

# **BRIGHTON & HOVE CITY COUNCIL**

## **STANDARDS COMMITTEE**

**5.00PM – 16 DECEMBER 2003**

### **HOVE TOWN HALL**

#### **MINUTES**

Present: Councillor Tehmtan Framroze (Chair); Councillors Kevin Allen, Averil Older, Dee Simson (OS) and Keith Taylor.

Independent Members: Ms Melanie Carter, Mrs Helen Scott, Dr Mike B Wilkinson (Deputy Chair).

Rottingdean Parish Council Representative: Mr Geoff Rhodes

Officers: Alex Bailey (Monitoring Officer), Dianne Bates (Lawyer), Abraham Ghebre-Ghiorgis (Head of Law), Brian Foley (Standards and Complaints Manager), Ian Withers (Head, Internal Audit), Mary van Beinum (Committee Administrator).

#### **PART ONE**

#### **ACTION**

#### **24. PROCEDURAL BUSINESS**

##### **24A. Declarations of Substitutes**

24.1 Substitute Councillor      For Councillor

Councillor Kevin Allen      Councillor Jeane Lepper

##### **24B. Declarations of Interest**

24.2 There were none.

##### **24C. Exclusion of Press and Public**

24.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the

Local Government Act 1972.

24.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

## **25. CHAIR'S COMMUNICATIONS**

25.1 The Chair welcomed Mrs Helen Scott, as the new Independent Member of the Committee and also Mr Geoff Rhodes who had returned to the Committee as the Rottingdean Parish Council representative after a break since March.

## **26. MINUTES**

26.1 The name of the Rottingdean Parish Council representative at the last meeting was Mrs Prince and not Mrs Price as stated.

26.2 **RESOLVED** - That subject to the amendment above the minutes of the meeting held on 16 September 2003 be approved and signed by the Chair.

## **27. CORPORATE COMPLAINTS UPDATE**

27.1 The Committee considered a report of the Director of Strategy and Governance providing summarised information about Member conduct for the period 1 April 2003 to 31 October 2003 and complaints about service issues for the period 1 July 2003 to 30 September 2003. Details relating to School Management issues and Adult Social Care issues were not included in the report as these service areas did not fall within the remit of the Standards and Complaints Manager. (for copy see minute book).

27.2 The Committee said the report was well laid out and helpful in its summary of information about Member conduct; it was pleasing that no complaints about Members had been upheld.

27.3 Members considered whether it was useful for this Committee to receive information on service complaints in view of the fact that the Executive Committees and the Overview and Scrutiny Committee have regular and more detailed reports on these.

27.4 It was felt that summary information as set out in the report gave useful comparisons and showed the general pattern of all complaints. In addition, there could in future be a potential ethical dimension to service complaints; for example a possible grievance about how a service was provided. Therefore it was agreed that this level of detail on service complaints was appropriate for future reports to the Standards Committee

27.5 The best date to see in more detail the work of the Standards and Complaints Team was suggested as Tuesday 3<sup>rd</sup> February, 5pm – 6.30pm. This would be confirmed in writing as soon as possible.

**BF/MvB**

*[Note: Following the meeting **Tuesday 23<sup>rd</sup> March, 5pm at Kings House** has been found to be more suitable for all those interested in attending the seminar]*

27.6 **RESOLVED** – that future reports give a similar level of detail on complaints about service issues.

## **28. WHISTLE-BLOWING POLICY**

28.1 The Committee considered a report of the Deputy Chief Executive and Director of Corporate Services concerning the draft Whistle-Blowing Policy and recommendations to finalise, implement and raise awareness of its use (for copy see minute book).

28.2 The Head of Internal Audit said the draft was based on guidelines from the public interest whistleblowing charity 'Public Concern at Work.' The Council was a member of the Better Governance Forum of the Institute for Public Finance which produces a toolkit on the Public Interest Disclosure Act 1998. The toolkit could be made available to any working group set up to progress the draft policy.

28.3 The meeting discussed the lack of clarity on confidentiality issues including alleged breaches of the Code of Conduct for Members regarding the disclosure of confidential information in the public interest. A case was cited in which an elected member of another local authority had been disqualified following referral to the Standards Board for England.

28.4 Some Members said that the draft whistle-blowing policy should deal with elected members as well as council officers. Following discussion it was generally felt that confidentiality issues relating to Members were different from those in the draft policy for officers and that they should be dealt with separately.

28.5 The meeting was told that the council could make amendments, if agreed, to its Code of Conduct at any time. However the Local Code had to be in line with the national Model Code of Conduct and there was only limited scope for amendments. If the council were to allow breaches of confidentiality in the public interest, this would be in breach of the national Model Code.

28.6 Melanie Carter referred to inconsistencies in confidentiality and freedom of speech legislation. She said it would be

inappropriate to base a revision of the Council's Code of Conduct on an individual case. It would also be premature at this stage for such a significant undertaking, in her view.

28.7 Helen Scott was interested to serve on a working group to take forward the whistle-blowing policy for officers. She made the suggestion that guidance may be needed on the appropriate avenues for Members to address any concerns they may have.

**28.10 RESOLVED** – (1) that a working group including Mrs Scott and the officers, progress the draft whistleblowing policy to final agreement by the Standards Committee and to go forward to Council and that Members of the working group carry out consultations with all interested parties including Human resources and Trades Unions and implementation including raising awareness.

**AB/IW/  
AG-G/DB**

(2) That a progress report on the draft whistle-blowing policy be presented to the next meeting.

(3) That a separate brief paper on confidentiality and Members raising concerns, be prepared for the next meeting.

## **29. INTERNAL AUDIT REPORT OF CORPORATE GOVERNANCE**

29.1 The Committee considered a report of the Deputy Chief Executive and Director of Corporate Services providing a position statement on the application of best practice in relation to Corporate Governance, as contained in the CIPFA/SOLACE Framework for Corporate Governance in Local Government. It further updated the Committee on the current position regarding the adoption of a Local Code of Corporate Governance (for copy see minute book).

29.2 Members were reminded that Stage 1 of the Ethical Governance Audit had been carried out and were referred to Dimension 5 – Standards of Conduct - in Appendix B of the report. Replies to the Stage 1 questionnaire had not given a good indication of how well policies were embedded in the council and a second stage was to be undertaken with well-presented and better focussed questions to help improve the number of returns. Consultation experts in the council would be asked to advise on improving the process.

29.3 Melanie Carter said it was important to carry out Stage 2 because until this was done it would be incorrect to say that the ethical governance audit had been completed.

29.4 There were no Committee volunteers to take forward Stage 2 of the ethical governance audit so instead the officers were asked to undertake this work and report back when the base data had

been gathered.

29.5 Dr Mike Wilkinson said he would be interested in helping progress the Local Code of Corporate Governance for adoption by the City Council in due course.

29.6 Melanie Carter was disappointed at the imbalance of involvement in the working parties by elected and independent members.

**29.7 RESOLVED** – (1) that a progress report on the local code of corporate governance be presented to a future meeting.

**AB/IW**

(2) that the results of the stage 2 ethical governance audit be presented to a future meeting of the Committee.

**AG-G/DB**

### **30. NEXT MEETING**

30.1 Date of the next meeting is Tuesday 16 March 2004. Items on the agenda to include:

- (a) Brief paper on Confidentiality and Members
- (b) Update On Ethical Governance Audit
- (c) Progress report on Revised Policy on Whistle-Blowing.
- (d) Feedback from visit to Standards and Complaints

### **31. ITEMS TO GO FORWARD TO COUNCIL**

31.1 There were none.

## **PART TWO**

### **32. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC**

32.1 **RESOLVED** - That no items remain exempt from disclosure to the press and public.

The meeting concluded at 6.20 pm

Signed

Chair

