHOOL ADMISSIONS ARRANGEMENTS

42.1 The Committee considered a report of the Strategic Director, People concerning the inclusion of the annual School Admission Arrangements as part of the Council's Policy Framework.

42.2 The Schools Futures Project Director, Mr Sweetenham, presented the report. Mr Sweetenham confirmed that at the Full Council meeting held in October 2011 it had been agreed to include the annual school admission arrangements as part of the Council's policy framework. The report set out the policies and documents which related to school admissions, and clarified the elements that it was proposed would be brought to Full Council as part of the policy framework.

42.3 Mr Sweetenham confirmed that at the Cabinet meeting held on 10 November 2011, the Cabinet member for Children and Young People had announced that a cross party working would be set up to consider the provision of junior school places in the city.

42.4 RESOLVED -

- (1) That Governance Committee notes the documents and policies in place for Brighton & Hove City Council relating to school admissions
- (2) That Governance Committee recommends to full Council that the Council's policy framework include 'school admission arrangements' and that this be interpreted to cover the Council's admissions policy (as represented by the admissions booklet for primary and secondary schools) and the School Organisation Plan

43. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER - STANMER PARK

- 43.1 The Committee considered a report of the Strategic Director Place and Strategic Director Resources concerning an application to make an Order modifying its Definitive Map and Statement of Public Rights of Way by adding a public footpath at Stanmer Park Brighton.
- 43.2 Councillor Kennedy thanked the officers for providing a comprehensive report and noted that it was a difficult decision to make. Councillor Kennedy asked that if the officer's recommendation were agreed, what options would be available to the applicant. The Committee was advised that the applicant could appeal to the Secretary of State of Environment for Food and Rural Affairs for them.
- 43.3 Councillor Mitchell noted that there was no clear evidence of a right of way, and suggested that that could be because the area was a large open space and asked whether that issue had been taken into account. The Committee were advised that it had; a right to travel over an area could not be defined as a formal right of way.
- 43.4 Councillor A Norman stated that she was very familiar with Stanmer Park, and whilst the public visited a large area of the park she had never thought that it was a form public Right of Way.
- 43.5 The Committee considered the recommendation, and all councillors chose to abstain from voting. The Monitoring Officer stated that, in order for the Definitive Map and Statement of Public Rights of Way to be modified a positive vote would be required. Therefore, the recommendation in the report, not to modify, would be agreed. The Monitoring Officer stated that the Chair could have the casting vote. The Chair declined.
- 43.6 Councillor Mitchell asked whether the Committee could ask that the matter be passed to the Secretary of State for Environment, Food and Rural Affairs. The Monitoring Officer stated that the Committee could recommend that. Councillor Mitchell proposed that that course of action be followed and Councillor Randall agreed. The Committee voted on the proposal, and it was agreed that the Committee recommend that the matter be passed to the Secretary of State for Environment, Food and Rural Affairs.

43.7 RESOLVED -

- (1) That the Governance Committee declines to make an Order modifying the Definitive Map and Statement of Public Rights of Way by adding a public footpath at Stanmer Park.
- (2) That the Governance Committee considers that, given the complexity of the case and the legal position, the matter would be better dealt with by the Secretary of State for Environment, Food and Rural Affairs.

44. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER - KINGSWAY, HOVE

- 44.1 The Committee considered a report of the Strategic Director, Place and Strategic Director Resources concerning an application to make an Order modifying its Definitive Map and Statement of Public Rights of Way by adding a public footpath between Kingsway and Wharf Road, Hove.
- 44.2 Councillor Morgan noted that applications to modify the Definitive Map and Statement of Public Rights of Way had been made in 2008 and 2009 and asked why the matter was only being determined now. The Committee were advised that the Council had been in correspondence with parties over this issue, and that the matter was now ready for the Governance Committee to reach a resolution.
- 44.3 Councillor Littman stated that he was familiar with area, and had always thought that it was public Right of Way.

44.4 RESOLVED -

That the Committee approves the application for an Order on the basis that the evidence referred to in this report shows that the claimed right of way subsists or can reasonably be alleged to subsist.

45. POLLING PLACE REVIEW

- 45.1 The Committee considered a report of the Strategic Director Resources concerning a revision of polling arrangements in two Wards, Withdean Ward and East Brighton Ward, within the city.

45.2 RESOLVED -

- (1) That the Governance Committee approves that the polling place for IW polling district, Withdean Ward, be changed from Westdene Primary School to the Ascension Church Hall
- (2) That the Governance Committee approves that the Whitehawk Inn Training Centre be designated the new polling place for DU polling district, East Brighton Ward.

46. REVIEW OF FINANCIAL REGULATIONS

46.1 The Committee considered a report of the Director Finance concerning modifications to Financial Regulations. The report proposed a number of changes to the Financial Regulations to reflect both the practical application of the Scheme of Delegation to Officers and to ensure that the regulations covered a number of new areas of work. The Committee were requested to consider the modifications and recommend to Council that they be approved.

46.2 RESOLVED -

- (1) That the Governance committee recommends to Council that the amendments set out in the report and more particularly indicated in the appendices be approved and that they come into force with immediate effect.

47. ATTENDANCE MANAGEMENT PROCEDURE

47.1 The Committee considered a report of the Strategic Director Resources, concerning an update on the new Attendance Management Procedure which was implemented on 1 April 2011.

47.2 Councillor G Theobald noted that although the level of staff absence had reduced it still appeared to be high, and was concerned of the cost implications for the council and felt that anything which could be done to reduce the level of staff absence would be beneficial.

47.3 Councillor Powell referred to employees having to attend a formal Absence Review meeting, and noted that with disabled employees there was an issue of equalities and that it might not be appropriate for all employees to have to attend a formal review meeting. Councillor Powell suggested that a separate review meeting be held for disabled employees.

47.4 Councillor Oxley suggested that an alternative way of meeting employees could be held to ensure that the review meeting was not felt to be a punishment for being ill.

47.5 Councillor Morgan stated that it was necessary to strike a balance between getting staff back to work, and also ensuring that staff did not return to work too early. If staff came back to work whilst still ill, they may not be able to properly perform their job.

47.6 Councillor A Norman agreed staff with a disability should be dealt with appropriately as returning to work and having to attend two review meetings could be daunting.

47.7 The officer presenting the report noted the comments regarding disabled employees and said that the new procedures gave managers more guidance on dealing with all staff and in particular how they should implement reasonable adjustments where appropriate.

47.8 Councillor Kennedy asked whether absence levels amongst different departments and teams were monitored. The Committee were advised that levels were monitored and any areas of high absence were identified. Both short and long term absence was

looked at and, where appropriate, managers would be contacted and an action plan to address the level of absence.

47.9 RESOLVED -

- (1) That the Governance Committee notes the overall improvement in sick absence rates since 1 April 2011 and the steps taken to improve managers' skill and understanding of their role in supporting staff towards better health and attendance.
- (2) That the Governance Committee be briefed on the average days lost to sick absence after the end of the financial year to confirm that the improvements in attendance measured to date have been sustained.
- (3) That, following consultation with the Corporate Management Team and managers, the Governance Committee consider the option of removing, from the Procedure, the provision that requires an Absence Review meeting to always be held after an employee reaches an Attendance Concern Level. See paragraph 3.5.3 of the report.
- (4) That the results of the consultation exercise with the Corporate Management Team and managers be brought back to the Governance Committee to enable it to consider the option described in recommendation 1.3 above.

48. GOVERNANCE COMMITTEE WORK PLAN

48.1 RESOLVED – That the Committee noted the Work Plan.

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of