

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00 PM- 20 MARCH 2007

BRIGHTON TOWN

MINUTES

Present: Councillor Councillors Davidson, Drake, Lepper, Pennington, Simson and Williams.

Independent Members: Dr M B Wilkinson (Chair), Ms M Carter, Mrs H Scott,

Rottingdean Parish Council Representative: Mr G Rhodes

PART ONE

ACTION

41. PROCEDURAL BUSINESS

41A Declarations of Substitutes

41.1 There were none.

41B Declarations of Interest

41.2 There were none.

41C Exclusion of Press and Public

41.3 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 Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

41.4 **RESOLVED** - That the press and public be excluded from the meeting during consideration of item 55, Non Public Minutes, Standards Committee Hearing Panel held on 12 December 2006.

42. MINUTES

- 42.1 **RESOLVED** – That the minutes of the Special Meeting held on 26 October 2006 be approved and signed by the Chair.

43. MINUTES

- 43.1 **RESOLVED** – That the minutes of the meeting held on 7 November 2006 be approved and signed by the Chair.

44. MINUTES

- 44.1 **RESOLVED** – That the public minutes of the Standards Committee Hearing Panel held on 12 December 2006 be approved and signed by the Chair.

45. CHAIR'S COMMUNICATIONS

- 45.1 The Chair updated the Committee in respect of his meetings with Group Leaders, Committee Chairs and his attendance at a meeting of Rottingdean Parish Council.

46. PUBLIC QUESTIONS

- 46.1 There were none.

47. CORPORATE COMPLAINTS UPDATE

- 47.1 The Committee considered a report of the Director of Strategy and Governance updating members of the Standards Committee on complaints made about Member Conduct. The report also contained headline information about Corporate Complaints from April 2006 to end of December 2006.

- 47.2 **RESOLVED** – That the contents of the report be noted.

48. REVISED WHISTLE BLOWING POLICY

- 48.1 The Committee considered a report of the Director of Strategy and Governance that had reported back to the Policy and Resources Committee on the recent review of the Council's Whistle Blowing Policy.

- 48.2 The Acting Head of Human Resources explained that the Council had adopted a Whistleblowing Policy in 1998 which had subsequently been reviewed and updated by the Standards Committee and Council in April 2004. In 2005 steps had been taken to raise awareness amongst staff about the policy. Posters were placed in Council workplaces and a letter was sent to all staff from the Chief Executive, together with a small card giving details of how staff could raise concerns.

Following the Equalities Forum Policy Review the previous summer it was agreed that the current Whistleblowing Policy be revised to ensure it gave a clear statement about whistleblowing on equalities issues and was specific on how anonymous reporting could take place.

- 48.3 The revised Whistleblowing Policy cited, unlawful discrimination as one of the concerns, alongside unlawful conduct, financial malpractice and dangers to the public or the environment, an individual might wish to raise. The aims and scope of the policy did already specify unlawful discrimination on the grounds of sex, race, disability, religion, sexual orientation or age as well as sexual or physical abuse.
- 48.4 The Acting Head of Human Resources stated that the Policy and Resources Committee had suggested further amendments to the policy and that following their inclusion a further report would be submitted to both the Policy and Resources and Standards Committees following which the Policy would be relaunched and publicised to staff.
- 48.5 **RESOLVED** – To approve and note the revised Whistle Blowing Policy and the provision of alternative specialist contacts for staff whose concerns relate to equalities matters pending a further follow up report setting out further amendments as proposed by the Policy and Resources Committee.

49. RESPONSE TO GOVERNMENT CONSULTATION DOCUMENTS ON MEMBERS' CODE OF CONDUCT

- 49.1 The Committee considered an informational report of the Director of Strategy and Governance advising Members of the response to the Government's proposals for revising the national model Code of Conduct for Members (for copy see minute book).
- 49.2 The Head of Law referred to the response which has been submitted to the departments of Communities and Local Government and attached as Appendix 2 of the report.
- 49.3 **RESOLVED** – That the contents of the response submitted to the Department of Communities and Local Government be noted.

50. AMENDMENTS TO INVESTIGATION AND DETERMINATION PROCEDURES

- 50.1 The Committee considered a report of the Director of Strategy and Governance proposing a number of amendments to the procedures for investigating and determining allegations of

Member misconduct (for copy see minute book).

50.2 The Head of Law explained that in December 2004, the Standards Committee had adopted procedures for local investigation and determination of complaints in relation to allegations of member misconduct. Between June and December 2006 the investigation procedures had been used for the first time by the Council's Standards and Complaints Manager in investigating three complaints of misconduct which were considered subsequently by the Standards Hearing Panels making their local determination in respect of them. None of the cases went to a full hearing and, the determination procedures did not come into play. In the light of this some amendments were suggested in the light of operating experience.

50.3 The Chair stated that having sat on all three panels, he considered that the proposed amendments were appropriate and would provide a useful framework for use in conjunction with any future hearings. Councillors Lepper and Simson concurred in that view.

50.4 **RESOLVED** – That the Head of Law be authorised to amend the procedures for investigating and determining allegations of Member misconduct as set out in the table in this report.

51 ATTENDANCE AT STANDARDS CONFERENCE 2007, BIRMINGHAM

51.1 **RESOLVED** - That the following have places reserved for them at the Standards Conference to be held in Birmingham, 15 – 16 October 2007 :

Dr M B Wilkinson, Chair ;

Ms M Carter , Independent Member; and

Mr B Foley, Standards and Complaints Officer

52 TO SUGGEST ITEMS FOR INCLUSION ON THE AGENDA FOR THE NEXT MEETING

52.1 Potential items were as follows:

- Whistle blowing update
- Training Session – Role of Standards panels, including imposition of penalties

53 ITEMS TO GO FORWARD TO COUNCIL

53.1 There were none.

PART TWO

54. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

- 54.1 **RESOLVED** - That item 55, Non-Public Minutes, Standards Committee Hearing Panel, 12 December 2006 remain exempt from disclosure to the press and public.

55. MINUTES

RESOLVED - That the Chair be authorised to sign the non-public minutes of the standards Committee hearing Panel held on 12 December 2006.

The meeting concluded at 6.15pm

Signed

Chair

Dated this day of

2007