

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00pm 23 SEPTEMBER 2008

COMMITTEE ROOM 3, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Mrs Cobb, Elgood, Hyde, Janio, Kemble, Kennedy, Marsh, Morgan and Taylor

PART ONE

19. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

19.1 Councillors Hyde, Janio, Kemble, Kennedy, Marsh and Morgan declared that they were attending the meeting as substitutes for Councillors Oxley, Mears, Mrs Brown, Duncan, Simpson and Mitchell respectively.

(B) Declarations of Interest

19.2 There were no declarations of interest.

(C) Exclusion of Press and Public

19.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100B(3) or 100 1 of the Local Government Act 1972.

19.4 **RESOLVED:** That the public be not excluded from the meeting.

20. MINUTES OF THE PREVIOUS MEETING

20.1 The minutes of the last meeting held on the 1 July 2008 were approved as a correct record of the proceedings.

21. CHAIRMAN' S COMMUNICATIONS

21.1 The Chairman stated that she had no communications for the meeting.

22. PETITIONS

22.1 There were no petitions presented to the meeting.

23. PUBLIC QUESTIONS

23.1 The Chairman noted that no public questions had been submitted for the meeting.

24. DEPUTATIONS

24.1 The Chairman noted that no deputations had been submitted for the meeting.

25. WRITTEN QUESTIONS FROM COUNCILLORS

25.1 The Chairman noted that no written questions from Members had been submitted for the meeting.

26. LETTERS FROM COUNCILLORS

26.1 The Chairman noted that no letters from Members had been received for the meeting.

27. CALL OVER

27.1 The Chairman stated that she wished to consider all the items listed on the agenda and therefore reserved item numbers 29, 30, 31, 32, 33 and 34.

27.2 **RESOLVED:** That item numbers 29, 30, 31, 32, 33 and 34 be reserved fro debate and determination.

28. NOTICES OF MOTIONS

28.1 The Chairman noted that no notices of motions had been submitted for consideration at the meeting.

29. GOVERNANCE IMPLICATIONS OF COMMUNITIES IN CONTROL WHITE PAPER

29.1 The Committee considered a report of the Director of Strategy & Governance, which detailed proposals outlined in the Government's White Paper, 'Communities in Control' in relation to governance arrangements that fell within the remit of the Governance Committee (for copy see minute book).

29.2 The Senior Policy Development Officer informed the committee that as a result of the White Paper being published in July, it was anticipated that there would be a number of

consultation documents on the proposals, and that it was intended to bring matters to the attention of the committee where they fell under the remit of the governance of the city.

- 29.3 Members of the Committee welcomed the report and the publication of the White Paper, which they felt could enable a greater role for backbench councillors in local decision-making and engagement with their communities. Members noted that consultation documents were likely to come forward as the Bill was being drafted and the intent of Government would become clearer. It was hoped that Members would have the opportunity to input into the consultation process and it was noted that some elements within the White Paper might not be taken forward.
- 29.4 The Senior Policy Development Officer noted that Members were keen to know about the 22 local authorities that were piloting neighbourhood management schemes and stated that she would provide Members with more information on this matter.
- 29.5 The Director of Strategy & Governance stated that the White Paper was effectively a long list of items that may be brought forward in one way or another, some of which fell under the remit of the committee and others elsewhere. There would be a need to consider the proposals as they came forward as a whole and to take account of any resource implications across the council. He noted that officers had already begun work on the Community Engagement Framework, which was running in parallel to the work associated with the White Paper.
- 29.6 **RESOLVED:**
- (1) That the proposals in the White Paper that may require future changes to the Council's constitution or have broader implications for the governance of the city be noted; and
 - (2) That officers be instructed to track the implementation of the proposals in the White Paper, including the Community Empowerment, Housing and Economic Regeneration Bill (CEHER Bill); and to report to a future meeting of the committee with full details of any proposed new legislation and relevant consultation documents.

30. ANNUAL GOVERNANCE STATEMENT

- 30.1 The Committee considered a joint report from the Directors of Finance & Resources and Strategy & Governance, concerning the Annual Governance Statement (for copy see minute book).
- 30.2 The Head of Audit & Assurance introduced the report and stated that as a requirement of the Accounts and Audit Regulations 2003, the council was required to publish an Annual Governance Statement. This had been considered and approved by the Audit Committee in June and was being reported to the committee for information in view of its impact on overall governance. He stated that the Governance Statement had been reviewed by the Audit Commission and areas for improvement had been highlighted, although generally it was felt that the council was performing well. He also stated that the process for reporting on the Annual Governance Statement was being looked at as guidance had only recently been issued and so there may be some changes in the future.

- 30.3 Councillor Taylor queried whether such matters as the expenditure on the Hosing Stock Transfer had been commented on and how these matters would be picked up by the audit process and reported as part of the governance statement.
- 30.4 The Head of Legal & Democratic Services stated that there were various mechanisms within the council's processes for reviewing such matters, i.e. the Audit Committee, Standards Committee, Governance Committee and the Scrutiny process.
- 30.5 The Director of Strategy & Governance stated that the particular matter referred to had not been raised by the Audit Commission and therefore had to be assumed that it was felt the expenditure had been properly incurred. The processes available to review such matters were available to Members should they wish to use them.
- 30.6 **RESOLVED:**
- (1) That the annual assessment of the City Council's corporate governance arrangements be noted;
 - (2) That the Annual Governance Statement for inclusion with the Statement of Accounts be noted; and
 - (3) That the City Council's continuing improvements on governance arrangements be noted.

31. PROPOSED METHODOLOGY FOR THE REVIEW OF THE CONSTITUTION

- 31.1 The Committee considered a report of the Director of Strategy & Governance, concerning the proposed methodology for a review of the constitution, including seeking the views of the public and business community (for copy see minute book).
- 31.2 The Head of Legal & Democratic Services introduced the report and stated that the council had agreed to the undertaking of a six-month 'light-touch' and 12-month review, following the adoption of the new constitution in May 2008. He stated that the decision-making process was still relatively new and partner organisations were now beginning to engage with it following the summer recess. In this respect, it was felt important to give consideration to how any feedback could be obtained from outside of the council with regard to the constitution. It was therefore proposed that draft questions should be brought back to the committee in November with a view to questionnaires being sent out early in the New Year and results reported back to a special meeting of the committee.
- 31.3 Members of the committee noted the report and suggested that it would be helpful to target tenants and residents associations as well as business organisations. It was also suggested that officers seek feedback from the different political groups as well as Members in general. Whilst the 'light-touch' review was felt to be necessary, Members noted that the time-scale for the 12-month review was such that consideration needed to be given as to how that would be undertaken effectively so as to not be compromised by the 6-month review.

- 31.4 The Chairman noted that Members of the committee had expressed the view that recommendation at 2.1 of the report should be amended to refer to Members and officers and sought agreement to that effect.
- 31.5 **RESOLVED:**
- (1) That the strategy for seeking the views of the public, business community, Members and officers as outlined in the report be agreed; and
 - (2) That it be noted that a report with the draft questionnaires would be submitted to the next meeting of the Committee.

32. HOME OFFICE GUIDANCE ON CRIME & DISORDER COMMITTEE

- 32.1 The Chairman noted that the committee were due to receive a verbal update on the Government's proposals for the establishment of Crime & Disorder Committees and invited the Lawyer in attendance to address the meeting.
- 32.2 The Lawyer thanked the Chairman and stated that Government's intention for Crime & Disorder Committees fell under the Councillor Call for Action arrangements in the Local Government & Public Involvement in Health Act 2007. These committees would act as scrutiny committees, and under the council's arrangements it was anticipated that such responsibility would fall to the Environment & Community Safety Overview & Scrutiny Committee. However, at present guidance was still awaited from the Government both on the councillor call for action and crime & disorder committees. It was expected that guidance would be available by the end of the year in respect of councillor call for action, but because of related reviews that were in progress, guidance on crime & disorder committees was not expected until the New Year.
- 32.3 Members of the committee noted the information and asked that officers take into consideration the role of the current Community Safety Forum when looking at the guidance once issued. It was felt that clarification would be needed on the role of other bodies such as local area teams and the responsible authorities partnership, so that the crime & disorder functions/responsibilities could be utilised effectively.
- 32.4 **RESOLVED:** That the information be noted.

33. MEMBER DEVELOPMENT POLICY

- 33.1 The Committee considered a report of the Director of Strategy & Governance, which set out a proposed policy for Member Development (for copy see minute book).
- 33.2 The Head of Democratic Services introduced the report and stated that the Member Development Working Group had been overseeing the work on identifying Members' learning needs, and looking to provide various learning solutions to meet those needs. A Members Development Strategy had previously been approved by the Policy & Resources Committee and the proposed policy sought to compliment that by identifying the values and principles that underpin all development activity for Members across the council. He therefore hoped that the committee would welcome and approve the policy before them.

33.3 Members of the committee welcomed the report and highlighted the significant improvements that had been made to the Members' training programme and support from the Democratic Services Team. It was felt that in comparison to other authorities, the support and learning opportunities offered to Members was far more comprehensive and had flexibility to meet differing needs. It was suggested that the development of a continuous professional development (CPD) accreditation programme would be welcome, as it would enable Members to have the ability to undertake learning and development which could be recorded and used for their future careers both as councillors but also in the working environment.

33.4 The Chairman noted the comments and stated that she was aware of cross training / learning with partner organisations that had been offered and hoped that this would be extended as it had proved beneficial.

33.5 **RESOLVED:** - That the Member Development Policy be agreed.

34. WEB CASTING PROTOCOL

34.1 The Committee considered a report of the Director of Strategy & Governance, which detailed a proposed protocol for adoption as part of the preparations for the web casting of meetings (for copy see minute book).

34.2 The Head of Democratic Services introduced the report and stated that it was intended to provide all Members with a copy of the protocol and to place notices in the council buildings informing people of the fact that certain meetings would be web cast. He noted that members of the public who did not wish to be caught on camera would be directed to the public gallery in the council chamber and should they wish to address a meeting and not be seen, then there was a facility to blank out their image during the broadcast.

34.3 Members of the Committee welcomed the report and noted that a demonstration of the facility had been provided for councillors earlier in the month. Members queried whether the ability to remove aspects of a web cast covered matters such as equalities issues and sought confirmation that as well as the Chairman, a vote by the whole committee could result in the suspension of a broadcast.

34.4 The Head of Legal & Democratic Services stated that various council policies covered aspects such as remarks affecting race, religion, sexuality and defamation and these could be used to enable the removal of material from a web cast. He also confirmed that the decision to suspend a web cast for the reasons given at the time, could be determined by the Chairman or following the movement of such a resolution by a Member of the committee and the subsequent approval of the committee as a whole.

34.5 Members queried whether the consent of members of the public for their image to be published would be sought, especially with regard to children and that the public could still attend a meeting and not be included in the web cast,

34.6 The Director of Strategy & Governance stated that consent would be obtained and all those attending meetings made aware of the fact that web casting was in operation. He

also confirmed that the public could remain in the public gallery without being seen on camera and should anyone wish, they could have their image blacked out whilst addressing the meeting,

34.7 **RESOLVED:** - That the protocol detailed in the report be adopted and that Members be guided by it during the web casting of meetings.

35. ITEMS TO GO FORWARD TO COUNCIL.

35.1 **RESOLVED:** - That no items be referred to council.

The meeting concluded at 5.40pm

Signed

Chair

Dated this

day of November 2008

