

Brighton & Hove City Council

Audit & Standards Committee and Council

Agenda Item 40

Subject: Annual Review of Standards-related matters, including Member Complaints

Date of meeting: Audit & Standards Committee: 24th January 2023
Council: 2nd February 2023

Report of: Executive Director – Governance, People & Resources

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 To provide a review of Standards-related matters, including a review of complaints received in during 2022 alleging that Members have breached the Code of Conduct for Members.

2. Recommendations

Audit & Standards Committee:

2.1 That this Committee note the contents of this Report and refers it to full Council.

Full Council:

2.2 That full Council note the Report.

3. Context and background information

3.1 Members are aware that the Council is required by the Localism Act 2011 to have in place arrangements for dealing with complaints against elected and co-opted Members. Brighton & Hove City Council reviews its arrangements very regularly, including its Code of Conduct for Members and related Procedure and guidance. It takes steps to make those arrangements transparent, and accessible. It also regularly publishes data on complaints against councillors, via the reports to this Committee.

3.2 At Brighton & Hove City Council, the Audit & Standards Committee has delegated authority for leading in discharging the statutory requirement that the Council maintain and promote high standards of conduct by Members. This Committee receives quarterly reports on complaints against members

as well as information on the training and briefings offered to assist Members in discharging their responsibilities in accordance with the Council's Code of Conduct for members, which are underpinned by [the Seven Principles of Public Life](#).

- 3.3 This Report provides the Committee with its quarterly update on complaints which have recently been received in, and/or are still being considered. It also provides data on all the complaints received in during the 2022 calendar year. The latter is placed alongside the data which is available for preceding years, as well as some of the limited data that other authorities make available. This is done for comparative purposes, so that members may better assess the overall picture at this Council.
- 3.4 Members are asked to note the contents of the Report and to make any comments or suggestions they wish regarding the ongoing challenges of dealing with the relatively large number of complaints received in by this authority in a context of budgetary pressures.
- 3.5 In accordance with this Committee's steer, it is recommended that this Annual Review be referred to full Council, so that it may be considered by all elected Members of the Council.

4. Quarterly data on recent or outstanding Member Complaints

Complaints previously reported to this Committee

- 4.1 For ease of reference, the update on complaints previously reported on but still being considered are presented in a new format, in a table. This is attached as [Appendix 1](#).

Complaints received in since last Update

- 4.2 No new complaints falling under this process have been received in since the last update. This is positive news, although it is partly attributable to the reduced time gap between this Committee meeting and the last one (which took place later than normal, on 29th November 2022).

5. Annual review of Member Complaints

- 5.1 This Report seeks to provide annual review data. It may be read alongside [the Report on this same topic published this time last year](#), which gave details of the mitigations enacted during 2021 to deal with an increase in complaints.
- 5.2 The data provided in [Appendix 2](#) offers a flavour of the volume of complaints made about elected members during 2022 and the topics highlighted in complaints, this alongside the data that is available for recent years. It also provides such comparator data as is available in a context where there is no requirement that authorities publish member complaint data.

- 5.3 The last annual review noted the increase in the volume of complaints during 2021. The possibility of a link with the additional pressures experienced by local authorities during the pandemic and the specific challenges of that time was mooted then.
- 5.4 Last year (2022) saw a decrease in the overall number of complaints against Members of this authority as compared to the two previous years. While information is not made publicly available by all authorities, some comparators are set out at Section 6 of Appendix 2. Members of Brighton & Hove City Council clearly received more complaints in that period than the other authorities considered.
- 5.5 Members are aware that there is no means of compelling Members to co-operate in investigations. [The Government's response](#) in March 2022 to the detailed 2019 review carried out by the Committee on Standards in Public Life on local government standards indicated that no further legislative changes are likely at this stage. Furthermore, since the passing of the Localism Act 2010, Standards Committees have no power to suspend a Member where there is a finding that the Code has been breached. The options are limited to censuring a Member and/or taking measures such as recommending training which the subject Member is free to accept or reject.
- 5.6 The data provided in Section 5 of Appendix 2 sets out the cost of outsourcing two investigations. The internal costs are not recorded as the work is undertaken by a number of different officers, who also undertake other roles.
- 5.7 Members are directed to Section 4 of Appendix 2 for data on the subject matter of complaints. This continues to be spread across a range of activity. One key common factor appears to be comments posted on social media: a topic which has been singled out for particular emphasis in member training (see para 6 below).
- 5.8 In all of the circumstances, and in a context where Members from all of the Party Groups as well as Independent Members have been the subject of complaints, the recommendation is that this Report be put to full Council so it may have an overview of the ongoing trend and the steps which have been taken in the key areas of communication and training.

6. Member Training & other steps

- 6.1 To assist Committee in discharging its role in promoting and maintaining high standards of conduct by councillors, Members were consulted regarding their training preferences during the summer of 2021. The following sessions on standards related matters were offered in the last twelve months (in addition to the member development training run by other functions of the Council):
- I. Refresher standards sessions delivered by officers to enable Members to recap on all aspects of the Council's standards arrangements (including the changes made to it following a root & branch review in summer 2021);

- II. Training sessions delivered by an external trainer on the use of social media, highlighting the challenges and opportunities for those Members who use social media in their roles as councillors;
 - III. Training for Members of the Audit and Standards Committee only, which is mandatory for any member participating in a Standards Panel.
- 6.2 Other initiatives referred to in the Appendix to the last annual Review (in January 2022) as having been recently taken included a root and branch review of the Council's Standards arrangements, which involved updating the Procedure to ensure the relevance of the tests for progressing complaints, as well as the Guidance which aims to set expectations for communicating with stakeholders. Other practical steps such as joining Group whips into complaints about members to assist in progressing them to resolution where appropriate have been continued during 2022.

7. Analysis & Consideration of Any Alternative Options

- 7.1 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. This Council's arrangements are regularly reviewed. This Report draws attention to the wider picture without recommending specific options.

8. Community engagement and consultation

- 8.1 Recent reviews of the Council's Standards arrangements have been carried out by its elected Members, assisted by officers and the Council's Independent Persons, whose familiarity with process in this area has been helpful. The local community has not been consulted or provided input, although this would be an option for future reviews.

9. Conclusion

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

10. Financial implications

- 10.1 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 consulted: 12/01/23

11. Legal implications

- 11.1 These are covered in the body of the Report.

Lawyer consulted: Victoria Simpson Date consulted: 05/01/2023

12. Equalities implications

- 12.1 There are no equalities implications arising from this Report, which reports on arrangements which have been developed with the need to ensure the Council and its members discharge their responsibilities with appropriate regard for equalities considerations.

13. Sustainability implications

- 13.1 No sustainability implications have been identified

14. Other Implications

- 14.1 No significant other implications have been identified as arising from this Report

Supporting Documentation

1. Appendices

Appendix 1 - Complaints previously reported to this Committee
Appendix 2 – Overview of complaints received in during 2022

2. Background documents

None

