

# **BRIGHTON & HOVE CITY COUNCIL**

## **STANDARDS COMMITTEE**

**5.00PM – 16 MARCH 2004**

### **HOVE TOWN HALL**

#### **MINUTES**

Present: Councillor Framroze (Chair); Councillors Lepper, Older, Simson (OS), Taylor and Watkins.

Independent Members: Mrs H Scott, Dr M B Wilkinson (Deputy Chair).

Rottingdean Parish Council Representative: Mr G Rhodes

#### **PART ONE**

#### **ACTION**

### **33. PROCEDURAL BUSINESS**

#### **33A. Declarations of Substitutes**

33.1 There were none.

#### **33B. Declarations of Interest**

33.2 There were none.

#### **33C. Exclusion of Press and Public**

33.3 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.

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

### **34. CHAIR'S COMMUNICATIONS**

34.1 There were none.

**35. MINUTES**

35.1 **RESOLVED** - That the minutes of the meeting held on 16 December 2003 be approved and signed by the Chair.

**36. CORPORATE COMPLAINTS UPDATE**

36.1 The Committee considered a report of the Director of Strategy and Governance providing summarised information about Member conduct and information about service issues dealt with under the corporate complaints procedure for quarters 1, 2 and 3 of the Council year 2003/04 (for copy see minute book).

36.2 The Standards and Complaints Manager referred to Charts 3 and 4 of the report and told the meeting that the data on stage 1 and stage 2 complaints indicated a possible trend; that complaints about quality of service are dealt with better than complaints relating to communications issues.

36.3 Relating to the textbox above paragraph 3.1.3 of the report the meeting heard that the complaint had been lodged in early 2003. The Standards Board for England had allocated the case to an ethical standards officers but was at present unable to report progress on the matter.

36.4 Following discussion the Committee agreed that the time elapsed since the complaint was made was unacceptable and may have compromised the position of the complainant and the person complained against.

36.5 **RESOLVED** – (1) That the report be noted.

(2) That on behalf of the Committee the monitoring officer make representations to the Standards Board for England concerning unreasonable delay in progressing the case

**AB****37. MEMBERS AND CONFIDENTIAL INFORMATION**

37.1 The Committee considered a report of the Monitoring Officer providing a brief outline of the law and practice regarding the treatment of confidential information in the context of Members' rights and duties and suggesting some steps to avoid potential problems in the future (for copy see minute book).

37.2 Members asked questions for instance about the Public Interest Disclosure Act 1998, means of raising legitimate concerns, information shared between councillors and sensitive issues.

37.3 The Monitoring Officer gave his views on some examples brought forward on the treatment of confidential information, and

said each case needed to be looked at in its own context. New Freedom of Information legislation was expected next year.

37.4 Meanwhile the Committee agreed further guidance for all Councillors would be useful.

37.5 **RESOLVED** - (1) That the Committee note this report.

**AG-G**

(2) That the Committee considers the action points outlined in paragraph 6 of the Report and instructs the Monitoring Officer to report to the next meeting of the Committee with draft guidance notes including illustrative examples for Members and/or Officers.

### **38. WHISTLEBLOWING POLICY AND ACTION PLAN FOR IMPLEMENTATION**

38.1 Mrs Scott presented a report of the Deputy Chief Executive and Director, Corporate Services seeking agreement to the revised Whistleblowing Policy for the purpose of consultation and implementation within the City Council (see minute book).

38.2 Members suggested possible amendments to the Draft Policy including clarification of how a complainant may be supported or accompanied by a friend, and asked for information on the outcome of the consultation process to be reported to the next Committee meeting.

38.3 **RESOLVED** – That officers report a revised Draft Policy to the next meeting of the Committee with a recommendation to the next available full Council to approve the policy.

**IW/ML**

### **39. CORPORATE GOVERNANCE**

39.1 Dr Wilkinson presented a report of the Deputy Chief Executive and Director, Corporate Services seeking approval of the Local Code of Corporate Governance for adoption by the City Council (for copy see minute book).

39.2 **RESOLVED** – That the Local Code of Corporate Governance be agreed for adoption by the City Council.

**MvB**

### **40. UPDATE ON ETHICAL GOVERNANCE AUDIT**

40.1 The Senior Lawyer updated the Committee on the Ethical Governance Audit and tabled an outline methodology and progress note. (for copy see minute book)

40.2 The Monitoring Officer urged Committee Members to encourage all councillors to complete the questionnaire to increase the response rate.

**ALL**

40.3 **RESOLVED** – That the update be noted.

#### **41. DRAFT LEGISLATION AND DRAFT GUIDANCE: LOCAL INVESTIGATIONS CONDUCTED BY THE MONITORING OFFICER INTO ALLEGATIONS OF MEMBER MISCONDUCT**

41.1 The Senior Lawyer presented a report of the Monitoring Officer summarising and commenting on the draft legislation and draft guidance on local investigations conducted by the Monitoring Officer into allegations of member misconduct. (for copy see minute book).

41.2 The Committee discussed the draft legislation and thanked the Senior Lawyer for a clear and detailed report.

41.3 **RESOLVED** – (1) that the provisions of the draft legislation and the draft guidance be noted.

(2) That the Monitoring Officer be instructed to respond to the consultation papers with the comments as set out in the report.

#### **42. NEXT MEETING**

42.1 Date of the next meeting is Tuesday, 15 June 2004. Items on the agenda to include:

- (a) Guidance Note and Examples of Treatment of Confidential Information
- (b) Whistle-Blowing Policy – revised draft
- (c) Update on Ethical Governance Audit

#### **ITEMS TO GO FORWARD TO COUNCIL**

43.1 **RESOLVED** – That Item 39 be reported to the next available full Council. **IW**

### **PART TWO**

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

44.1 **RESOLVED** – That no items remain exempt from disclosure to the press and public.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of

2004