

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00pm 17 APRIL 2012

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Lepper and Littman

Independent Members: Dr M Wilkinson (Chair), Mr Paul Cecil

Rottingdean Parish Council Representatives: Mr Geoff Rhodes

Apologies: Mr John Bustard, Councillor Jones Councillor Kitcat, Councillor Norman, Mr Rose and Councillor Wells

PART ONE

25. PROCEDURAL BUSINESS

25a Declaration of Substitutes

25.1 There were none.

25b Declarations of Interest

25.2 There were none.

25c Exclusion of the Press and Public

25.3 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 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 of the Act).

25.4 **RESOLVED** - That the press and public not be excluded from the meeting.

26. MINUTES OF THE PREVIOUS MEETING

- 26.1 **RESOLVED** – That the minutes of the Standards Committee Meeting held on 17 January 2012 be agreed and signed as a correct record.

27. CHAIR'S COMMUNICATIONS

- 27.1 There were none.

28. PUBLIC QUESTIONS

- 28.1 There were none.

29. REVIEW OF PROTOCOL FOR PUBLIC QUESTIONS

- 29.1 The Committee considered a report of the Monitoring Officer in relation to the review of the protocol for public questions. The Senior Solicitor, Liz Woodley, explained that the report pre-supposed the formal approval of the new governance arrangements at the Special Council meeting on 26 April 2012, and there was an opportunity to review the protocol which was currently the same for Council, committees and Cabinet Member meetings.
- 29.2 The Head of Law and Monitoring Officer, Abraham Ghebre-Ghiorghis, raised the issue of Officers of the Council being permitted to ask public questions, and noted that some local authorities restricted this to maintain a distinction in the relationships between Officers and Councillors. With recent budget savings proposals the number of public questions and petitions from Officers had increased, and other local authorities, who restricted questions, had stated there were existing channels in place for Officers to raise concerns such as through the grievance procedure of the Council.
- 29.3 The Chair stated that there were clear instances where an Officer should be considered a member of the public such as asking questions to the Planning Committee in relation to applications which directly affected their street. Mr Cecil suggested that alternative routes could be used where they already existing, but there would be situations where Officers had legitimate concerns they wanted to raise as public questions. He went on to state that guidance could help Officers navigate these issues, and Councillor Littman also suggested that some of the guidance for politically restricted posts could be useful.
- 29.4 The Senior Solicitor went on to raise issues in relation to individuals asking questions on behalf of organisations – and disclosure of such association – and if the number of questions should be restricted. Members of the Committee noted that, whilst it would be preferential for those asking public questions for declare if it were on behalf of an organisation, there was no way to enforce this even if it were formalised in Council policy. It was also noted that there was no way of being fully certain an organisation had authorised an individual to ask a question on its behalf, and matters in relation to what constituted an 'organisation' were also raised.
- 29.5 The Committee discussed refusal of questions, and it was clarified that it was the normal practise to provide the existing responses to questions which were refused on the basis the same question had been asked in the past 6 months; it was not considered necessary to formalised this arrangement. Advice from the Head of

Democratic Services had suggested that questions which referred to current legal proceeding being taken by or against the Council were largely already excluded as they fell within 'disclosure of confidential or exempt information'; however, it was suggested that the revised policy might want to be clearer on this matter and could include exclude information starting from the point of receipt of a pre-application letter.

- 29.6 Consideration was also given to the notion of commercial and financial interests, and the Committee extended this to give consideration of personal interests, but it was felt that exclusion on these grounds would be in contrary to the principles of asking public questions as these would largely relate to person issues which directly effected residents.
- 29.7 **RESOLVED** – That the Committee note the content of the report and ask the Monitoring Officer to give consideration to comments made in the review of the protocol.

30. STANDARDS UPDATE

- 30.1 The Committee considered a report of the Monitoring Officer in and the Senior Solicitor outlined the report stating that the new regulations were expected to come into force on 1 July 2012, but guidance to this effect had not currently been published. The Council would still need to have a new Code of Conduct in place, and the Localism Bill Working Party, which met in December 2011, had agreed that the current code could be used a basis for the new one. Since the publication of the agenda both the Local Government Association (LGA) and the Department for Communities and Local Government (DCLG) has issued proposed draft codes. Currently it was difficult for Officers to progress work on the code in the absence of firm guidance from central government on interests.
- 30.2 In relation to the procedure for dealing with complaints made against Members it was explained that Officers were currently looking to shorten and streamline the current procedure to allow the Monitoring Officer to initially assess a complaint by writing to an agreed sub-committee, but without the necessity to formally call a meeting. It was also noted that the sanction powers would be reduced, for example a Member could no longer be suspended, and independent Members would lose their voting rights on a Standards Committee.
- 30.3 The Head of Law and Monitoring Officer said that the Secretary of State could exercise powers to make transitional arrangements, and noted some of the lack of cohesion and consistency that had emerged in the new legislation. The Senior Solicitor noted that the current proposals were to amalgamate the audit and standards functions of the Council into a new Audit & Standards Committee. The Committee would meet before the commencement of the new Standards regime the Council had made some transitional measures for this meeting; creating a split agenda to be chaired separately by the new Chair of the Audit & Standards Committee and the current Chair of the Standards Committee.
- 30.4 The Head of Law and Monitoring Officer explained that there was concern the guidelines could be too 'high level' in principle and there would be benefit in reconvening the Working Party to provide input into this process. The Leader's Group

had also met and agreed it was satisfied to be guided by the Standards Committee on the drafting of the new Code of Conduct.

- 30.5 **RESOLVED** – That the Committee note the report, and the Localism Bill Working Party be reconvened to consider the new code of Conduct when the necessary regulations were published.

31. COMPLAINTS UPDATE

- 31.1 The Committee considered a report of the Monitoring Officer regarding the complaints update and, in the absence of the Standards and Complaints Manager; the Senior Solicitor introduced the item and explained that complaints 2, 3 & 4 had all been considered at the same Assessment Panel which had agreed that no further action was necessary; currently a review had been requested for one of these complaints.
- 31.2 Councillor Lepper noted that the complaints had all been from members of the public, and hoped that the practise could be for Members to address their grievances with other Members through their group leaders before making formal complaints to the Standards Committee.
- 31.3 **RESOLVED** – That the Committee note the report.

The meeting concluded at 5.48pm

Signed

Chairman

Dated this

day of