

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00pm 27 SEPTEMBER 2011

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Jones, Lepper, Littman and A Norman

Independent Members: Dr M Wilkinson (Chair), Mr Paul Cecil and Mr Peter Rose

Rottingdean Parish Council Representatives: Mr John Bustard and Mr Geoff Rhodes

Apologies: Councillor Jason Kitcat (Green Group) and Councillor Geoffrey Wells (Conservative Group)

PART ONE

10. PROCEDURAL BUSINESS

10a Declarations of Interest

10.1 There were none.

10b Exclusion of the Press and Public

10.2 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 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 of the Act).

10.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

11. MINUTES OF THE PREVIOUS MEETING

11.1 **RESOLVED** – That the minutes of the Standards Committee Meeting held on 21 June 2011 be agreed and signed as a correct record.

12. CHAIR'S COMMUNICATIONS

- 12.1 The Chairman noted that Jane Clarke, Senior Democratic Services Officer, would be leaving the Council, and thanked her for her work on the Committee. The Chairman also welcomed Councillor Jones onto the Committee.

13. PUBLIC QUESTIONS

- 13.1 There were none.

14. REVIEW OF CODE OF CONDUCT FOR EMPLOYEES

- 14.1 The Committee considered a report from the Monitoring Officer regarding the Review of Code of Conduct for Employees. The Senior Solicitor, Miss Woodley, outlined the report and said that the Human Resources Team were planning a review of the Code in line with ICT policies, but recommended that the Standards Committee comment on what they would like to see as part of the Code, which would then be fed into the review. She highlighted the issue of disclosure of Officer interests, and asked the Committee questions on what they would like to see regarding this issue.
- 14.2 Mr Cecil felt that if the Council required a mandatory disclosure of interests from all employees, this would create an unnecessary bureaucratic load, and would be impossible to manage. Officers in positions of power or influence should be required to register interests however.
- 14.3 The Monitoring Officer, Mr Ghebre-Ghiorghis, agreed that appropriate officers would need to be identified. He suggested Officers above a certain grade, or by designation, would be effective in deciding who would need to be included. There was currently a register of interests for Officers, but there was almost no compliance with it currently. Other Officers not required to complete the register of interests would still be required to declare interests on an individual and ad-hoc basis.
- 14.4 The Chairman felt that Planning Officers in particular might need to be included in a register of interests, as they had discretion and influence when deciding on planning applications.
- 14.5 Mr Ghebre-Ghiorghis agreed that some Planning Officers, Procurement Officers, and those in other teams could be identified as Officers with influence on decisions.
- 14.6 Mr Rose said that specific declarations would cover most of the issues that might come about regarding the work of these Officers. However, he did feel that some posts might be more relevant to include than others. He was keen not to overburden the Council with excessive administration, but felt that types of activity relevant to the post, rather than a blanket requirement on grading would probably be more effective.
- 14.7 Councillor A Norman believed the register should be accessible to members of the public, to show that decisions were impartial and fair. She agreed that Senior Planning Officers might need to be included as part of a mandatory register, but did not feel every member of staff should be included.

- 14.8 Mr Bustard felt that Officers who routinely entered into contracts on behalf of the Council might need to declare interests. He felt that any decisions where Council money was being used should be subject to scrutiny.
- 14.9 Councillor Lepper believed that a register of interests could help to protect Planning Officers from unfounded accusations of corruption or bias, and that individual declarations should be made as part of the planning process before the application came to a decision. The Chairman thought that this would be dealt with at a departmental level as a matter of course.
- 14.10 Mr Cecil believed there was a difference between a Code of Practice that individual departments may currently use, and a general Code of Conduct and Register of Interests. He felt that local declarations should be made through the appropriate line management. Broader contractual issues would be limited to those Senior Officers who had it as part of their role to disclose interests.
- 14.11 Mr Ghebre-Ghiorghis highlighted different types of disclosure: ad-hoc disclosure on relevant issues, as and when they came up; and annual disclosure, where permanent interests would be registered as part of an annual canvass. The Committee needed to clarify which Officers would need to disclose it what aspect, and whether part or all of the register should be disclosed to the public. The Code of Conduct for Employees could be flexible and relate to types of decision made rather than based purely on an Officer grade. Sensitive information relevant to the employee would need to be considered carefully before it was disclosed. Any proposals would be fed back to the Human Resources Team, and then back to Standards Committee, with consultation with the Unions included.
- 14.12 Mr Rose asked if the Council's Whistleblowing Policy would be reviewed at the same time, as the two policies were linked in terms of effective staff relations. Mr Ghebre-Ghiorghis replied that the Whistleblowing policy could be reviewed in the light of the outcomes from the draft Code of Conduct for Employees.
- 14.13 Mr Cecil noted that it seemed odd to proscribe work outside of the Council within the Code of Conduct for Employees, and felt this was more of a contractual matter that should be contained within the terms and conditions of employment.
- 14.14 **RESOLVED** – That the Committee has reviewed the Code of Conduct for Employees, and has made suggestions for amendment to be considered as part of Human Resources' review of the Code as detailed in the minutes.

15. UPDATE FROM THE WORKING PARTY REGARDING THE LOCALISM BILL

- 15.1 The Committee considered a report regarding an Update from the Working Party Regarding the Localism Bill. Ms Woodley said there were no moves in the House of Lords to save the Standards regime. The Localism Bill was currently in the report stage and there were a number of amendments to the Bill that had been moved. A proposal had been made to include a mandatory Code of Conduct and for a requirement to have a Standards Committee. Changes to the Bill were being proposed daily however
- 15.2 Mr Ghebre-Ghiorghis added that the Government had agreed in principle to a Code of Conduct and Standards Committee, which included retaining Independent Members. It was proposed that Members would be required to register pecuniary interests and for the Monitoring Officer to maintain the register. There was a general feeling that standards of conduct should be applied on a nationwide basis.
- 15.3 Miss Woodley said that the working group had felt that the existing Code of Conduct was a useful basis from which to develop a new Code. The working group had also supported the notion of a stand alone Standards Committee.
- 15.4 Mr Rhodes agreed with the conclusions of the working group. From the perspective of the Parish Council, he wanted to see the excellent support from Brighton & Hove City Council Officers on standards issues relating to the Parish Council continue, but felt that it was unnecessary for the parish to be represented on the formal Standards Committee. Mr Bustard agreed with this assertion.
- 15.5 Mr Ghebre-Ghiorghis clarified that the Monitoring Officer would still retain a role in terms of overseeing declarations of interests at the Parish Council. One of the issues raised by the working group was how the Code might apply to those councillors who had been cautioned for an offence. Cautions were recorded and so there was an option to extend the code in this area. The 10 general principles of conduct were felt to be an easy reference for members of the public to relate, and it was felt that they should be incorporated more fully into the new Code. He suggested that the Officers follow developments regarding the Bill, and look at best practice until it received Royal Assent. Following this, the working group might choose to reconvene once the full situation was known.
- 15.6 Mr Rose was concerned that provisions were in place should the Standards regime be abolished.
- 15.7 Mr Ghebre-Ghiorghis stated that when the Local Government Act 2000 came into force it had transitional arrangements that allowed Standards Committees created voluntarily by local authorities before the Act came into force to continue, and he expected, subject to the necessary regularisation being made, that some transitional arrangements of a similar nature to be put in place so that the current Standards Committee could be carried forward, if it was necessary. It was anticipated that the Bill would come into force in February 2012 and the government had agreed in principle to draft a Model Code outlining the mandatory aspects beforehand. The current situation was very ambiguous,

and more work would need to be done to clarify and local options that might be included with a new Code of Conduct.

15.8 **RESOLVED** – That the Committee notes the conclusions of the working group.

16. COMPLAINTS UPDATE

16.1 The Committee considered a report from the Monitoring Officer regarding the Complaints Update. The Standards and Complaints Manager, Mr Foley, highlighted aspects of the report and said that the average time for cases being dealt with was 110 days. Since April there had been four cases assessed, three of which were still being considered. Four new complaints had been submitted for assessment, and would be dealt with in the next few weeks.

The number of cases referred to the Local Government Ombudsman increased by about 40% in comparison to the previous year. However, the Ombudsman had gone a long way to making its services more accessible and there was no surprise that this had resulted in more enquiries being made; but the number of complaints that the Ombudsman had chosen to investigate had not increased. The number of local settlements was slightly higher than the national average. Compensation payments were generally low, but a couple of recent cases had resulted in higher payouts and this had skewed the figures for this year.

Mr Foley noted that the Ombudsman would be visiting the Standards & Complaints Team informally in the next few weeks, and he extended an invitation for Members to attend the visit.

16.2 **RESOLVED** – That the Standards Committee notes the report.

The meeting concluded at 6.00pm

Signed

Chairman

Dated this

day of

