

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00PM – 20 DECEMBER 2005

HOVE TOWN HALL

MINUTES

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

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

Rottingdean Parish Council Representative: Mr G Rhodes.

Also Present: Alex Bailey – Director of Strategy & Governance; Tony Barnard – Auditor; Brian Foley – Standards & Complaints Manager; John Heys – Principal Solicitor, Governance; Mark Lamb – Director of Human Resources; Chris Ouellette – Scrutiny Officer; Ian Withers – Head of Internal Audit

Apologies received from: Councillors Davidson and Williams.

PART ONE

ACTION

28. PROCEDURAL BUSINESS

28A. Declarations of Substitutes

28.1 Councillor Wrighton was substituting for Councillor Williams.

28B. Declarations of Interest

28.2 There were none.

28C. Exclusion of Press and Public

28.3 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.

28.4 **RESOLVED** - That the press and public be not excluded from

the meeting during consideration of any of the items on the agenda.

29. CHAIR'S COMMUNICATIONS

29.1 To wish those at the meeting a Happy Christmas and all the best in 2006.

30. MINUTES

30.1 **RESOLVED** - That the minutes of the meeting held on 14 June 2005 be approved and signed by the Chair.

31. PUBLIC QUESTIONS

31.1 There were none.

32A. LETTER FROM THE LEADER OF THE COUNCIL

32.1 The Committee considered a letter submitted by Councillor Bodfish, the Leader of the Council, concerning the recent introduction by the Council of new rules for its employees in relation to drugs and alcohol (for copy see minute book). The Chair indicated that the issues were dealt with in the report which was the next item on the agenda.

32.2 **RESOLVED** – To note the contents of the letter.

32B. WORKING GROUP TO CONSIDER ALCOHOL PROTOCOL FOR COUNCILLORS

32.3 The Committee considered a report of the Director of Strategy & Governance recommending the setting up of a working group to consider an Alcohol Protocol for Councillors (for copy see minute book).

32.4 Committee members discussed at length whether to set up a working group to consider an Alcohol Protocol for Councillors. Both the Director of Human Resources and the Principal Solicitor fielded questions the Committee had. It was decided that it would not be appropriate to set up a working group principally because Councillors, not having set working times, were in a different position from employees and were governed by the broad provisions of the code of conduct when they were on council business.

32.5 **RESOLVED** – That the Committee do not set up a working group to consider an alcohol protocol for Councillors.

33. REVIEW OF DECLARATIONS OF INTEREST AND GIFTS AND HOSPITALITY FOR OFFICERS

33.1 The Committee considered a report of the Director of Strategy & Governance providing information about the use of the Register and Declaration of Interests, Gifts and Hospitality for Officers and also recommending some minor changes to the Council's Code of Conduct for Officers (for copy see minute book).

33.2 The Standards & Complaints Manager introduced the report to the Committee, who agreed that the key recommendations should be put to Council for approval.

33.3 **RESOLVED** – The Committee note:

(1) That the annual appraisal should be used as an opportunity for managers to remind staff that it is their responsibility to declare any conflicts of interest, gifts or hospitality they have received.

(2) That this will be coupled with an annual reminder placed on the Intranet reminding staff to declare any potential conflicts including a nil return to their line manager.

33.4 **RESOLVED TO RECOMMEND TO COUNCIL:**

(1) That the Officer Code of Conduct be re-named the Employee Code of Conduct and all necessary consequential amendments be made to the Council's constitution to reflect this.

(2) That employees receiving gifts under a nominal value of £25 will not normally need to record receipt of such and that the Employee Code of Conduct and the declarations form be amended accordingly.

(3) That the declarations form be amended to indicate whether or not the gift or hospitality was accepted or refused.

34. ANTI-MONEY LAUNDERING POLICY

34.1 The Committee considered a report of the Director of Finance & Property setting out the Anti-Money Laundering Policy (for copy see minute book).

34.2 The Auditor and the Head of Internal Audit presented the report to the Committee and fielded their questions.

34.3 **RESOLVED** – To endorse the report.

34.4 **RESOLVED TO RECOMMEND TO COUNCIL** – that the Council (a) adopt the Anti-Money Laundering Policy as a policy within Part 5 of the Council's Constitution and (b) delegate to the Director of Finance & Property the power to make amendments to the Policy.

35. REVIEW OF THE ANTI-FRAUD AND CORRUPTION STRATEGY

35.1 The Committee considered a report of the Director of Finance & Property setting out the revised Anti-Fraud and Corruption Strategy (for copy see minute book).

35.2 The report was summarised by the Head of Internal Audit, who explained that it was two policies streamlined into one and that the key goal for the following year would be to raise awareness around fraud and corruption.

35.3 **RESOLVED** – To endorse the report.

35.4 **RESOLVED TO RECOMMEND TO THE COUNCIL** - that the Council (a) adopt the Anti-Fraud and Corruption Strategy as a policy within Part 5 of the Council's Constitution, in place of the current Anti-Fraud and Corruption Policy Statement and (b) delegate to the Director of Finance & Property the power to make amendments to the Strategy.

36. CORPORATE COMPLAINTS UPDATE

36.1 The Committee considered a report of the Director of Strategy & Governance providing information regarding complaints about Member conduct and corporate complaints for the first half of the year 2005/06 (for copy see minute book).

36.2 The Standards & Complaints Manager presented this report to the Committee and drew attention to the decisions of the Standards Board in relation to complaints against Councillors Taylor and Elgood. Both cases had resulted in findings that neither Councillor had breached the Code of Conduct. Although the decisions had been reached in the spring, the case summaries had not been publicly available until late summer. The Committee took particular interest in the case relating to Councillor Elgood, who had declared a personal but not prejudicial interest as a governor of a school appointed by the Council when a planning application not directly related to the school was under consideration. The Standards & Complaints Manager, the Director of Strategy & Governance and the Principal Solicitor all fielded questions from the Committee, and it was agreed that the planning lawyers would be asked to draw the decision to the attention of Members who served on the Planning Applications Sub-Committee. In addition, the Committee noted that the Council also tracked compliments received to get a better

understanding of areas that provide particular value.

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

37. REVISIONS TO CODE OF CONDUCT – UPDATE ON CONSULTATION DOCUMENT “A CODE FOR THE FUTURE”

37.1 The Committee considered a report of the Director of Strategy & Governance giving an update on the progress of the revisions to the national model Code of Conduct following the closure of the consultation period for the document “A Code for the Future” (for copy see minute book).

37.2 The Principal Solicitor explained to the Committee that a document “Standards of Conduct in English Local Government – The Future” from the Office of the Deputy Prime Minister had been released late in the day of 15 December 2005. He circulated a summary of the report (for copy see minute book) and invited the Committee to review it at their leisure and if they had any comments about it, to forward them to him. He would then prepare a response and send it to the Chair of the Standards Committee for approval. It was noted that comments to the Office of the Deputy Prime Minister would have to be received by the end of January 2006 but there would likely be further opportunity to comment in the future as the different elements of the proposals were brought forward for implementation.

37.3 **RESOLVED** – To note the proposals of the recently released report from the Office of the Deputy Prime Minister and to authorise the Director of Strategy & Governance to respond after consulting the Chair of the Standards Committee.

38. ANNUAL REPORT OF THE STANDARDS COMMITTEE

38.1 The Committee considered a report of the Director of Strategy & Governance concerning the Committee’s annual report (for copy see minute book). Members appreciated the presentation to them of a comprehensive audit of ethical standards matters and the monitoring officer role. It was noted that the Council’s record in relation to complaints findings had been good in the period covered by the report.

38.2 **RESOLVED** – To note the report and send it to full Council for presentation by the Chair and Deputy Chair of the Standards Committee.

39. FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES, BIRMINGHAM 5 & 6 SEPTEMBER 2005

39.1 The Committee considered a report of the Director of Strategy

& Governance concerning the issues discussed at the Assembly (for copy see minute book).

39.2 Both the Deputy Chair and the Principal Solicitor shared their insights from the Assembly, which the Committee received with enthusiasm.

39.3 **RESOLVED** – To note the report and to authorise the booking of a place for the Deputy Chair and one other person on the Fifth Assembly of Standards Committees in 2006.

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

40.1 No items were suggested for inclusion on the agenda for the next meeting.

41. ITEMS TO GO FORWARD TO COUNCIL

41.1 **RESOLVED** – To send to Council for approval: Item 33 – Review of Declarations of Interest and Gifts and Hospitality for Officers, Item 34 – Anti-Money Laundering Policy, Item 35 – Review of the Anti-Fraud and Corruption Policy. To send to Council for information: Item 38 – Annual Report of the Standard Committee.

PART TWO

42. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

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

The meeting concluded at 6.40pm

Signed Chair

Dated this _____ day of _____ 2006