

<b>Subject:</b>	<b>Update on Standards matters</b>		
<b>Date of Meeting:</b>	<b>28th September 2021</b>		
<b>Report of:</b>	<b>Head of Law and Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Victoria Simpson, Senior Lawyer – Corporate Law</b>	<b>Tel: 01273 294687</b>
	<b>Email:</b>	<b>Victoria.Simpson@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

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

- 1.1 To update this Committee on progress in the determination of complaints that Members have breached the Code of Conduct for Members.

**2. RECOMMENDATIONS**

- 2.1 That Members note the information provided in this Report on member complaints concluded or otherwise progressed since the last quarterly report, as well as the data on those which have been received in since then.

**3. MEMBER COMPLAINTS – CURRENT****Complaints previously reported to this Committee**

- 3.1 One complaint previously reported to this Committee has now been determined by a decision to take no further action at preliminary assessment stage. **Complaint S/2020** was a detailed complaint about how an elected member had engaged in their ward and inputted in Council meetings around a key issue. Having considered the detailed comments provided by the subject member, the Independent Person took the view that there was no reasonable prospect of the complainant proving that the allegations were true and that – in light of the very detailed enquiry made of the complaint at preliminary assessment stage – it would not be in the public interest to expend further resources on progressing the complaint to formal investigation. The Monitoring Officer having agreed with this assessment, the complainant was notified that no action would be taken. They were provided with a copy of the member’s detailed rebuttal by way of reassurance that their complaint had been properly considered in a detailed way.
- 3.2 **Complaints L/2021** and **Complaint M/2021** were both referred to external investigators following a decision by the Monitoring Officer to refer them for formal investigation. That process remains underway and progress will be reported to this Committee as and when it occurs.

- 3.3 A further complaint, **V/2021**, was received in just before the deadline for the June 2021 Audit & Standards meeting. This is a multi-layered complaint against three members of the same ward which alleges misconduct across the delivery of their functions. It remains at preliminary assessment stage at the current time, the Independent Person having been provided with detailed information regarding the context of the complaint and the allegations at their request. A progress report will be provided to this Committee in due course.

### **Complaints received in since the last Update**

- 3.3 Nine new complaints have been received in since the last update. While one of those related to statements an elected member made to the press, it was subsequently withdrawn by the complainant with the consent of the Monitoring Officer and as a result has not been assigned a number. The second is **Complaint W/2021** and concerned public facing statements made by a member about Council officers via social media. As the comments were considered to have potential to amount to a breach of the Member/Officer Code of Conduct, they are being considered under that process at the current time. **Complaints X, Y, Z, A1 and B1** were all made by the same complainant but were directed at different elected members who they had communicated with about a particular decision made by the Council. That complaint remains at preliminary assessment stage. So too does **Complaint C1**, which concerned the responses of two elected members from the same Group to a social media post. **Complaint D1** was received in very recently and again relates to the conduct of an elected member via social media.
- 3.4 All of the complaints referred to above have been determined by the Monitoring Officer in accordance with the procedure which governs member complaints, having first consulted with one of the council's Independent Persons.

## **4. MEMBER TRAINING**

- 4.1 Members will recall that a revised Code of Conduct for Members was adopted in July along with an updated Procedure for Dealing with Allegations of Misconduct by Members and revised Guidance on Correspondence. The revised Code of Conduct makes it a requirement that members undertake Code of Conduct training provided by the Council. Plans are underway to offer members the opportunity to explore the changes in the Council's arrangements at Standards update training. While this is being set in train, all elected members have been canvassed for their preferred mode of receiving training or briefings on Standards-related topics going forward.
- 4.2 This Committee will also wish to note a Standards Panel training session specifically designed for members of the Council's Audit & Standards Committee was delivered earlier this month. A repeat session will be offered shortly to the two members of this Committee who weren't able to be virtually present at that session.

## **5 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 5.1 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.

## **6 COMMUNITY ENGAGEMENT & CONSULTATION**

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

## **7 CONCLUSION**

7.1 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.

## **8 FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

8.1 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: 26/8/2021

### Legal Implications:

8.2 These are covered in the body of the Report.

Lawyer Consulted: Victoria Simpson

Date: 26/08/2021

### Equalities Implications:

8.3 There are no equalities implications arising from this Report

### Sustainability Implications:

8.4 There are no sustainability implications arising from this Report

### Any Other Significant Implications:

8.5 None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Background Documents:**

None

