

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00PM – 22 MARCH 2005

COMMITTEE ROOM 3
HOVE TOWN HALL

MINUTES

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

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

Rottingdean Parish Council Representative: Mr G Rhodes

Apologies were received from Ms M Carter.

PART ONE

ACTION

29. PROCEDURAL BUSINESS

29A Declarations of Substitutes

29.1	<u>Substitute Councillor</u>	<u>For Councillor</u>
	Taylor	Williams

29B Declarations of Interest

29.2 There were none.

29C Exclusion of Press and Public

29.3 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.

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

agenda.

30. MINUTES OF THE MEETING HELD ON 21 DECEMBER 2004

30.1 It was noted that apologies on behalf of Mr Rhodes should be added to the minutes as these were received in advance of the meeting.

30.2 It was also noted that the wording of Paragraph 23.3 should be amended to read as follows:-

“RESOLVED - (1) That the Committee appoints the following Members as the Sub-Committee to be the Hearing Panel for determining complaints against Members of the City Council:

Councillor J Lepper - Council Member

Councillor D Simson - Council Member

Dr M B Wilkinson – Independent Member

Miss M Carter – Independent Member

Mrs H Scott – Independent Member

(2) That the five named Members of the Sub-Committee for determining complaints against Members of Rottingdean Parish Council be the five Members named but with the substitution of Mr G Rhodes (Rottingdean Parish Council) for Councillor Simson;“

30.3 **RESOLVED** - That subject to the amendments set out above the minutes of the meeting held on 21 December 2004 be approved and signed by the Chair.

31. MEMBER COMPLAINTS AND SERVICE COMPLAINTS, CORPORATE COMPLAINTS UPDATE

31.1 The Committee considered a report of the Director of Strategy and Governance providing information regarding complaints about Member conduct and complaints about service issues dealt with under the Council's complaints procedures from 1 April 2004 to 31 December 2004 (for copy see minute book).

31.2 **RESOLVED** – That the contents of the report be noted.

32. CONSULTATION PAPER AND INTRODUCTION TO THE REVIEW OF THE CODE OF CONDUCT

32.1 The Committee considered an oral report of the Director of Strategy and Governance providing information regarding the consultation paper and introduction to the review of the Code of

Conduct (for copy see minute book).

32.2 The Senior Lawyer explained that the Standards Board for England was in the process of reviewing the Code of Conduct and was inviting local authorities to shape its future, having been asked by the Government to conduct this review. As it was nearly three years since the Code had come into force it was believed that this would be a good time to examine its effectiveness and any issues that had given rise to debate within the local government community. It was not intended to dilute the underlying principles of the Code but to seek to see what lessons could be learnt from Members' experiences of working within it. A number of key areas for review had been shaped into the 29 questions set out in the attached leaflet and these were intended to form the basis for discussion.

32.3 It was considered that, given the level of work that would be entailed, it would be appropriate for the review to be carried out by a working party comprising the four independent members of the Panel and that they should with the assistance of Officers formulate the Council's proposed response which could be reported back to the next scheduled meeting of the Standards Committee for approval. Members were in agreement and the independent members expressed their willingness to engage in this process. It was also agreed that the views of elected Members/party groups would be sought and would be integral to the process. Any views received would be conveyed to the working party by Officers Panel by Officers for inclusion in the working party's response. In order to guide their discussions Members discussed the 29 questions set out in broad outline. (References to the questions asked in the document are shown as Q1, Q3, etc in the minutes below.) It was noted that the "full" document was bulky but could be downloaded and forwarded to Members in order to facilitate their further discussions.

32.4 As a general point, it was agreed that it would be appropriate to encourage the Standards Board to examine the role of the local authority as a local filter in assessing cases prior to their being forwarded to the Board for investigation, although this was not part of the consultation and it was understood that this would probably require the legislation to be changed. Q1 Members were in agreement that the ten general principles should be incorporated as a preamble to the Code of Conduct. Q3/4 There was general agreement that "bullying" should be included and defined. The view was also expressed that issues around "disrespect" and means by which this should be defined should be examined. It was not considered that this should apply in instances which could be deemed as being petty or trivial. Q12 Members considered that Member level "whistleblowing" should relate to major/significant

breaches. The Director of Strategy and Governance and Monitoring Officer concurred stating that this had not presented problems within the authority in the past, nor had it resulted in his view in any misuse of the Council's resources.

32.5 Q5/6 Councillor Taylor considered that it would appropriate for the issue of "Public Interest Defence" to apply in some instances where confidential information might be disclosed if it was deemed to be in the public interest. Other Members did not however concur in that view and considered that could set a precedent which could put vulnerable individuals, or those who had disclosed information "confidentially" in order to highlight a particular situation, to unacceptable risk. As an authority the Council always sought to be transparent in its dealings and the majority of information was dealt with publicly.

There were however and would always be some situations where the sensitivity of the information being dealt with was such that it was not appropriate for such information to be within the public domain. Papers were not generally printed on "pink" paper denoting that the information contained within them was confidential unless this was for a very good reason. Whenever it was possible such information was considered as a "split" whereby any element that could be dealt with in public was dealt with in that manner.

32.6 Q16 Members were also of the view that it could be more beneficial for the term "friend" to be more clearly defined and for similar clarification to be sought in terms of Q17. Q18/19 Some Members were also of the view that issues relating to what constituted a prejudicial interest could benefit from further clarification. A Member cited examples relating to Planning where having declared an interest he had been disbarred to taking part in the debate, as the address was in his street although none of the parties were known to him. The Director of Strategy and Governance explained that it could have been argued in that instance that the interest was prejudicial in that the Member's own property could be affected adversely or otherwise by the proposals and that the issue was one of public perception. Q24 It was agreed that there should be changes to the disclosure rules to make it clear that sensitive information could be omitted from the register of interests. Members felt that Q25/26/27/29 should all be answered in the affirmative.

32.7 **RESOLVED** – That the Committee appoint a Working Party comprising the independent members of the Standards Committee to consider the views received from elected Members and to draft the Council's response to the review of the Code of Conduct for

approval of the Standards Committee.

33. COUNCIL ISSUED MOBILE PHONES FOR USE BY OFFICERS

33.1 The Committee considered an oral report of the Director of Strategy and Governance providing information regarding Council issued mobile phones for use by officers (for copy see minute book).

33.2 Following consideration at the last meeting of the Committee (minute 25 refers), of arrangements for Members issued with a Council mobile phone to make a contribution towards the cost of their phone bills, it had been considered that it might be appropriate to consider the arrangements in operation in relation to Officers; and whether it would be appropriate for there to be parity of conditions.

33.3 To this end the Director of Human Resources had been consulted regarding the existing arrangements. These were working well in that Officers were able to be billed separately for any "personal" calls made. It was considered that it was easier for Officers to make a clear distinction between those calls which were personal and those which were work related than was the case for Councillors who often due to their varied interests had a multi-functional role. Members were in agreement that it was not therefore appropriate to change the existing arrangements at the present time.

33.4 **RESOLVED** – That the Committee approve and note the position and that the existing arrangements relating to payment for personal calls by Officers who had been issued with Council Mobile phones continue.

34. STANDARDS BOARD CONFERENCE

34.1 The Committee considered an oral report of the Director of Strategy and Governance providing information regarding the Standards Board Conference – Standards Board for England bulletin giving details of Conference and other Standards Board for England news (for copy see minute book).

34.2 It was explained that it was considered beneficial for a Member of the Committee to attend the Fourth Annual Assembly of Standards Committees, to be held on 5 and 6 September 2005 at the ICC, Birmingham. It was suggested and agreed that the Vice-Chair, Dr Wilkinson, attend on behalf of the Committee.

34.3 **RESOLVED** – That the Vice-Chair, Dr M B Wilkinson, attend the Conference referred to above.

35. CONFERENCE TO BE HELD AT THE ROTHER DISTRICT COUNCIL –

TRAINING FOR MEMBERS IN DETERMINING COMPLAINTS

35.1 The Committee considered an oral report of the Director of Strategy and Governance providing information regarding Conference to be held at the Rother District Council – Training for Members in Determining Complaints.

35.2 It was explained that Rother District Council were proposing to hold an all day training session to be given by Peter Keith-Lucas, the Local Government partner at Bevan Brittain (Solicitors). The event would be open to Members and officers and would include the holding and conduct of a determination hearing involving role play based on a fictional case. The date had yet to be fixed but was likely to be in late May/early June and it was probable that the event would take place at East Sussex County Council Headquarters. The event would be for approximately 60 persons and 10 places had been reserved provisionally for Members and officers of Brighton & Hove City Council. As soon as details had been confirmed they would be circulated to Members.

35.3 **RESOLVED** – That the position be noted.

36. TO SUGGEST ITEMS FOR INCLUSION ON THE AGENDA FOR THE NEXT MEETING

36.1 The Committee agreed that in addition to the items presented as 'Standing Items' that the Member Working Party present its response for approval on the review of the Introduction to the review of the Code of Conduct. Other items to be as advised.

36.2 **RESOLVED** – That the items referred to above should be included in the next agenda.

37. ITEMS TO GO FORWARD TO COUNCIL

37.1 **RESOLVED** – That none of the items considered go forward to Council on this occasion.

PART TWO**38. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC**

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

The meeting concluded at 6.20pm

Signed

Chair

Dated this

day of

2005