

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00PM 17 NOVEMBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Also in attendance: Councillor Bennett and Dr M Wilkinson (Chairman of the Standards Committee)

PART ONE

36. PROCEDURAL BUSINESS

36a Declaration of Substitutes

36a.1 Councillor Kemble declared that he was attending the meeting as a substitute for Councillor Brown.

36b Declarations of Interest

36b.1 There were none.

36c Exclusion of Press and Public

36c.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).

36c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 52 onwards.

37. MINUTES OF THE PREVIOUS MEETING

37.1 In response to a query from Councillor Elgood regarding paragraph 31.3 of the minutes, the Head of Law confirmed that a letter requested by Councillor Elgood in relation to non-disclosure of the first draft of the Good Governance Review report had not been

sent out; he gave assurances that this would be done and copies circulated to all members of the Committee.

- 37.2 **RESOLVED** - That the minutes of the meeting held on 22 September 2009 be approved as a correct record.

38. CHAIRMAN'S COMMUNICATIONS

- 38.1 The Chairman reported that the Civic Awareness Commission had met three times and would initially be seeking to raise civic awareness through promoting displays of civic memorabilia, art and documents in the three town halls and King's House; artefacts were expected to be in place by 1 December with a start date of 19 November in Hove to coincide with Older People's Day, which was being held in the building on the same day.

In addition, Councillor Averil Older, a member of the Commission, would be hosting a stall Hove Town Hall on 21 November as part of 'Get Involved Day, to promote civic awareness and would be bringing in her own artefact's and memorabilia.

The Chairman added that the Council would begin publicising the awareness project in general.

- 38.2 The Chairman explained that the Local Democracy, Economic Development and Construction Bill, which, among other things, introduced a duty to promote local democracy, electronic petitions and multi-area agreements, received Royal assent on 12 November; a report on the implications of the Act and any preparations for implementation would come to a future meeting of the Committee.
- 38.3 The Chairman advised that work would shortly begin on ensuring that Cabinet Member Meetings were fully utilised and reached their full potential.
- 38.4 The Chairman reported that a scheduled seminar to assist Members of the Council in using the Constitution's many opportunities to raise issues and questions that are of concern to their Wards and strategic city-wide matters was cancelled as the date proved to be inconvenient for many Members; a new, more suitable, date would be arranged.
- 38.5 The Chairman reminded Members that Get Involved Day would take place on 21 November. He explained that there would be a number of exciting events and encouraged everyone to "get involved".

39. CALLOVER

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

40. PETITIONS

- 40.1 There were none.

41. PUBLIC QUESTIONS

- 41.1 There were none.

42. DEPUTATIONS

42.1 There were none.

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

43.1 There were none.

44. ADMINISTRATIVE BOUNDARY REVIEW - SALTDEAN

- 44.1 The Committee considered a report of the Director of Strategy & Governance concerning issues relating to a possible administrative boundary review of the Saltdean area (for copy see minute book).
- 44.2 The Chairman confirmed that recommendation 2.1(a) had been carefully worded to demonstrate the Council's strong support for Saltdean Residents' Association's (SRA) request and the need for it to be expedited; he added that while he understood the SRA's disappointment that the Council would not be conducting a survey, the reasons were detailed in the report and were primarily related to timing and the imminent changes to the Boundary Committee.
- 44.3 The Chairman invited Mr Lawrence O'Connor from the SRA to address the meeting. Mr O'Connor welcomed the Council's support, but was concerned that by not conducting a survey the strength of the support would not be evident to the Boundary Committee; it was also necessary to show the strength of resident support. Mr O'Connor requested that the Council begin looking in to the survey now with a view to conducting it nearer to 2011 and continue discussions with Lewes District Council (LDC) and East Sussex County Council (ESCC) in the hope that all three local authorities can agree on the survey and share the cost.
- 44.4 The Chairman advised that the Council would be prepared to communicate their support to the Boundary Committee in relation to any survey the SRA wished to carry out; if a review was approved, the Boundary Committee would conduct their own survey and the Council had to carefully consider requests that would result in duplication of work because of the cost implications.
- 44.5 Mr O'Connor stated that the cost of another survey had significant resource implications for the SRA and that they would be concerned that it would be ignored in the same way as their previous survey.
- 44.6 The Chairman confirmed that discussions would be ongoing with LDC and ESCC, and the SRA, and that the Council would be prepared to bring a further report back to the Governance Committee to consider the progress.
- 44.7 Councillors Mitchell, Randall and Elgood thanked the SRA for their dedication to resolving the matter and gave their support for further consideration of it by the Governance Committee in the autumn of 2010 following further discussions with LDC and ESCC.

44.8 Councillor Mears commented that timing would be key to maximising the attention this is given by the Boundary Committee and that any survey would need to be conducted at a time that would fit in with the organisational changes to the Boundary Committee.

44.9 In response to a question from Councillor Elgood, the Head of Law confirmed he was not aware of any planned citywide administrative boundary review.

44.10 **RESOLVED –**

(1) That Governance Committee recommends that Cabinet:

(a) Supports Saltdean Residents' Association's request for an administrative boundary review of the Saltdean area, and instructs officers to write to the Boundary Committee for England strongly supporting the request and asking for the review to be expedited; and

(b) Notes Saltdean Residents' Association's request for the council to conduct a local referendum or survey on the matter and, whilst understanding the rationale for the request, not proceed with the proposal for the reasons set out in the report.

(c) Reports its decision on (a) and (b) to Council, for information.

(d) Communicates its decision on (a) and (b) to Lewes District Council and East Sussex County Council, also for information.

(2) That a further report comes back to the Governance Committee in autumn 2010.

45. PLACE SURVEY 2008: FINDINGS AND COMPARATOR RESULTS

45.1 The Committee considered a report of the Director of Strategy & Governance concerning the results of the Brighton and Hove Place Survey (for copy see minute book).

45.2 The Chief Executive advised that the Place Survey was one of the most important pieces of research the Council had access to; it showed how residents really felt about the Council. The results would allow the Council to consider how specific groups felt about services and particular issues in the city, and this would also inform links between the Council and partner organisations. He added that the level of scrutiny given to the results was encouraging and refreshing.

45.3 The Assistant Director for Customer Service gave a presentation on how the Place Survey linked to work on customer insight, and in particular explained the purpose and benefits of the Mosaic Social Profiling Tool (see Appendix 1 to the minutes).

45.4 Councillor Elgood commented that he had been shocked by how few people felt as though they belonged to their immediate neighbourhood; this summed up the results of the Place Survey and set the challenge for the Council.

- 45.5 Councillor Randall advised that it was vital for the Council to meet the basic expectations of residents and that a further challenge was to increase the number of people who felt they could influence decisions in their local area.
- 45.6 Councillor Simpson commented that the outcomes in relation to tourism and transport were encouraging. She hoped the Council would work on tackling anti-social behaviour, which was a recurring issue both in her ward and in the survey results.
- 45.7 The Chief Executive added that the results served to suggest a work programme for the Council.
- 45.8 Councillor Mears advised that the Council would use the Mosaic Social Profiling Tool to ensure best value was achieved in the areas where improvements are made; she added that it was necessary to show that the Council was delivering.
- 45.9 Councillor Fallon-Khan commented that the results would inform how the Council moved forward, but noted that it was important to consider the expectations of respondents when interpreting the results; the Mosaic Social Profiling Tool would allow the Council to concentrate on how services were provided.
- 45.10 The Head of Analysis & Research reminded Members that the Brighton and Hove Local Intelligence Service (BHLIS) was available to them and provided a wide range of national and local statistics and indicators relating to Brighton & Hove at many different geographic levels; it included information from Mosaic and the Place Survey. She advised ward profiles were available as an alternative.
- 45.11 **RESOLVED –**
- (1) That the extract of the Overview & Scrutiny Commission meeting held on 8 September 2009 be noted.
 - (2) That the report be noted.
 - (3) That the presentation be noted.

46. INFORMATION UPDATE ON IMPLEMENTATION OF NEW HR AND PAYROLL SYSTEM

- 46.1 The Committee considered a report of the Director of Strategy & Governance updating Members the implementation of the new integrated HR/Payroll system (for copy see minute book).
- 46.2 The Head of HR Operations confirmed that the project was making good progress and was within budget.
- 46.3 Councillor Fallon-Khan advised that the modernisation of the system would provide new efficiencies, deliver savings and simplify processes for HR staff. A further update would be brought to the Committee after the system goes live in April 2010.
- 46.4 In response to questions from Councillor Randall and Councillor Mitchell, the Head of HR Operations made the following comments:

- The new system would provide good data in relation to vacancy management and provided the Council with the ability to decide how to report it.
- No changes would be made to arrangements for staff without bank accounts.
- The separate recruitment module that had been purchased had been tested to ensure it complied with the Council's equalities requirements.

46.5 **RESOLVED** – That the report be noted.

47. WHISTLEBLOWING POLICY AND OPERATION OF THE COUNCIL'S WHISTLEBLOWING FUNCTION

47.1 The Committee considered a report of the Director of Strategy & Governance concerning the operation of the Whistleblowing function within the council (for copy see minute book).

47.2 The Chairman explained that following a meeting with the District Auditor about what they could investigate, additional information had been circulated regarding the whistleblowing charity Public Concern at Work, which could provide independent advice to employees, as he considered that this would be more relevant to Members' concerns (see Appendix 2 to the minutes).

47.3 In response to concerns raised by Councillor Elgood the Director of Strategy & Governance and Head of Law made the following comments:

- There was a publicity campaign when the whistleblowing policy was launched, but it would be helpful to inform new staff and remind longer serving staff of the policy and the options available to them, including Public Concern at Work; staff were able to access the charity and this was written into the policy, however, it was important to note that the charity was advisory and could not receive or investigate complaints.
- Statistics had been compared with other local authorities and the Council's level of whistleblowing was comparable.
- When making a complaint the primary expectation was that staff consult first with their line manager, however, the policy listed a number of people and staff could approach any of them in the first instance.

47.4 Councillor Elgood called for the whistleblowing policy to be reviewed, including consideration by Overview & Scrutiny; he added that he would support a process where all complaints were referred directly to an independent arbitrator.

47.5 The Chairman offered to circulate the whistleblowing policy to members of the Committee. He agreed to bring a further report back to at a later date and ask Public Concern at Work to make a presentation to the Committee as requested by Councillor Elgood.

47.6 **RESOLVED** –

- (1) That the contents of the report and the operation of the Whistleblowing Policy be noted.
- (2) That a further report comes to a future meeting of the Committee.

48. PATCHAM WARD AND STANFORD WARD - CHANGE OF NAME CONSULTATION

- 48.1 The Committee considered a report of the Chief Executive concerning proposals to change the names of Patcham Ward to Patcham and Hollingbury Ward, and Stanford Ward to Hove Park Ward (for copy see minute book).
- 48.2 The Chairman reported that, subject to the decision of the Committee, the report would go forward to Full Council on 28 January 2010. He explained that following on from the three recent consultations on ward name changes consideration would be given to how best to manage such requests in the future, including how a consultation would be triggered.
- 48.3 Councillor Kemble spoke on behalf of Councillor Brown, ward councillor for Stanford Ward, who was unable to attend the meeting. He commented that the consultation in relation to Stanford Ward was triggered by a petition signed by 21 people and that a relatively small majority of those who responded were in favour of the change; however, this represented only 7.2% of the total population of the ward. He put forward Councillor Brown's concern that a significant historical reference would be lost if the name change were to be agreed.
- 48.4 Councillor Fallon-Khan highlighted the potential cost implications of further ward name changes triggered in similar circumstances.
- 48.5 Councillors Randall and Elgood agreed that although the process was easily triggered, until it was reviewed, it was appropriate to follow the existing process utilised by residents and let the Full Council decide.
- 48.6 **RESOLVED –**
- (1) That the results of the consultation be noted.
 - (2) That the Governance Committee recommends Council to give approval for the name of Stanford Ward to be changed to Hove Park Ward.
 - (3) That the Governance Committee recommends Council to agree that Patcham Ward retains its current name.

49. SCRUTINY GOOD PRACTICE

- 49.1 The Committee considered a report of the Director of Strategy & Governance concerning the findings of a good practice review of scrutiny in other local authorities (for copy see minute book).
- 49.2 Councillor Mitchell, Chairman of the Overview & Scrutiny Commission (OSC) reported that much progress had been made since the introduction of the new constitution and much had been learnt from looking at other local authorities. The move towards annual work plans for scrutiny panels would not preclude the individual committees from considering their own priorities. She added that it was important to work closely with partner organisations to avoid duplication of work.

- 49.3 Councillor Elgood, a member of the OSC, agreed that scrutiny was working well, but added that although the committees were cross-party, the new tripartite meetings did not include members from other groups.
- 49.4 The Head of Law explained the tripartite were not intended to be party-based meetings; they were between the relevant Director, Cabinet Member, and scrutiny committee Chairman irrespective of what party they were from. He suggested that it could be addressed by discussing scrutiny issues at the Leaders' Group meetings or by including a Liberal Democrat Member at high level discussions with the Leader of the Council and the Chairman of OSC, rather than at each tripartite meeting.
- 49.5 Councillor Randall echoed Councillor Elgood's request for all groups to be involved in the tripartite meetings.
- 49.6 Councillor Mears stated that the new constitution had brought dramatic changes to how the Council worked and that roles were now clearly defined and the scrutiny process was moving forward.
- 49.7 The members of the Committee wished to record their thanks to the Overview & Scrutiny Team for their support.

49.8 **RESOLVED –**

- (1) That the scrutiny good practice review be noted.
- (2) That the moves towards annual work plans for scrutiny panels be endorsed.
- (3) That the regular tripartite meetings be endorsed.

50. GUIDANCE TO MEMBERS ON CONFIDENTIAL INFORMATION

- 50.1 The Committee considered a report of the Director of Strategy & Governance concerning updates to the guidance on confidential information issued to Members and Officers (for copy see minute book).
- 50.2 Councillor Taylor stated that he agreed such guidance was necessary, but was unable to support the inclusion of the emerging principle detailed in paragraph 3.3 (1) of the report concerning repetition of leaked confidential information; in reality it often took a breach of confidentiality for important information to be brought into the public arena.
- 50.3 The Head of Law explained that the wording came directly from judgement of the Adjudication Panel and did not preclude Members from arguing that disclosure of confidential information was in the public interest; however, where confidential information was leaked, the fact that it had been leaked did not in itself automatically give Members the right to subsequently disclose it. He added that the policy was intended as guidance only and that judgements from case law were not binding.
- 50.4 Councillor Taylor commented that it was necessary to consider carefully the reasons for making information exempt from disclosure, particularly where there would be public interest in the information.

- 50.5 The Chairman reminded Members that they could seek advice on disclosure of information from officers should they require it.
- 50.6 In response to questions from Councillor Mitchell, the Head of Law explained that other organisations, such as the Police, would operate similar policies. He also confirmed that paragraph 5.1(4) of the policy came directly from the Code of Conduct and the Council had no discretion to depart from it.
- 50.7 Councillor Randall commented that the issue was whether once confidential information had been leaked in the media, it could be repeated by other media bodies. He added that once information had been disclosed it was difficult to prevent it being repeated.
- 50.8 Councillor Randall moved an amendment requesting that paragraph 3.3(1) of the report be excluded from inclusion in the revised guidance.
- 50.9 Councillor Taylor formally seconded the amendment.
- 50.10 Dr Wilkinson, Chairman of the Standards Committee, addressed the Committee and explained that the nature of the person to whom the information was disclosed would be relevant. He added that confidential information was not usually disclosed to the media in the first instance. For example, confidential information may be 'leaked' at a meeting to other Members and that should not then result in anyone present having the right to disclose it to third parties.
- 50.11 The Chairman put the Green amendment to the vote, which was lost.
- 50.12 **RESOLVED –**
- (1) That the principles summarised in paragraph 3.3 of the report be noted and their inclusion in the revised guidance be supported.
 - (2) That a revised guidance incorporating those points be submitted to the Standards Committee for approval.
 - (3) That a copy of the revised guidance be circulated to all Members following approval by the Standards Committee.

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

51. MEMBERS' WEB PAGES GUIDANCE - REVIEW OF GUIDANCE

- 51.1 The Committee considered a report of the Director of Strategy & Governance concerning the revised draft Members' Web Page Policy (for copy see minute book).
- 51.2 Further to representations made to the Head of Law by Councillor Kitcat outside of the meeting, the Head of Law proposed a further amendment to the revised guidance in relation to the monitoring of external links on Members' web pages; councillors would remain responsible for the content of external links, but only to the extent to which they

know or would reasonably be expected to know whether content failed to comply with the restrictions detailed in the revised policy.

51.3 Members of the Committee agreed that this would reduce the burden on councillors while preserving the responsibility.

51.4 **RESOLVED –**

- (1) That Members approve the revised Members Web Policy, including one further amendment as described by the Head of Law.
- (2) That the Committee requires all Members who have pages published on the Members' web pages to sign the revised Web Page Policy as a condition of continuing to use the web page facility and that Members wishing to join the site in the future be granted access to it on condition that they first sign a copy of the revised Members' Web Page Policy.
- (3) That the operation of the policy be monitored and a report comes back to the Committee in six month time.

PART TWO SUMMARY

52. PART TWO MINUTES OF THE PREVIOUS MEETING

52.1 **RESOLVED** - That the Part Two minutes of the meeting held on 22 September 2009 be approved as a correct record.

53. EQUAL PAY

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

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

54. PART TWO ITEMS

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

54.2 **RESOLVED** – That items 52 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.25pm

Signed

Chairman

Dated this

day of