

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00PM 12 JANUARY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

PART ONE

55. PROCEDURAL BUSINESS

55a Declaration of Substitutes

55a.1 There were none.

55b Declarations of Interest

55b.1 There were none.

55c Exclusion of Press and Public

55c.1 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the 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 business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

55c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 66 onwards.

56. MINUTES OF THE PREVIOUS MEETING

56.1 **RESOLVED** - That the minutes of the meeting held on 17 November 2009 be approved as a correct record.

57. CHAIRMAN'S COMMUNICATIONS

57.1 The Chairman reported that proposals reviewing the workings of full Council were being consulted on with all political groups and he expected the Committee to consider a report on the proposals in March.

57.2 The Chairman updated the Committee on progress made by the Civic Awareness Commission during the three months it had been in place for:

- Two successful exhibitions had been held at the Older People's Day and the Get Involved Day.
- Informative plaques had been attached to the large picture of the former Hove Town and to a painting of a former Brighton Mayor the highlight their historical significance
- A glass cabinet containing artefacts and other items of civic interest would be installed in King's House reception shortly.
- It was hoped that the message of civic awareness would be brought to more of the Council's buildings through the use of regular rotating exhibits.

The Chairman thanked all those involved in the work so far as well as those who had expressed goodwill towards the project.

58. CALLOVER

58.1 **RESOLVED** – That all the items be reserved for discussion.

59. PETITIONS

59.1 There were none.

60. PUBLIC QUESTIONS

60.1 There were none.

61. DEPUTATIONS

61.1 There were none.

62. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

62.1 There were none.

63. COUNCIL BYELAWS

63.1 The Committee considered a report of the Director of Strategy & Governance concerning the scope of the council's byelaws and the extent to which they are enforced (for copy see minute book).

- 63.2 The Head of Law confirmed that a further report would be considered by the Committee when new regulations were published by the Government detailing which byelaws would no longer require confirmation from the Secretary of State.
- 63.3 Councillor Randall welcomed the information in the report and was pleased that the Government would be giving councils some flexibility. He reported that he had seen an increase in the number of complaints about loose dogs and that the Council needed to do more publicity around dog control orders to tackle the problem.
- 63.4 Councillor Elgood explained that he had been frustrated by the length of time it had taken for the Secretary of State to grant the new powers; issues within his ward that had remained unresolved for many years could be tackled under these proposals. He hoped that the Council would act quickly once the powers were granted.
- 63.5 The Chairman advised that he shared the frustration and hoped that Councils would obtain the desired flexibility under the new powers.
- 63.6 **RESOLVED –**
- (1) That the report be noted, including the list of current byelaws at Appendix 1; and the list of byelaws which it is proposed should no longer require confirmation by the Secretary of State, at Appendix 2.
 - (2) That officers provide the Committee with further details about the new byelaw making procedures and enforcement regime, once the relevant regulations and guidance are in force.

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.

65. TWELVE MONTH REVIEW OF THE CONSTITUTION

65.1 The Committee considered a report of the Director of Strategy & Governance concerning the outcome of the consultation on the twelve month review of the Constitution and proposals for amendments (for copy see minute book).

65.2 The Head of Law explained the recommendations and that, if approved, the new arrangements would be implemented following the Annual Council meeting in May.

65.3 The Chairman advised that copies of the Forward Plan would be made available in the city's libraries. He also explained that he had met with 'Eco-logically' environmental consultants in relation to the comments they had submitted; they had now been fully briefed on the various methods for interacting with the Council.

65.4 Councillor Taylor reported that he was pleased to see a deadline for executive responses to scrutiny reviews, however, he would have liked to have seen the detailed responses from the political parties and community groups. He explained that, while, he had accepted a genuine error had been made in omitting the Green Group request to increase the number of council meetings, some of their other ideas had not been registered. He advised that the Green Group would be putting amendments forward at other meetings and would not be supporting the report.

65.5 The Chairman explained that he had specifically requested the inclusion of the detailed responses to the consultation, but that it was not felt necessary to assign the comments individual respondents.

65.6 The Head of Law advised that the non-inclusion of some ideas in the proposals in the report did not preclude their consideration elsewhere.

65.7 Councillor Simson stated that recommendation five within the report showed that the Council had made significant progress with community groups for Hollingbury Community Groups to put forward such strong views. She also highlighted the newly

established Equalities Working Group, which together with the Equalities Coalition and City Inclusion Partnership made a firm base for tackling equalities issues across the council and the city. She was pleased to report that Brighton and Hove had become the first city in the country to sign up to a single Equality and Human Rights Charter.

- 65.8 Councillor Mitchell welcomed the proposals and was grateful for the inclusion of a number of ideas put forward by the Labour Group.
- 65.9 Councillor Elgood stated that he was pleased issues in relation to the Forward Plan were being addresses and that he hoped Members would continue to be involved in taking the proposals forward. Although he welcomed the Equalities Working Group, Councillor Elgood explained that he still supported the need for a city wide forum as part of the Council's constitution. He added that the report did not discuss issues around neighbourhood forums and that there was a need for more neighbourhood decision-making.
- 65.10 The Chairman advised that the comments made in relation to neighbourhood working would be addressed in a separate report to be considered by the Committee in March.
- 65.11 In response to concerns from Councillor Simpson around a lack of opportunity for community involvement and a decrease in the amount of community development across the city, Councillor Simson contended that significant effort had been made to increase community involvement and development despite cuts to funding.
- 65.12 Councillor Mears stated that this was the second review of the constitution and that all councillors had been given the opportunity to respond. She hoped that Members were pleased that their views were being considered and taken forward.
- 65.13 Councillor Randall supported Councillor Elgood's views in relation to neighbourhood working; he contended that if the Council wished to involved people in their neighbourhoods they needed to be given responsibility and spending power.
- 65.14 **RESOLVED –**
- (1) That recommendations 4, 6 and 12 in the report be noted and recommendations 3, 7 and 11be agreed.
 - (2) That the proposals set out at paragraph 1, 2, 5, 9, 10 and 14 of the report be recommended to Cabinet.
 - (3) That the proposals for amendments to the Constitution set out at paragraphs 8 and 13 of the report be recommended to Full Council.
 - (4) That the Head of Law be authorised to make the necessary amendments to the Constitution to reflect the above proposals once approved by the relevant body.

PART TWO SUMMARY

66. PART TWO MINUTES OF THE PREVIOUS MEETING

66.1 **RESOLVED** - That the Part Two minutes of the meeting held on 17 November 2009 be approved as a correct record.

67. EQUAL PAY

67.1 The Committee considered a verbal update from the Head of Policy updating them on the latest position with regard to equal pay negotiations.

67.2 **RESOLVED** – That the update be noted.

68. PART TWO ITEMS

68.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.

68.2 **RESOLVED** – That items 66 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.45pm

Signed

Chair

Dated this

day of