

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00pm 16 SEPTEMBER 2008

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Drake, Fallon-Khan, Lepper, Watkins, Hamilton and Randall

Independent Members: Dr M Wilkinson (Chairman), Mrs H Scott

Rottingdean Parish Council Representatives: Mr J C Janse van Vuuren and Mr G W Rhodes

Apologies: Ms M Carter (Independent Member)

PART ONE

13. PROCEDURAL BUSINESS

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13A. Declarations of Substitutes

13.1	Councillor	Substitute for
	Hamilton	Carden
	Randall	Steedman

13B. Declarations of Interest

13.2 There were none.

13C. Exclusion of Press and Public

13.3 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 Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

14. MINUTES SPECIAL MEETING

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- 14.1 **RESOLVED** – That the minutes of the Special meeting held on 23 May 2008 be approved and signed by the Chairman as a correct record.

15. MINUTES OF THE PREVIOUS MEETING

15. MINUTES

- 15.1 **RESOLVED** – That the minutes of the meeting held on 10 June 2008 be approved and signed by the Chairman as a correct record .

16. CHAIRMAN'S COMMUNICATIONS

- 16.1 There were none .

17. PUBLIC QUESTIONS

- 17.1 There were none.

18. COMPLAINTS UPDATE

18.1 The Committee considered a report detailing complaints received under the new arrangements as defined by the standards Committee (England) Regulations 2008 which had come into effect on 8 May 2008 (for copy see minute book).

18.2 Councillors Watkins and Randall sought clarification regarding the complaints against Councillors referred to. The Standards and Complaints Manager explained that the investigations were complete. Draft reports had been produced and were awaiting responses from the complainant and subject Members/. The four complaints listed related to very similar complaints from two separate members of the public about two Councillors.

19. THE ROLE AND MAKE-UP OF STANDARDS COMMITTEES

19.1 The committee considered a report of the Director of Strategy and Governance relative to recent guidance issued by the Standards Board for England (SBE) entitled "The Role and Make up of Standards Committee" which applied to all local authorities with Standards Committees . the report placed that recently issues guidance before the committee for information and for comment (see minute book).

On Going Member Training: Code of Conduct

19.2 The Senior Lawyer went through each of the appendices to the main report detailing the changes / proposed changes attendant on the recently issued guidance and sought the

Committee's views thereon. The training with Members which had taken place to date was noted. It was also noted that as part of a rolling programme it was envisaged that further training sessions would be arranged during the current municipal year.

Publicity / Advertising

19.3 Councillors Randall and Watkins enquired whether as "City News" had a higher circulation in a number of areas of the City than the "Argus" that this could be used in its stead, particularly as advertising costs for using that publication were likely to be lower. The Director of Strategy and Governance explained that guidance regarding the type of publications which could be used was prescriptive, but that where there was the flexibility to do so some material could be migrated to "City News". It was noted that the new arrangements particularly relative to the local determination and initial assessment of complaints had also been extensively advertised on the Council's website with explanatory notes and guidance.

Granting of Dispensations

19.4 The chairman referred to the e... mail sent by the Principal Solicitor prior to his retirement and to the response received from the Standards Board for England (circulated). In his view the advice given was not clear and unequivocal. He considered that the pragmatic and practical approach suggested by the Head of Law be adopted and the Committee were in agreement.

Monitoring of Effectiveness of the Code of Conduct

19.5 It was noted that this would continue to form the subject of an annual report of the Monitoring Officer.

Appointment of Additional Members

19.6 The Committee agreed that it was anticipated that greater number of assessment and hearing panels would now be required and that arrangements be made to advertise for new members with the extant committee approvals.

Members' Period of Office

19.7 Members were in agreement that in future this would need to be staggered to ensure that once appointed a new member had time to gain experience and grow into their role and the Committee did not lose all of its experienced members together. Following discussion it was agreed that the period of appointment would be taken as running from the inception of the new legislation in May 2008 and in the case of new Members from their date of appointment.

Appointment of Substitutes to Meetings

19.8 The Chairman stated that he was of the view that in future the appointment of substitutes should not be permitted. To adopt this approach would fall into line with the advice set out in the guidance itself. It would also serve to underline the independent and non political nature of the Committee, which did not need to be politically balanced. There needed to be continuity and consistency in its decision making and Members also needed to build up and apply specialist knowledge in the same way that was required of licensing committees, panels and

other quasi judicial functions of the Council. The Chairman considered that it was important for that distinction to be made. Members of the Committee were in agreement.

19.9 **RESOLVED** - (1) That the contents of the guidance and officers' comments thereon be noted ; and

(2) that the Committee agree the proposed action points set out in bold italics under each heading of the guidance.

20. STANDARDS BOARD GUIDANCE AFFECTING CHANGES TO THE PROCEDURES FOR LOCAL ASSESSMENT, INVESTIGATION AND DETERMINATION OF COMPLAINTS

20.1 The Committee considered a report of the Director of Strategy and Governance introducing new Standards Board Guidance which would affect the Council's adopted procedures for the local assessment, investigation and determination of complaints about Member conduct, and set out proposals as to how the guidance would be addressed (for copy see minute book).

20.2 **RESOLVED** - (1) That the contents of the report be noted ; and

(2) That as an interim measure Members approve the use of East Sussex Fire Authority's adopted procedures for investigation and determination of complaints developed from ACSeS best practice and amended to apply to Brighton and Hove City Council .

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of