

**DRAFT EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE  
COMMITTEE MEETING HELD ON THE 14 JANUARY 2010**

**GOVERNANCE COMMITTEE**

**4.00PM 14 JANUARY 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**DRAFT MINUTES**

**Present:** Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor

**64 GOOD GOVERNANCE REVIEW – REPORT OF THE AUDIT COMMISSION**

64.1 The Committee considered a report of the Director of Strategy & Governance concerning findings of the Audit Commission's review of Good Governance in Brighton & Hove and proposed actions in response to the recommendations. (for copy see minute book).

64.2 The Chairman explained the Audit Commission's report had been considered by the Audit Committee in December. He welcomed Simon Mathers, Audit Manager from the Audit Commission, to the meeting.

64.3 Councillor Elgood expressed concern about the length of time it had taken for the Good Governance report to be made available to Members; the information that went into the report was gathered at a time when the Council's new constitution was at a different stage and significant progress had been made since then.

He was disappointed that the comments in relation to whistle blowing had not been made available for the discussion on the issue that took place at the last meeting of the Committee as they would have made for a more valuable discussion.

He stated that the report contained positive and negative comments, which was to be expected; however, one of the biggest concerns was the indication of disenfranchisement from both the public and opposition councillors, which supported the view that the Cabinet system was not the best option for the city.

He agreed that the action plan would move the Council forward and added that progress would need to be closely monitored with significant Member involvement.

64.4 The Chairman stated that the comments within the report in relation to whistle blowing did not undermine the work undertaken at the previous Committee meeting and that a further report would be considered in March. He added

that the Members and officers were working together to seek a way forward that staff could have confidence in.

64.5 Councillor Mitchell echoed Councillor Elgood's comments in relation to the delay in the report being released, particularly since the Council's priorities moving forward had already been reported to the Committee. She was disappointed that, as Chairman of the Overview & Scrutiny Commission (OSC), the comments in relation to scrutiny processes had not been shared with her earlier. She added that she agreed with the comments that senior councillors had become too involved in the day to day running of the Council and felt that this was due to a blurring of the boundaries between officers and senior councillors.

64.6 The Head of Law explained that the Good Governance report had not been seen by the Leader of the Council or the Chairman until the final version was published; the Chairman and Deputy Chairman of the Audit Committee, in addition to Councillor Elgood had been the first to see the report. He confirmed that there had been no Member involvement in the Council's response to the first draft of the report and that the queries made were largely in relation to background and factual information. He advised that there had been some logistical problems with the survey that informed the report and that overlapping of annual leave between Council and Audit Commission officers had resulted in a further delay. He added that the District Auditor, Helen Thompson, had apologised for the undue delay and that officers had also learnt from the process.

He advised that the findings in the report should be looked at in context; at the time when the information was gathered the executive system had only been in place for three months so relationships were still being shaped. The role of a Cabinet Member was very different from that of a committee chairman; heavier involvement was to be expected due to their direct decision-making power. In addition, the Administration was still relatively new and all of these circumstances had led to some ambiguity. While working arrangements had improved, the Council acknowledged and recognised the concerns raised and this was reflected in the action plan.

He added that he accepted that there should be Member involvement in taking the action plan forward.

64.7 The Audit Manager confirmed the reasons for the delay and accepted that the report would have been more valuable if released earlier. He added that the Audit Commission was satisfied that the changes requested were mostly factual and that the final report remained largely unchanged from the first draft.

64.8 The Chairman requested that the Committee receive a report in July updating them on the progress made against the action plan.

64.9 Councillor Brown highlighted errors within the Good Governance report that referred Falmer Academy as a PFI project, which was incorrect. She also contended that the number of teenage pregnancies should not have been used as an example of underperformance; this was a top priority for both the Council and the Primary Care Trust and contrary to the statement within the

report, there had actually been a steady decline in the number of teenage pregnancies.

- 64.10 Councillor Randall shared the views of Councillors Elgood and Mitchell and advised that it was important for the recommendations to be implemented transparently. He moved an amendment requesting that the Good Governance report be referred on to full Council and OSC for further debate.
- 64.11 Councillor Elgood formally seconded the amendment.
- 64.12 Councillor Mears emphasised the need to consider the report in context and questioned the benefit of a further debate given that all councillors had been given the opportunity to submit their views. She stated that, despite the challenging circumstances, progress had already been made and it would not be helpful to continue looking backwards.
- 64.13 The Head of Law confirmed that the amendment was lawful, but reminded Members that a further report on progress would come to the Committee, allowing them to retain ownership of some actions while others would be considered by the Standards Committee. He explained that, in terms of accountability, it was not advisable to debate the report at Council.
- 64.14 Councillor Taylor stated that the recommendations from the Audit Committee were sensible, but that Members had not been given an adequate chance to respond. He added that the report included no reference to Member involvement in responding to the issues raised by the Audit Commission.
- 64.15 Councillor Mitchell stated that the Good Governance report was a critique of the culture of the council rather than its model of governance. She added that the Council needed to begin delivering the policies that had been prompted by the Comprehensive Performance Assessment (CPA) report and staff survey, such as the Dignity at Work policy, in order to address the issues raised in the report.
- 64.16 The Audit Manager confirmed that criticisms were not being made of the Council's new structure; it was reasonable for there to be a bedding in period and a need for refinement. The Audit Commission would consider progress made as part of the Use of Resources judgement. He also confirmed that the Audit Commission would welcome the opportunity to report back to the Committee in July.
- 64.17 Councillor Mears advised that Members would be able to utilise the Leaders' Group meetings to highlight any further constitutional concerns.
- 64.18 Councillor Elgood commented that he could see no harm in the report being debated by the full Council and that it was critical for the report to go to OSC. He stated that the full Council would be able to take ownership of the action plan if they were to debate it.
- 64.19 Councillor Randall added that it was important for the Council's workforce to see all Members taking the issues forward.
- 64.20 The Chairman put the Green amendment to the vote, which was lost.

64.21 **RESOLVED –**

- (1) That the report of the Audit Commission be noted.
- (2) That the proposed action in response to the recommendations of the Commission as set out in the action plan listed as Appendix 1 to the Commission's report be noted.

Note: Councillor Elgood wished his name recorded as having voted against the recommendations.

Councillors Mitchell, Randall, Simpson and Taylor wished their names recorded as having abstained from the vote.