



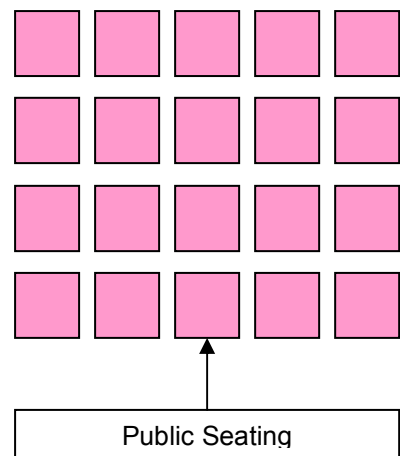
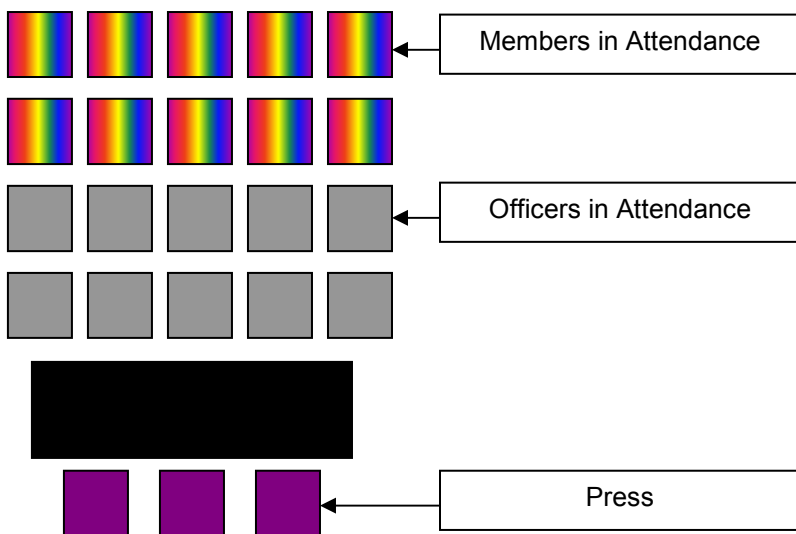
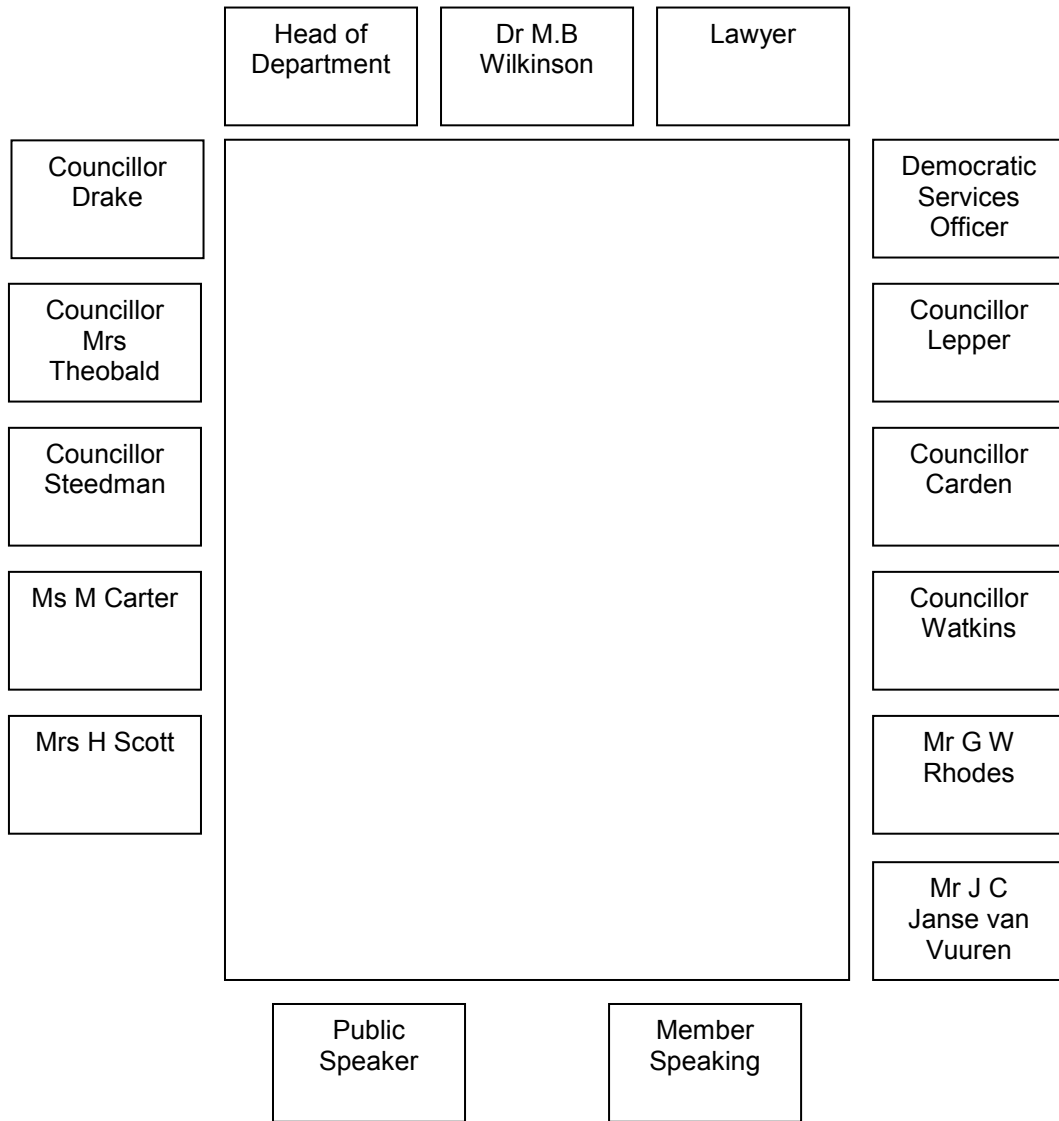
**Brighton & Hove  
City Council**

# Standards Committee

Title:	<b>Standards Committee</b>
Date:	<b>17 June 2009</b>
Time:	<b>5.00pm</b>
Venue	<b>Committee Room 1, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Carden, Drake, Lepper, Steedman, C Theobald and Watkins</p> <p><b>Independent Members:</b> Dr M Wilkinson (Chairman), Ms M Carter and Mrs H Scott</p> <p><b>Rottingdean Parish Council Representatives:</b> Mr J C Janse van Vuuren and Mr G W Rhodes</p>
Contact:	<p>Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk</p>

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# Democratic Services: Meeting Layout



## AGENDA

### 1. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

### 2. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 3 March 2009 (copy attached).

### 3. CHAIRMAN'S COMMUNICATIONS

### 4. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 10 June 2009).

No public questions received by date of publication.

### 5. STANDARDS COMPLAINTS UPDATE

7 - 16

Report of the Monitoring Officer (copy attached).

Contact Officer: Brian Foley

Tel: 01273 291229

Ward Affected: All Wards;

## STANDARDS COMMITTEE

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email [jane.clarke@brighton-hove.gov.uk](mailto:jane.clarke@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Tuesday, 9 June 2009

### BRIGHTON & HOVE CITY COUNCIL

### STANDARDS COMMITTEE

5.00pm 3 MARCH 2009

COMMITTEE ROOM 1, HOVE TOWN HALL

### MINUTES

**Present:** Councillors: Carden, Drake, Lepper, Steedman and Watkins

**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:** Councillor Ayas Fallon-Khan and Ms M Carter (Independent Member)

### PART ONE

#### **52. PROCEDURAL BUSINESS**

##### **52a Declaration of Substitutes**

52.1 There were none.

##### **52b Declarations of Interest**

52.2 There were none.

##### **52c Exclusion of Press and Public**

52.3 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).

52.4 **RESOLVED** – that the press and public be not excluded.

**53. MINUTES OF THE PREVIOUS MEETING**

- 53.1 **RESOLVED** – that the minutes of the meeting held on 11 November 2008 are signed by the Chairman as a correct record.

**54. CHAIRMAN'S COMMUNICATIONS**

- 54.1 The Chairman stated that the next Standards Board Conference was being held on 12 and 13 October in Birmingham. He stated that there were three places available for Brighton & Hove with the Standards Complaints Manager and the Chairman already scheduled to attend. He asked if any Member of the Committee would like to attend as the third member.

**55. PUBLIC QUESTIONS**

- 55.1 There were none.

**56. AUDIT OF MEMBER'S CODE OF CONDUCT**

- 56.1 The Committee considered a report of the Director of Finance & Resources concerning the Audit of Members' Code of Conduct.
- 56.2 The Principal Internal Auditor presented the report and stated that the audit was part of the overall assurance framework for governance arrangements. There were three main objectives to the audit and it had received a Substantial Assurance, the second highest opinion achievable.

Two main recommendations had occurred from the audit process. The current constitution requirement is to report Standards Panel minutes of investigations upwards to the parent Committee, which is not being done. It was recognised though that this action was deliberate in order to ensure it was not prejudiced by the untimely disclosure of minutes. It had been agreed to request that the Governance Committee allow minutes of such meetings to be reported upwards at the conclusion of an investigation rather than after each meeting.

The second recommendation was around the issue of use of substitutes for the Standards Committee. It was stated that the Standards Board guidance conflicted with the Council's Constitution, but the audit recommendation was that substitute members should not be allowed to sit on the Standards Committee. The Principal Internal Auditor stated that as part of the constitutional review, the protocol on substitutes for the Standards Committee was being recommended to be disallowed. The decisions of the review would be available in due course. It was noted that this recommendation had already been made by the Standards Committee.

- 56.3 Councillor Watkins asked if the guidance gave any indication of whether Cabinet Members should sit on the Standards Committee, and the Monitoring Officer replied that there were two lines of thought on this issue. He noted that there was a danger in excluding Cabinet Members from the Standards Committee as this would distance them from the process. It was useful for the Committee to have a direct link with the

administration, and a Cabinet Member with direct experience of the Committee and its panels would be able to provide a 'voice' for standards issues. He recognised however that there was a counter view to this given the high profile positions of these Members.

- 56.4 Councillor Watkins referred to the average number of declarations of gifts/hospitality contained within the report and asked why Brighton & Hove was low. The Principal Internal Auditor stated that the benchmark number was gained from information received from other authorities, and noted that the number of declarations and a summary from Brighton & Hove Councillors were available to view on the Brighton & Hove website.
- 56.5 Councillor Lepper raised the issue that when gifts of hospitality were refused by Councillors, this was recorded as 'did not attend' on the website, which was inaccurate. She asked for the website to record these declarations as 'refused'. The Monitoring Officer agreed and noted that this should be altered.
- 56.6 Councillor Lepper asked for clarification on whether she should declare interests when attending public events in a personal capacity. The Monitoring Officer stated that Members only needed to declare interests when accepting gifts or hospitality in their capacity as a Brighton & Hove City Councillor. If they attended events privately they did not need to declare this.
- 56.7 Councillor Watkins asked whether it was necessary for him to declare interests when he had refused invitations, as there were many he received that he did not even read. The Principal Internal Auditor stated that the de minimis level was £25, but anything over this value should be declared. Councillor Watkins expressed concern that he was not declaring offers correctly and the Monitoring Officer offered to send out guidance on this subject for Members at a later date.
- 56.8 **RESOLVED** – that the content of the report is noted.

## **57. GOOD GOVERNANCE REVIEW**

- 57.1 The Committee considered an oral report from the Monitoring Officer on the Good Governance Review.
- 57.2 The Monitoring Officer stated that the review had been recently conducted and he had hoped that full results would be available by the time of the Committee, but this was not the case. He did however have some preliminary results which indicated that both Officers and Members were largely positive about the governance arrangements at the Council. He stated that the full results of the review would be brought back to the Committee when ready.
- 57.3 Mr Janse Van Vuuren asked what the response rate was for the review, and the Monitoring Officer stated that it was around 60-70 per cent and that more statistical information would be available in the final report, with qualitative information included to provide a more rounded picture of the results.
- 57.4 Councillor Watkins expressed concern that only just over 50 per cent of Officers felt that there were effective arrangements for overseeing Members' conduct, and the Monitoring

Officer clarified that it was 51 per cent who always agreed with this statement; 27 per cent who sometimes agreed with this statement; 5 per cent who rarely agreed with this statement and 5 per cent who never agreed with this statement. The figures for the review were therefore more positive than expected and the Monitoring Officer stated that the Standards Committee would have an opportunity to fully review the results and investigate any trends that emerged.

57.5 **RESOLVED** – that the content of the report is noted.

## 58. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

58.1 The Committee considered a report of the Monitoring Officer regarding the Code of Recommended Practice on Local Authority Publicity.

58.2 The Head of Corporate Communications introduced a draft response to the DCLG consultation paper, *Communities in Control: Real People, Real Power – Code of Recommended Practice on Local Authority Publicity*.

The Head of Corporate Communications stated that the consultation paper sought to review the Code, which was introduced in 1986, and aimed to establish how communications should be handled in an environment of increasing engagement with local communities. He stated that the old Code was vastly out-of-date and the draft response was suggesting a complete relaxation of the rules, but with guiding principles established in their place to ensure legality, fairness and ensuring better outcomes for citizens.

58.3 Councillor Steedman agreed that guiding principles were necessary to maintain and promote standards, but that the political nature of local government communications needed to be recognised. He stated that he would like to see more in the draft response on communications under the new arrangements, and how the work of back-bench councillors and ward work was promoted. The Head of Corporate Communications agreed that this was a vital area for the new code to recognise, and referred to question four, part three of the draft response which dealt with this.

58.4 Councillor Lepper felt that the range of views expressed within the Council did not currently have an outlet in terms of publicity. She noted that Brighton and Hove was a particularly diverse city and the Ward Councillors who represented these areas were not able to publicise some issues or campaigns because of the current restrictions. She felt that the work of some Ward Councillors was going unnoticed.

58.5 Councillor Watkins asked if there was a response from the Local Government Association. The Head of Corporate Communications stated that the LGA and the Local Government Communications Group both felt that the old code should be completely removed and local codes should be introduced to reflect local needs and views.

58.6 Councillor Watkins felt that there were times when there are differences of views at Council and only the views of the majority, as indicated by vote, are communicated to the government. He asked if there would be provision within the new code to allow the views of the minority to be represented as well.



The Monitoring Officer referred to the Local Government Act 1972, which states that any issue before a Council is decided by simple majority vote and this would not be changing. He felt that it would also be contradictory for the Council to communicate opposing views of Members to the government as that would weaken the impact of what it wishes to convey. There is however a facility, in the case of Overview and Scrutiny for minority reports in appropriate cases.

58.7 The Monitoring Officer referred to question two of the consultation paper and highlighted there was a vast range of different types of authority that this Code could apply to if left unrestricted. He felt that the new Code would be more valuable and relevant if it applied to 'principal authorities' only.

58.8 **RESOLVED** – that the content of the report and draft response is noted.

## 59. CORPORATE COMPLAINTS UPDATE

59.1 The Committee considered a report of the Monitoring Officer on the Corporate Complaints Update.

59.2 The Standards & Complaints Manager presented the report and highlighted the details of the standards complaints received so far and the outcomes of these investigations. Corporate complaints were contained within the second half of the report and it was noted that more complaints had been escalated to the Local Government Ombudsman this quarter than last quarter, but there continued to be no findings of maladministration for the Authority. Local settlements from the Ombudsman had so far amounted to £1,825, which was a very modest sum compared with other authorities. Stage one and stage two complaints were at fairly similar levels to last years' results.

59.3 Councillor Watkins asked if the complaints received this year were comparable with last year in terms of departments involved and types of complaints. The Standards & Complaints Manager stated that there had been a period where stage one complaints had been very high for Development Control, but this seemed to have reduced and they were receiving fewer stage two complaints due to the work that had been conducted to address this.

59.4 Councillor Watkins asked whether information on comparable statistics for stage one and stage two complaints could be made available and the Standards & Complaints Manager agreed that he would do this.

59.5 **RESOLVED** – to note the content of the report.

The meeting concluded at 6.00pm

Signed

Chairman

Dated this

day of

# STANDARDS COMMITTEE

## Agenda Item 5

Brighton & Hove City Council

**Subject:** *Complaints Update*  
**Date of Meeting:** *17 June 2009*  
**Report of:** *Monitoring Officer*  
**Contact Officer:** Name: **Brian Foley** Tel: **29-3109**  
E-mail: [brian.foley@brighton-hove.gov.uk](mailto:brian.foley@brighton-hove.gov.uk)  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Complaints regarding Member conduct are administered under new arrangements as defined by The Standards Committee (England) Regulations 2008 which came into effect on 08 May 2008. These regulations are derived from the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007
- 1.2 Corporate complaints are dealt with under the Corporate Complaints Procedure at Stage 1, Stage 2 and via the Local Government Ombudsman. The powers of the Ombudsman are set out in the Local Government Act 1974.

#### 2. RECOMMENDATIONS:

- 2.1 The Standards Committee is asked to note the report.

#### 3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The Local Government Act 2000 requires the names of complainants and of Members about whom allegations have been made to be kept confidential.
- 3.2 **Summary of complaints about member conduct:**

#### Complaints previously reported to Standards Committee

- 3.3 The outcomes of complaints previously reported to Standards Committee were:

## **Complaint 1**

Case Number **SCT047STDS**

Complainant: Member of the public

Date of complaint: 08 July 2008

Date of Assessment Panel: 14 August 2008

### **Allegation:**

The complaints relate to representations made to the Planning Applications Sub-Committee. The complaint alleges the member has breached:

Section 6(a) that *you must not use or attempt to use your position as a Member improperly to confer on, or secure for yourself or any other person an advantage or disadvantage, and*

Section 12(1), *that the member had a prejudicial interest in any business of the authority and failed to withdraw from the room or chamber where a meeting considering the business was being held.*

### **Decision of Assessment Panel:**

Complaint to be investigated.

### **Outcome:**

Complaint withdrawn.

## **Complaint 2 (This matter was identical to Complaint 1 but from a different member of the public)**

Case Number **SCT048STDS**

Complainant: Member of the public

Date of complaint: 20 July 2008

Date of Assessment Panel : 14 August 2008

Date of Determination: 24 October 2008

### **Allegation:**

The complaints relate to representations made to the Planning Applications Sub-Committee. The complaint alleges the member has breached:

Section 6(a) that *you must not use or attempt to use your position as a Member improperly to confer on, or secure for yourself or any other person an advantage or disadvantage, and*

Section 12(1), *that the member had a prejudicial interest in any business of the authority and failed to withdraw from the room or chamber where a meeting considering the business was being held.*

### **Decision of Assessment Panel:**

Complaint to be investigated.

### **Outcome:**

The Panel agreed with the findings within the Investigator's Report and concluded there had been no breach of the code of conduct.

### **Complaint 3**

Case Number **SCT049STDS**

Complainant: Member of the public

Date of complaint: 08 July 2008

Date of Assessment Panel : 14 August 2008

#### **Allegation:**

The complaints relate to a decision made by a Planning Applications Sub-Committee. The complaint alleges the member had a personal and prejudicial interest which they failed to declare and failed to withdraw from the room or chamber where the business of the meeting was being considered. It was alleged the member had therefore breached sections 8(2)(a), 9(1), 10(1), and 12(1) of the Code of Conduct.

#### **Decision of Assessment Panel:**

An element of the complaint to be investigated.

#### **Outcome:**

Complaint withdrawn

### **Complaint 4 (This matter was identical to Complaint 3 but from a different member of the public)**

Case Number **SCT050STDS**

Complainant: Member of the public

Date of complaint: 20 July 2008

Date of Assessment Panel : 14 August 2008

Date of Determination: 24 October 2008

#### **Allegation:**

The complaints relate to a decision made by a Planning Applications Sub-Committee. The complaint alleges the member had a personal and prejudicial interest which they failed to declare and failed to withdraw from the room or chamber where the business of the meeting was being considered. It was alleged the member had therefore breached sections 8(2)(a), 9(1), 10(1), and 12(1) of the Code of Conduct.

#### **Decision of Assessment Panel:**

An element of the complaint to be investigated.

**Outcome:** The Panel agreed with the findings within the Investigator's Report and concluded there had been no breach of the code of conduct.

### **Complaint 5**

Case Number **SCT052STDS**

Complainant: An Elected Member

Date of complaint: 12 September 2008

Date of Assessment Panel: 21 October 2008

#### **Allegation:**

It was alleged that the Subject Member had breached:

Section 5 of the Code of Conduct which states *"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute"*

#### **Decision of the Assessment Panel:**

The Assessment Panel decided that no action should be taken in respect of the complaint.

### **Complaint 6**

Case Number **SCT053STDS**

Complainant: Member of the public

Date of complaint: 16 September 2008

Date of Assessment Panel: 21 October 2008

#### **Allegation:**

It was alleged that the Subject Member had breached:

Section 5 of the Code of Conduct which states *"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute"*.

It was further alleged that the Subject Member had breached:

Section 10 of the Code of Conduct in that it was alleged the member had a prejudicial interest in the matter and should therefore not make a public judgement on a planning application yet to be submitted or registered.

#### **Decision of the Assessment Panel:**

The Assessment Panel decided that no action should be taken in respect of the complaint.

### **Complaints 7 - 15**

Case Number **SCT 054 STDS to SCT 062 STDS**

Complainant: Members of the public

Date of complaint: 29 - 31 October 2008

Date of Assessment Panel : 11 November 2008

#### **Allegations:**

It was alleged that the Subject Member had breached:

Section 5 of the Code of Conduct which states *“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”*, and Section 3(1) of the Code of Conduct which states, *“You must treat others with respect”*.

**Decisions of Assessment Panel:** The Assessment Panel decided that no action should be taken in respect of the complaint.

### 3.4 **Complaints not previously reported to Standards Committee**

#### **Complaint 16**

Case Number **SCT063STDS**

Complainant: Elected Member

Date of complaint: 17 November 2008

Date of Assessment Panel: 19 December 2008

Date of Determination: 03 March 2009

**Allegation:** It was alleged that the Subject Member had breached Section 5 of the Code of Conduct in that they had brought their office into disrepute by pre-determining a planning application.

**Decision of Assessment Panel:**

The complaint to be investigated.

**Outcome:** The Panel agreed with the findings within the Investigator’s Report and concluded there had been no pre-determination and no breach of the code of conduct.

**Recommendations of the report:** That a protocol be introduced that would advise Members on contact with developers pre-application. All Members attending Planning Committee receive training

#### **Complaint 17**

Case Number **SCT064STDS**

Complainant: Elected Member

Date of complaint: 17 November 2008

Date of Assessment Panel: 19 December 2008

Date of Determination: 03 March 2009

**Allegation:** It was alleged that the Subject Member had breached Section 5 of the Code of Conduct in that they had brought their office into disrepute by pre-determining a planning application.

**Decision of Assessment Panel:**

The complaint to be investigated.

**Outcome:** The Panel agreed with the findings within the Investigator's Report and concluded there had been no pre-determination and no breach of the code of conduct.

**Recommendations of the report:** That a protocol be introduced that would advise Members on contact with developers pre-application. All Members attending Planning Committee receive training

### **Complaints 18 - 24**

There are currently a further 7 complaints under consideration.

#### **3.5 Summary of complaints received under the corporate complaints procedures in 2008/09.**

#### **3.6 Local Government Ombudsman Complaints**

The Ombudsman has provided provisional end of year statistics which will be incorporated into the Ombudsman's published Annual Review. The LGO introduced an Advice Team in April 2008, this has had an impact on the way they now work and they suggest direct comparison with data from previous years may not now always be possible. The LGO Advice Team gives callers a full explanation of the process and possible outcomes. Callers can therefore make more informed decisions about how to proceed. Therefore the LGO believes direct comparison with previous statistics can be difficult or misleading.

The following figures are provided with this information in mind. The data shows that complaint levels have been broadly consistent between 2007/08 and 2008/09. Compensations and re-imbursements paid in respect of LGO complaints rose from £725 in 07/08 to £1925 in 08/09.

		Reports	LS	NM	OD	OJ	Prem	Totals
ASCH	07/08	0	6	18	5	1	4	34
	08/09	0	4	17	2	2	8	33
CYPT	07/08	0	1	3	1	0	0	5
	08/09	0	2	9	1	1	0	13
Culture	07/08	0	0	0	0	0	0	0
	08/09	0	0	0	0	0	0	0
Env	07/08	0	2	13	4	3	6	28
	08/09	0	1	14	3	4	8	30
F&R	07/08	0	0	11	1	2	6	20
	08/09	0	2	3	0	4	6	15
S&G	07/08	0	2	1	0	0	0	3
	08/09	0	1	1	0	1	0	3
Total	07/08	0	11	46	11	6	16	90
	08/09	0	10	44	6	12	22	94

**Reports:** There have been no formal reports identifying maladministration causing injustice issued by the LGO against the Council.



Local Settlements: Slightly more than 10% of complaints have been resolved by Local Settlement. In such cases the investigation is discontinued because the LGO is satisfied that a suitable action has been agreed by the local authority.

No Maladministration: This accounts for the highest proportion of outcomes and occurs where the LGO concludes their investigation by writing a formal report finding no maladministration by the council.

Ombudsman Discretion: The ombudsman issues a decision letter in which they decide to discontinue the investigation most commonly because there is found to be insufficient injustice to warrant continuing to investigate.

Outside Jurisdiction: These are cases that the LGO is unable to investigate.

Premature Complaints: Complaints that the local authority have not yet had opportunity to consider.

### 3.7 Corporate Stage One and Two Complaints

The following statistics give information about numbers of complaints for each directorate in 2007/08 and 2008/09. There has been a noticeable increase in Stage One complaints. The increase has mainly been caused by a significant increase in complaints about city clean services over the last six months and from large numbers of complaints about the bus corridor along the A259.

Over the same period complaints escalated to Stage Two have reduced by about a third. This may indicate greater customer satisfaction with the responses received at Stage One.

	Stage One		Stage Two	
	2007/08	2008/09	2007/08	2008/09
CYPT	18	9	1	2
Culture	71	45	0	0
Environment	775	1058	62	42
F&R	315	298	28	19
ASC&H	582	522	54	34
S&G	7	10	0	1
Totals	1768	1942	145	98

**4. CONSULTATION:**

4.1 There has been no consultation.

**5. FINANCIAL & OTHER IMPLICATIONS:**

5.1 Financial Implications:

There are no financial implications.

*Finance Officer Consulted: Anne Silley*

*Date: 04/06/2009*

5.2 Legal Implications:

There are no legal implications.

*Lawyer Consulted: Liz Woodley*

*Date: 22/05/2009*

5.3 Equalities Implications:

There are no equalities implications.

5.4 Sustainability Implications:

There are no sustainability implications.

5.5 Crime & Disorder Implications:

There are no crime and disorder implications.

5.6 Risk and Opportunity Management Implications:

There are no Risk and Opportunity management Implications.

5.7 Corporate / Citywide Implications:

There are no Corporate or Citywide implications.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. None.

### **Documents In Members' Rooms:**

1. None.

### **Background Documents:**

1. None.

