

Subject:	Standards Update		
Date of Meeting:	12th March 2019		
Report of:	Executive Lead Officer, Strategy, Governance & Law and Monitoring Officer		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 29-1500
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

1.1 This report seeks to update Members on a range of Standards-related matters.

2. RECOMMENDATIONS

2.1 That this Committee note the information provided in the Report on member complaints and on standards-related matters. The latter includes the approaching end of the tenure of Diane Bushell, who will have served a four year term as one of the Council's two Independent Persons on 25th March 2019 and whose contribution the Committee is asked to acknowledge.

2.2 The Committee is further asked to note that a recruitment process is currently underway with the aim of recommending to full Council on 28th March 2019 that it approve the appointment of a new Independent Person to exercise the statutory functions of the role in addition to the ongoing incumbent, Dr David Horne.

2.3 That this Committee invite an informally constituted cross-party working group of members to review the detailed recommendations of the Committee on Standards in Public Life referred to in para 4 below, with a view to making such recommendations as it considers appropriate to a future meeting of this Committee.

3. MEMBER-RELATED COMPLAINTS**Complaints currently outstanding**

3.1 The three complaints referred to in the last Standards Update Report, in January 2019, remain at preliminary assessment stage, as does an additional complaint which has since been received. Steps are underway to progress these complaints, and updates will be provided to this Committee at regular intervals regarding them.

4. LOCAL GOVERNMENT ETHICAL STANDARDS: A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

- 4.1 The Committee on Standards in Public Life ('CSPL') published its detailed and much-anticipated report on Local Government Ethical Standards on 30 January 2019. The Report followed a consultation process last year in which a cross-party working group of members of this Committee participated by feeding in a detailed written response which was submitted on behalf of this authority.
- 4.2 The CSPL report reviews and assesses the effectiveness of the current Localism Act 2011 framework in ensuring that appropriate standards of conduct are maintained by elected councillors. Whilst supporting the principle of a devolved system for regulating councillor conduct, the authors identify a number of risks and areas of concern which they consider need to be addressed in order to strengthen the locally determined systems in place at local authorities. They consider there to be a need for some additional mechanisms and to that aim make a series of 26 main recommendations. Many of those (such as the power to suspend councillors and the introduction of a right of appeal against such decisions to the Local Government Ombudsman, as well as changes to extend the definition of Disclosable Pecuniary Interests) will require legislative change if accepted by the Government.
- 4.3 However some of the main recommendations and many of the additional 15 best practice recommendations could be incorporated by those authorities which have not already done so relatively easily. Those include a series of recommendations which go to the project of importing into the process as much transparency and accountability as possible, including by taking steps to refresh arrangements regularly and by ensuring that as much relevant information is available to the public as possible, while also reviewing existing arrangements against the suggestion of procedures for addressing conflicts of interest. There are also key recommendations which fall to be considered around the potential for provisions in the Code prohibiting malicious or trivial allegations, and for the role which political groups might play.
- 4.4 Given the detail of the recommendations in the CSPL report, it is suggested that members agree to receive a more detailed consideration of it and the changes it recommends in due course. It is recommended that this be done once the report has been reviewed against this authority's existing arrangements by the members of the informal cross-party member working group which inputted into the CSPL consultation in May 2018.

5. THE COUNCIL'S INDEPENDENT PERSONS

- 5.1 This Committee will be aware of the provisions in the Localism Act 2011 which require local authorities to appoint one or more Independent Person(s) to exercise prescribed standards functions. The appointee must be consulted by the Monitoring Officer when making key decisions in relation to complaints against members, and may be consulted by a member against whom an allegation is made. The appointees also play an important role at this council as non-voting co-optees to this Committee, thereby assisting it in its role of providing scrutiny of the council's governance arrangements.

- 5.2 While the current incumbents are Diane Bushell and David Horne, Diane Bushell's four year term is ending on 26 March 2019. This Committee is asked to note the conscientiousness with which Diane Bushell has discharged her responsibilities in this key role and the contribution she has made in doing so.
- 5.3 The Committee is further asked to note the process which is underway to recruit a successor to Diane Bushell. It is proposed that a new prospective appointee will be recommended to full Council on 28th March for appointment by that body, this in accordance with the requirements of the Localism Act 2011.

6. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 6.1 The council is obliged under the Localism Act to make arrangements for maintaining high standards of conduct among members and to make arrangements for the investigation of complaints. The current arrangements and the proposals in this report reflect this. No alternative proposals are suggested.

7. COMMUNITY ENGAGEMENT & CONSULTATION

- 7.1 No need to consult with the local community has been identified.

8. CONCLUSION

- 8.1 Members are asked to note the contents of this report, which aims to assist the Committee in discharging its responsibilities for overseeing that high standards of conduct are maintained in a way which is compliant with local requirements.

9. FINANCIAL & OTHER IMPLICATIONS

Financial Implications:

- 9.1 There are no additional financial implications arising from the recommendation in this report. All activity referred to has been, or will be, met from existing budgets.

Finance Officer Consulted: Nigel Manvell

Date: 20/02/19

Legal Implications:

- 9.2 These are dealt with in the body of the Report.

Lawyer Consulted: Victoria Simpson

Date: 12/02/19

Equalities Implications:

- 9.3 There are no equalities implications arising from this Report.

Sustainability Implications:

- 9.4 There are no sustainability implications arising from this Report.

Any Other Significant Implications:

- 9.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms:

None

Background Documents:

Local Government Ethical Standards: A Review by the Committee on Standards in Public Life: available at <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

Report to full Council on the Appointment of an Independent Person in March 2015: available at [https://present.brighton-hove.gov.uk/Published/C00000117/M00005115/AI00044608/\\$20150206113505_007121_0029030_CommitteeReportTemplate100614newsavedformat.docxA.ps.pdf](https://present.brighton-hove.gov.uk/Published/C00000117/M00005115/AI00044608/$20150206113505_007121_0029030_CommitteeReportTemplate100614newsavedformat.docxA.ps.pdf)