

BRIGHTON & HOVE CITY COUNCIL**GOVERNANCE COMMITTEE****4.00PM 27 APRIL 2010****COMMITTEE ROOM 3, HOVE TOWN HALL****MINUTES**

Present: Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Fallon-Khan, Mears, Simson, Taylor, Kitcat, Marsh and Watkins

PART ONE**91. PROCEDURAL BUSINESS****91a Declaration of Substitutes**

91a.1 Councillor Marsh declared that she was present as a substitute for Councillor Mitchell.

91a.2 Councillor Watkins declared that he was present as a substitute for Councillor Elgood.

91b.3 Councillor Kitcat declared that he was present as a substitute for Councillor Randall.

91b Declarations of Interest

91b.1 There were none.

91c Exclusion of Press and Public

91c.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).

91c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 104 onwards.

92. MINUTES OF THE PREVIOUS MEETING

92.1 **RESOLVED** - That the minutes of the meeting held on 11 March 2010 be approved as a correct record.

93. CHAIRMAN'S COMMUNICATIONS

93.1 The Chairman reported that Councillor Fallon-Khan, Cabinet Member for Central Services, had been invited to attend a recent meeting of the Civic Awareness Commission to discuss extending civic awareness exhibits and displays into civic buildings other than Hove and Brighton Town Halls and Kings House. Councillor Fallon Khan agreed to take forward a number of ideas and officers had begun work on the plans.

93.2 The Chairman advised that he had been approached by a Member of the Older People's Council (OPC) regarding the upcoming review of its Constitution. In the past, changes had been agreed with the Monitoring Officer and the OPC would proceed from that point. However, given the changes in the council's own Constitution and the creation of the Governance Committee, it had been suggested that such matters should be considered by the Committee. The Chairman had discussed the issue with officers and would report back in due course.

93.3 The Chairman echoed the Leader of the Council's call at Cabinet for people to exercise their vote at the General Election on 6 May.

94. CALLOVER

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

95. PETITIONS

95.1 There were none.

96. PUBLIC QUESTIONS

96.1 There were none.

97. DEPUTATIONS

97.1 There were none.

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

98.1 A letter was received from Councillor Kitcat seeking clarification around the operation of council meetings and powers of the Mayor. The Committee also considered an accompanying report of the Director of Strategy & Governance.

98.2 Councillor Kitcat thanked the Chairman for the information provided in the report and stated it was vital that Members and officers understood the procedural rules at council meetings and that the relevant guidance was always to hand and up to date.

98.3 The Chairman advised that the council's standing orders could not be expected to deal with every possible situation; the powers of any Mayor were wide-ranging and providing that there was an intention to do the right thing and to fairly judge the sense of the

meeting, the Mayor's rulings would be final and binding. The Chairman added that the Mayor had behaved appropriately at the last Council meeting and exercised her powers correctly.

- 98.4 Councillor Kitcat stated that Members had to place their trust in the Mayor in relation to issues that were not addressed in the Constitution, but that the Green Group had felt that a number of the decisions made at the Council meeting were prescribed for in the Constitution.
- 98.5 The Chairman advised that the Mayor could have used her powers to withdraw the item in question herself, but chose to let the Full Council decide by putting the motion to the vote.
- 98.6 The Head of Law confirmed that copies of the constitutions available at the town halls would be updated shortly. He explained that the council's standing orders cannot be exhaustive and are therefore supplemented by a mixture of national legislation, common law and custom and practice; as with other committees, the Chairman must be relied on to use their discretion appropriately.
- 98.7 Councillor Marsh stated that the Full Council was responsible for choosing the Mayor and that they had always been very experienced councillors. She advised that Members needed to understand that it was a challenging task and that the Mayor must be permitted to use their discretion to manage difficult situations. She added that she was content that the Mayor judged the situation correctly at the recent Council meeting.
- 98.8 Councillor Mears explained that the Conservative Group was careful to ensure that new councillors understood council procedure rules and to always be respectful towards the Mayor.
- 98.9 Councillor Watkins stated that Members should not challenge the Mayor at Full Council meetings. He advised Members to utilise other methods for challenging decisions, but to never forced the Mayor to defend his or her position in the Council Chamber.
- 98.10 Councillor Taylor agreed that the role of Mayor was a challenging one, but that he felt that the certain Members of the Full Council had failed to support the Mayor during the meeting in question by instructing her to take the Sustainable Community Strategy in two parts, when it was intended to be considered as one whole document, without discussing it with opposition groups.
- 98.11 The Chairman explained that the Conservative Group allowed for the will of the Full Council to be carried without preventing Groups from registering concerns in relation to specific parts of the strategy.
- 98.12 Councillor Simson advised that the Sustainable Community Strategy had been compiled in sections by each family of partnerships and that it was therefore acceptable for Groups to decide which sections they supported.
- 98.13 Councillor Taylor stated that it was disappointing that the Cabinet Member for Environment could not support the Sustainable Transport section of the strategy.

98.14 RESOLVED –

- (1) That the letter be noted.
- (2) That the report be noted.

99. CALL-IN REQUESTS

- 99.1 The Committee considered a report of the Director of Strategy & Governance concerning an annual report detailing the number of call-in requests and whether any changes to the call-in process should be made.
- 99.2 Councillor Kitcat remarked that most of the call-in requests had been in relation to consultations and that this should be fed back to the relevant directorates.
- 99.3 The Chairman advised that the Committee's role was not to reconsider the reasons for the call-in requests, but to comment on the operation of the process itself.
- 99.4 The Director of Strategy & Governance confirmed that there was a council-wide consultation approach, but that each consultation would be tailored dependant on the prevailing legislation.
- 99.5 Councillor Marsh commented that the consitutional arrangements were still relatively new, and that it would be necessary to keep procedures under review and make changes if required.
- 99.6 The Chairman confirmed that the constitution would continue to be reviewed regularly to provide opportunities for amendments.
- 99.7 **RESOLVED** – That the information be noted.

100. STRENGTHENING COMMUNITIES REVIEW - PROGRESS UPDATE

- 100.1 The Committee considered a report of the Director of Strategy & Governance updating Members in relation to the Strengthening Communities Review, which was now underway.
- 100.2 Councillor Simpson advised that she remained concerned about the review and particularly that it would be duplicating work previously undertaken by the council. She requested that the consultation for the consultation to include not only existing groups, but also groups that had recently been dissolved as a result of changes to funding and structures.
- 100.3 In response to comments from Councillor Simpson, Councillor Simson confirmed that the Public Service Board had agreed to fund £10,000 towards the cost of the review and that the total cost would be approximately £20,000. She advised that the cross party working group would consider what groups should be included in the consultation.

- 100.4 The Head of Equalities and Inclusion explained that the priority was for the working group to begin its work and that the intention was for the review to look wider than existing providers.
- 100.5 Councillor Mears reported that the review had been discussed in length at the Public Service Board, where members highlighted its importance and fully endorsed the work to be undertaken.
- 100.6 Councillor Taylor stated that he supported the need for a cross party working group and advised that Member involvement would be key throughout the review.
- 100.7 Councillor Oxley moved an amendment to the recommendations proposing that the Committee agree to establishing a cross-party working group consisting of four Members and chaired by the Cabinet Member of Community Affairs, Inclusion and Community Safety.
- 100.8 Councillor Mears formally seconded the amendment and opposition Members confirmed their support for it (see 100.9 (3)).
- 100.9 **RESOLVED –**
- (1) That the Committee notes that the review is underway.
 - (2) That the Committee note the content of this written update.
 - (3) **That the Committee agrees to establish a cross party working group consisting of four Members (with one Member from each of the Political Groups) and chaired by the Cabinet Member for Community Affairs, Inclusion and Community Safety.**

101. PETITIONS

- 101.1 The Committee received a verbal update from the Managing Principal Lawyer to the council concerning changes to the council's duties in relation to petitions as a result of Government legislation.
- 101.2 The Managing Principal reported that the new provisions in relation to petitions had now come into force. The intention was to draw up one scheme to tackle both paper and e-petitions to be brought before the Governance Committee and the Full Council. The legislation provided four main changes:
1. the scheme must include a range of steps to be considered by the council on receipt of a petition.
 2. the council must set thresholds and processes for the triggering of a debate at Full Council and holding a senior officer to account.
 3. the scheme must include an appeal process for petitioners to use if they do not find the response to be satisfactory
 4. there would be a single scheme to deal with both paper and e-petitions in the same way.

The provisions included a separate order stating the matters excluded from being the subject of a petition with the main exclusions relating to planning and licensing applications.

101.3 In response to questions from Members, the Managing Principal Lawyer that the council would not introduce triggers for all petitions, they would only apply for a petition to be debated at Full Council; most petitions would continue to be dealt with as they were under existing arrangements. She advised that the e-petitions facility would not preclude people from initiating a separate paper petition and that the council would provide assistance for those wishing to access the online facility. The petition scheme would be published both online and in other easily accessible places.

101.4 The Chairman confirmed that the council had discretion to set thresholds at a rate that it felt to be achievable.

101.5 Councillor Marsh commented that the new provisions appeared to give greater weight to petitions.

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

102. UPDATE ON HR PAYROLL AND RECRUITMENT SYSTEM IMPLEMENTATION

102.1 The Committee considered a report of the Director of Strategy & Governance updating Members on the latest progress in relation to implementation of the new HR payroll and recruitment system.

102.2 In response to concerns from Members, the Head of HR Operations made the following comments:

- Line managers would have access to information relating to the staff they manage only and individual employees would be able to change their own personal details.
- The security protocols had been signed off by the council's internal auditors and external auditors (Deloitte), and officers were confident that the new system offered improved security.
- Training on the new system would be given to specific groups of staff before rolling out the system as a whole.
- It was hoped that staff would opt in to receive their payslips by email, but paper copies would still be available to those who preferred them and provided as a matter of course to groups of employees without internet access.
- The new HR helpline was ready and would be launched when migration to the new payroll system took place; it was hoped that this would be possible for the payroll run in May and the helpline number would be printed on payslips.

102.3 Councillor Fallon Khan advised that in addition to the efficiency savings that would be achieved by the new system, the council would also benefit from positive sustainability implications.

102.4 RESOLVED –

- (1) That the Committee notes the current position in regards to the implementation of the new HR/Payroll and Recruitment System.
- (2) That a further update to be provided to the Governance Committee after the new system goes live.

103. DEVELOPMENT OF THE NEW DIGNITY AND RESPECT AT WORK POLICY

- 103.1 The Committee considered a report of the Director of Strategy & Governance providing Members with a position statement on the development of the new Dignity and Respect at Work Policy.
- 103.2 Councillor Mears commented that it would have been helpful for the Committee to have been provided with a copy of the draft policy. She stated that Members needed assurances that the whole organisation was signed up to the policy.
- 103.3 Councillor Fallon-Khan stated that it was important for the council to pursue the creation of the policy and that it would set new parameters that would be clear for all Members and staff.
- 103.4 The Assistant Director for Human Resources explained that officers had consulted with all key groups within the council and that a scrutiny panel had also worked on the policy; it was the need to engage effectively with staff that had prolonged the process.
- 103.5 The Director of Strategy & Governance confirmed that following consideration at the Overview & Scrutiny Commission, the finalised draft policy would be considered by the Committee in July. He added that the policy would become part of the HR framework and that all staff would have to abide by it.
- 103.6 Councillor Simpson stated that the work done by the scrutiny panel had resulted in an improved policy and that she looked forward to considering it in July.
- 103.7 **RESOLVED** - That the Committee notes the contents of the report and the intention to bring the final draft of the policy to the Governance Committee for consideration at its next meeting to be held on 13 July 2010.

PART TWO SUMMARY

104. PART TWO MINUTES OF THE PREVIOUS MEETING

104.1 **RESOLVED** - That the Part Two minutes of the meeting held on 11 March 2010 be approved as a correct record.

105. SINGLE STATUS UPDATE

105.1 The Committee received a verbal update from the Assistant Director for Human Resources updating Members on the latest position with regard to Single Status.

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

106. PART TWO ITEMS

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

106.2 **RESOLVED** – That items 104 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.23pm

Signed

Chairman

Dated this

day of