

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00pm 17 JUNE 2009

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Carden, Drake, Lepper, Steedman, C Theobald and Watkins

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

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

PART ONE

1. PROCEDURAL BUSINESS

1a Declarations of Substitute Members

1.1 There were none.

1b Declarations of Interests

1.2 There were none.

1c Exclusion of the Press and Public

1.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Standards Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

1.4 **RESOLVED** – That the press and public be not excluded.

2. MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED** – That the minutes of the meeting held on 3 March 2009 be signed by the Chairman as a correct record.

3. CHAIRMAN'S COMMUNICATIONS

- 3.1 The Chairman noted that he and the Monitoring Officer had held a series of meetings with the Leaders of each political party within Brighton & Hove City Council.

4. PUBLIC QUESTIONS

- 4.1 There were none.

5. STANDARDS COMPLAINTS UPDATE

- 5.1 The Committee considered a report from the Monitoring Officer regarding the Standards Complaint Update [for copy see minute book].
- 5.2 The Standards & Complaints Manager addressed the Committee and stated that the report gave a brief update to members on the situation of standards complaints currently being dealt with in the Council.
- 5.3 Councillor Lepper asked if the figures regarding complaints to the Local Government Ombudsman could be broken down by service or department and the Standards & Complaints Manager agreed that this report provided a top-level overview of the situation, but a more detailed report was submitted regularly to DMT. He stated that the Standards Committee could receive a more detailed report, but felt that this might provide too much information for the general purposes of the Committee.
- 5.4 Councillor Watkins was concerned that this information was not being disseminated to all members, and stated that under the old governance system it would have been. He asked for more explanation on the two withdrawn complaints. The Standards & Complaints Manager explained that a complainant had withdrawn their complaints after they had been heard at an Assessment Panel, and this was believed to be down to personal reasons. There were non indications that pressure had been placed on the complainant to withdraw the matter.
- 5.5 Councillor Watkins asked if it was correct for the Council to end the complaints process simply because the original complaint was withdrawn and the Monitoring Officer stated that if a complaint was submitted to the Standards Board for England for investigation it was no longer a civil complaint and could not be withdrawn by the complainant. He was unsure if this provision was contained within the local provisions for standards complaints, but agreed to confirm the situation.

The Standards & Complaints Manager noted that it would have been more correct to consult with the Panel members and ask if they were happy for the complaint to be withdrawn. The Senior Solicitor stated that there were set circumstances in which a withdrawal was allowable and these were contained within the adopted standards of the Council.

The Standards & Complaints Manager noted that two of the complainants had each brought an identical set of two complaints. It had therefore seemed prudent to allow a withdrawal of one of the sets of complaints.

Ms Carter did not feel it should be the prerogative of the complainant to withdraw a complaint once it had been submitted, as it could be in the interests of the authority to investigate, regardless of whether the original complainant wanted to pursue the complaint or not. The Monitoring Officer agreed to confirm the position of the Council in this regard and update Standards Committee Members via email.

5.6 **RESOLVED** – That the contents of the report is noted.

The meeting concluded at 5.15pm

Signed

Chairman

Dated this

day of