

**BRIGHTON & HOVE CITY COUNCIL**

**STANDARDS COMMITTEE**

**5.00pm 29 MARCH 2011**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Carden, Deane, Harmer-Strange, Lepper (Opposition Spokesperson), C Theobald and Watkins

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

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

**PART ONE**

**26. PROCEDURAL BUSINESS**

**26a Declarations of Interest**

26.1 There were none.

**26b Exclusion of the Press and Public**

26.2 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).

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

**27. MINUTES OF THE PREVIOUS MEETING**

27.1 **RESOLVED** – That the minutes of the Standards Committee Meeting held on 18 January 2011 be agreed and signed as a correct record.

**28. CHAIRMAN'S COMMUNICATIONS**

- 28.1 The Chairman addressed the Committee and said that Ms Melanie Carter had resigned from the Committee as work pressures meant that she was unable to attend several meetings. The Chairman thanked Ms Carter for her valuable contribution and said that she had been an incredibly incisive and knowledgeable member of the Committee. Whilst the future of the Standards regime was uncertain the Chairman did not feel it was necessary to recruit into the vacant post, and felt that three Independent Members could adequately cover the work of the Committee.
- 28.2 The Chairman went on to say that this was the last formal meeting of the Committee before the election. He thanked the Council Members for their time and contributions to the Committee and wished them luck. As Rottingdean Parish Council were also likely to have elections this year, the Chairman thanked Councillors Geoff Rhodes and John Bustard for their service on the Committee, and also wished them luck.

**29. PUBLIC QUESTIONS**

- 29.1 There were none.

**30. LOCALISM BILL UPDATE**

- 30.1 The Committee considered a report from the Monitoring Officer regarding the Localism Bill update. The Senior Solicitor, Ms Woodley, introduced the report and said that the Bill had not changed through the Committee stages of the House of Commons Committee stage, and therefore it was likely that the Standards regime would be abolished, and there would be no requirement to have a Code of Conduct for elected Members. A Committee working group needed to be set up to examine the issues that this posed, and make recommendations on how the Council should deal with standards issues in the future.
- 30.2 The Chairman said that he would sit on the working group with other Members of the Committee.
- 30.3 Ms Woodley noted it was likely that elected Members would not wish to commit themselves to a working group this side of the elections, but added that the working group did need to be set up swiftly as there were a lot of issues to look into in detail.
- 30.4 Councillor Watkins suggested organising membership of the working group immediately after the elections, once Committee membership was known. Ms Woodley agreed and suggested that an initial scoping meeting could be held before the next formal meeting of the Committee to be held on 21 June 2011. A scoping report could then be submitted to the June meeting.
- 30.5 **RESOLVED** – That the Committee:
1. Notes the report; and
  2. Appoints a working group comprising at least one Independent Member and a representative of each political group following the May election.

**31. MEMBER INDUCTION PROGRAMME**

31.1 The Committee considered a report from the Monitoring Officer regarding the Member Induction Programme. Ms Woodley introduced the report and noted that there would be several new Members in May, following the election. An induction programme had always been offered to new Members, and Ms Woodley had included the current induction programme, and the previous programme that had been held in 2007 for comparison. It was her feeling that standards issues impacted on every aspect of a Councillor's role, and to deliver standards and conduct guidance in just one session as a part of the programme would make the issues too compartmentalised.

31.2 Councillor Lepper agreed and felt disappointed that standards issues were only discussed in one slot on the programme. As it was likely the standard regime would be going, she felt that it was more important than ever for Councillors to be given detailed guidance on the standard of behaviour expected in public office, as there was a real danger that power would be abused. She added that current standards of behaviour at the Council had been slipping and the Council needed to address this very serious issue.

Behaviour from some current Members at recent Council meetings had been appalling. Councillor Lepper felt that however poor the behaviour was from the public gallery, it was incumbent upon elected Members to uphold the highest standards of personal behaviour, and to refrain from making rude comments or unfounded allegations. She added that Council meetings were now webcast and this behaviour would tarnish the reputation of the Council. She added that she felt ashamed at the example that some Councillors were currently setting. Councillor Carden agreed with these comments.

31.3 Councillor Watkins agreed with Councillor Lepper and felt it was a very important issue. Behaviour was at times so bad that the webcast had to be edited. He felt that standards issues should be threaded through each part of the programme, and in particular they should be discussed when the IT usage session was delivered.

31.4 The Chairman agreed that standards needed to be reinforced as a part of every session. He suggested including a clip of a recent council meeting as an example of how not to behave.

31.5 Mr Rose asked if it was possible for a further session on standards issues to be delivered after the new Members had been on the Council for six months. He felt that this would be valuable as issues could then be discussed in the light of experience. The Chairman agreed that the provision was very frontloaded.

31.6 Councillor Rhodes asked if any standards induction training would be provided for new Members of Rottingdean Parish Council. Ms Woodley agreed and said that it would likely be herself who would deliver this training.

31.7 Councillor Watkins added that as the Council was working in new ways, in partnership with community and voluntary organisations and other public bodies, it was increasingly important to set a standard for civic life. He felt that this standard should apply to the range of ways and people that services could now be provided by.

- 31.8 Councillor Mrs Theobald agreed with Councillor Lepper and Councillor Watkins, and felt that recent meetings of the Full Council had been amongst the worst she had ever attended. There had been no respect shown for the Mayor by elected Members at the meeting, and the public had behaved very badly. She felt that new Members in particular needed to be trained on the protocols and procedures of public meetings to ensure they respected the meeting rules.
- 31.9 Ms Woodley said that she would feed these comments back to the Monitoring Officer in order that the issues could be addressed through the induction programme.
- 31.10 **RESOLVED** – That the Committee had reviewed the draft programme and advises that standards issues raised at the meeting should be included.

## 32. COMPLAINTS UPDATE

- 32.1 The Committee considered a report from the Standards and Complaints Manager regarding the Complaints Update. The Standards and Complaints Manager, Mr Foley, presented the report and highlighted details around the new member complaints that had been dealt with. He said that six new complaints had been received regarding Member conduct at the recent budget Council meeting.
- 32.2 Councillor Lepper noted that elections guidance regarding use of IT resources, and in particular council email addresses, had been issued too late for some Members, who had sent out communications incorrectly and fallen foul of the regulations. A complaint had then been submitted about this. Mr Foley agreed and said that when it had been realised there was a problem with Members fully understanding the guidance around this issue, it had been resent, and also sent to the party offices to ensure they were sending out the correct information on behalf of Members. Councillor Watkins believed the restrictions around this usage were difficult for some Members to manage, especially if they only had email accounts with the Council. Mr Foley added that in the complaint that Councillor Lepper had referred to, the Assessment Panel had referred the case for other action.
- 32.3 Councillor Harmer-Strange referred to the graphs that indicated time taken to resolve complaints, and asked how the authority would be doing if the two complaints that had taken an exceptionally long time to resolve were taken out. Mr Foley replied that the graphs measured the time taken from assessment of a complaint to final completion. A significant number of other complaints were submitted at the same time, which accounted for the two complaints referred to taking an unusually long time to conclude. There was a delay in dealing with the complaints as the resources in the department were not adequate to deal with this sudden upturn in the number of cases. If the two complaints referred to were removed from the graph, then the average time would be well under the baseline set by Standards for England, and the authority would be doing better than average.
- 32.4 Councillor Deane asked why there was a figure of +70 next to Adult Social Care and Housing on the chart for corporate complaints. Mr Foley explained that these additional complaints referred to the Adult Social Care complaints, the main number referred to Housing complaints.

- 32.5 Mr Foley added that he was now responsible for all areas of corporate and statutory complaints in the Council. Councillor Watkins felt this was an important step forward. Mr Foley agreed and added that complaints often spanned several different services and it was more efficient for one team to be able to co-ordinate responses to such complaints. This would become increasingly important under strategic commissioning.
- 32.6 Councillor Lepper noted that whilst Ombudsman complaints had fallen overall, the payments made to complainants had increased and asked why this was. Mr Foley explained that more local settlements were being agreed and so more compensation paid out. The level of compensation to be paid would be on the advice of the Ombudsman. It was difficult to draw a comparison of the overall compensation levels with previous years because there may have been high payments for a specific case.
- 32.7 Councillor Lepper asked if there was one service in particular where the majority of complaints came from. Mr Foley replied that this had not changed and Cityclean generally received the greatest number of complaints. However, it was the only service delivered to every resident on a daily basis throughout the city.
- 32.8 Councillor Carden asked if there was a problem with the same type of people complaining on a regular basis. Mr Foley agreed and added that this area was unfortunately growing. His department tried to manage communications with regular complainants. This was not always easy to do however.
- 32.9 Councillor Watkins noted that very often the Council was the only public service that these people had regular contact with, and as Council services were now so open, and so evident in people's lives it was understandable that they would make complaints on a regular basis.
- 32.10 Councillor Mrs Theobald asked if there was a type of complaint that was most common. Mr Foley replied that the most common complaints were around Cityclean and parking issues. Housing complaints had increased recently, but this was because of the increased activity and investment in this area, and was to be expected.
- 32.11 Mr Rose asked about the learning outcomes from each complaint and Mr Foley replied that lessons were very often learned and several recommendations made following completion of the complaints process. He agreed that complaints informed the Council on how services could be improved, but the Council still needed to work on how it could evidence that these improvements were being made and having an impact.
- 32.12 **RESOLVED** – That the Committee notes the report.

The meeting concluded at 5.50pm

Signed

Chairman

Dated this

day of