

**BRIGHTON & HOVE CITY COUNCIL**

**STANDARDS COMMITTEE**

**5.00pm 19 JANUARY 2010**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Carden, Drake, Lepper 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 Paul Steedman, Councillor Carol Theobald and Ms M Carter (Independent Member)

**PART ONE**

**13. PROCEDURAL BUSINESS**

**13a Declarations of Interest**

13.1 There were none.

**13b Exclusion of the Press and Public**

13.2 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).

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

**14. MINUTES OF THE PREVIOUS MEETING**

14.1 **RESOLVED** – That the minutes of the meeting held on 8 September 2009 be signed by the Chairman as a correct record.

**15. CHAIRMAN'S COMMUNICATIONS**

- 15.1 The Chairman updated the Committee on recent meetings between some Independent Members of the Standards Committee and the party groups. Most recently they had met with the Labour Group and this had provided an interesting discussion around standards issues within the Council, with a variety of views being heard. The Chairman thanked all of the groups for allowing the visits, and he hoped to continue this type of activity into the future.

**16. PUBLIC QUESTIONS**

- 16.1 There were none.

**17. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

- 17.1 The Committee considered a report regarding the Annual Report of the Standards Committee (for copy see minute book).
- 17.2 Councillor Rhodes noted in the report that there was the indication that all of the Independent Members had been to visit Groups to discuss standards issues. This was not, in fact, correct and he asked for this statement to be rectified.
- 17.3 Councillor Lepper felt that the on-line Register of Interests was not kept as up-to-date as it should be, and asked what arrangements were made in this regard. The Senior Solicitor, Ms Woodley, stated that Democratic Services were responsible for registering the updates on-line and this was done as soon as they were made aware of them. She stated that it was the responsibility of Members to make Democratic Services aware of any updates that were needed to the register, although a reminder email was sent out by the department every month to assist with this.

Councillor Lepper felt that, if this was the case, some Members were not updating the department quickly enough, or in some cases not at all. The Head of Law, Mr Ghebre-Ghiorghis, stated that reminders were made around the time of Annual Council. He noted that there might be a delay in updating the website and undertook to speak to Democratic Services to ensure this process was not being delayed.

- 17.4 Councillor Watkins felt that Independent Members of other meetings should be included on the reminder list that was sent out by Democratic Services to ensure their Register of Interests was up-to-date. He asked if questions could be asked about the Annual Report when it came to Full Council. Mr Ghebre-Ghiorghis replied that the standing orders did not give provision for questions to be asked of someone who was not a Member of the Council, and as the report would be presented by the Independent Chairman of the Standards Committee, questions would not be allowed.

Councillor Watkins felt it would be useful for the profile of standards issues to be raised within the Council. Mr Ghebre-Ghiorghis replied that a joint-working Strategy Officers Governance Group met every two weeks to discuss all aspects of good governance within the Council and any actions derived from this would be progressed forward by relevant officers.

**17.5 RESOLVED –**

1. That the Committee has reviewed and noted the report; and
2. That the Chairman presents the report to Full Council.

**18. GUIDANCE OF CONFIDENTIALITY**

18.1 The Committee considered a report from the Director of Strategy & Governance regarding Guidance to Members on Confidential Information (for copy see minute book).

18.2 Mr Ghebre-Ghiorghis presented the report and noted that there had been a slight change to the draft recommendations from the last time the Committee had viewed them. He stated that the city Council kept a great deal of information on other groups and individuals in the city, and whilst this information should normally be considered in favour of disclosure, it was recommended that at times it should be recognised that this information needed to be kept confidential. Guidance was being issued around confidentiality, and there were currently several cases with Standards for England where principles in this area were being developed.

One of the main principles was the recognition that the status of confidential information did not change merely because it had been leaked. However, if a Member felt that it would be in the greater public interest to leak the information, it would still be possible in certain circumstances to disclose without penalty.

Another principle was that if confidential information had been voted to remain confidential at a meeting, but was subsequently disclosed by a Member who had voted at the meeting, this would incur a penalty. Mr Ghebre-Ghiorghis stated that if the proper processes of the Council were followed then it would be in the greater public interest to uphold these processes. He recognised that third party disclosure interests and the Human Rights Act principles needed to be taken into account in any decision to disclose information, but stated that the decision needed to balance conflicting principles before a reasoned decision could be reached.

18.3 Councillor Watkins asked if confidential information was disclosed to Councillors during ward surgeries, were Councillors still bound by disclosure rules. Mr Ghebre-Ghiorghis stated that Members were at all times bound when they were acting in their capacity as a Councillor for Brighton & Hove City Council. He added that this related to personal information however, and more general problems could be validly raised as an issue.

**18.4 RESOLVED –**

1. That the principles summarised in paragraph 3.3 are noted.
2. That the revised guidance incorporating those points as indicated at appendix 1 of the report is approved.
3. That a copy of the revised guidance be circulated to all Members following approval by the Committee.

**19. REVISED MEMBERS WEB POLICY**

- 19.1 The Committee considered a report from the Director of Strategy & Governance regarding Members' Web Pages – Review of Guidance (for a copy see minute book).
- 19.2 Mr Ghebre-Ghiorghis presented the report and noted that it had been to Governance Committee on 17 November 2009 where changes had been recommended to paragraph 6 of the draft guidance. Concern had been raised that Members were not able to control the content of websites that their pages linked to inadvertently, and most Members would not have the skill to determine if a website was compliant with all regulations necessary.

Resulting from this concern, three options were available which included removal of all links on Members' websites hosted by Brighton & Hove City Council; to leave the guidance as it currently was, which allowed links to be added without any checks; or to change the guidance to make it the responsibility of Members to check where they would "know or be reasonably expected to know". This last amendment had been made to the draft guidance which was before the Committee for approval.

- 19.3 Councillor Watkins asked if the guidance applied to web casts of Council meetings and Mr Ghebre-Ghiorghis replied that the Council owned the copyright to web casts and copyright laws may apply in certain circumstances. He added that if material from web casts remained on Council hosted sites, then there would not be an issue. Placing this material on external sites could create a problem however.
- 19.4 **RESOLVED –**
1. That the Members' Web Pages policy is approved.
  2. That all Members who have pages published on the Members Web Pages are required to sign the revised Web Pages policy as a condition of remaining published on the site and that any Member wishing to join the site in the future should be granted access to it on condition that they first sign a copy of the revised Members' Web Pages policy.

**20. COMPLAINTS UPDATE**

- 20.1 The Committee considered a report from the Monitoring Officer regarding the Complaints Update (for a copy see minute book).
- 20.2 The Standards & Complaints Manager, Mr Foley, presented the report and summarised the complaints received and resolved. He noted that generally Ombudsman complaints had fallen for the last year, as had stage one and two complaints for Adult Social Care and Housing. However, stage two complaints for Environment had increased considerably.
- 20.3 Councillor Lepper asked that the next Complaints Update be broken down into departmental figures, and this would give a greater indication of where problems may lie in any given directorate. The Standards & Complaints Manager agreed to do this. He

added that the information could also be added as part of a regular review programme for scrutiny, where Members could view the figures in more depth.

20.4 **RESOLVED** – That the Complaints Update is noted.

The meeting concluded at 5.45pm

Signed

Chairman

Dated this

day of