

Brighton & Hove City Council

Audit & Standards Committee

Agenda Item 38

Subject: Standards Update, including annual review of member complaints

Date of meeting: 30th January 2024

Report of: Executive Director, Governance, People & Resources and Monitoring Officer

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1. To provide an update on Standards-related matters, including a review of complaints received in during 2023 alleging that Members have breached the Council's Code of Conduct for Members.

2. Recommendations

2.1. That the Audit & Standards Committee note the contents of this report.

3. Context and background information

3.1. 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 regularly reviews the arrangements it has in place, including its Code of Conduct for Members and related Procedure and guidance. It is transparent about those arrangements, which it publishes on [its website](#). It also makes data regarding the complaints received in about member conduct publicly available via the reports to this Committee.

3.2. Members will be aware that since the passing of the Localism Act 2011, Standards Committees have no power to suspend a Member where there has been 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. 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 indicates that the current Government does not plan to make any substantive legislative changes to this framework.

- 3.3. 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 according to the expectations of the Nolan Principles.
- 3.4. This quarterly Report provides data on the complaints both still outstanding at the time of the last Report, and those which have been received in since then. In this way, the Report seeks to provide reassurance that recent complaints are being considered and dealt with pursuant to the Council's processes.
- 3.5. It also provides data on complaints received in during the 2023 calendar year with a view to enabling members to better assess the overall picture.
- 3.6. Members are asked to note the contents of the Report and to make any comments or suggestions they wish, including regarding the ongoing challenges of dealing with the complaints received in by this authority in a context of budgetary pressures.

4. Data re Member Complaints

Complaints previously reported to this Committee

- 4.1. In accordance with the last report to this Committee, this data is provided in the attached Appendix 1, at table 1.
- 4.2. It will be noted that all of the complaints reported on in the September Update have now been determined, the majority of them by decisions by the Monitoring Officer (having consulted with one of the Council's three Independent Persons) to take no action at preliminary assessment stage.

Complaints received in since the last Update, in September 2023

- 4.3. This data is provided in table 2 of Appendix 1.
- 4.4. All of the complaints referred to in this section are being progressed by the Monitoring Officer in accordance with the Procedure which governs member complaints.

Annual review of Member Complaints

- 4.5. This Report seeks to provide annual review data which may be read alongside [the Report on this same topic published this time last year](#). The data provided in Appendix 2 offers a flavour of the volume of complaints made about elected members during 2023 and on their subject matter. There is no legal requirement to make member complaint data publicly available and – in a context where this Council goes much further than many others in terms of the information it makes available - data from other authorities is limited. That said, past attempts at benchmarking have

consistently indicated that more complaints appear to be made to Brighton & Hove City Council appear to be made than at comparator authorities. It may be relevant to see this phenomenon in the context of the high degree of democratic engagement which is so much a feature in this City.

- 4.6. The Appendix provides an indication of the subject matter of complaints, which continue to be spread across the full range of activities carried out by elected Members in their capacity as Council and ward Members. In terms of other comments: complaints continue to vary not just in terms of complexity but also seriousness. All complaints are reported as such, including those which do not meet the initial tests in the Procedure. whether because there is insufficient evidence to support them or for another reason.
- 4.7. Otherwise, and in a context where the composition of the Council changed significantly midway through the calendar year (following the May 2023 local elections), Members are simply asked to note this Report.

5. Member Training

- 5.1. To assist Committee in discharging its role in promoting and maintaining high standards of conduct by councillors, member training sessions on standards-related matters is offered in addition to the member development training run by other areas in the Council.
- 5.2. Following the local elections in May there was a particular focus on providing all elected members – including but not only those who were new - with the tools they needed to carry out their roles effectively, while acting within the Code. This included offering sessions focused on the Council's standards arrangements and on how members are expected to discharge their duties in accordance with the Code of Conduct. This training is a requirement for all members and a repeat session will be planned for those members who have not yet attended in early 2024, with an invitation extended to the newly elected councillor for South Portslade.

6. Analysis and consideration of 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. This Council's arrangements are regularly reviewed. This Report draws attention to available data without recommending specific options.

7. Community engagement and consultation

- 7.1. Past reviews of the Council's Standards arrangements (most recently in 2021) have been carried out by its elected Members and the Council's Independent Persons, supported by officers who have provided stakeholder data as well as signposting relevant LGA resources. While the local community has not been consulted or provided input, this could be an option for future reviews.

8. Conclusion

- 8.1. 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.

9. 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 consulted: 14/1/24

10. Legal implications

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

Name of lawyer consulted: Victoria Simpson Date consulted 08/01/24

11. Equalities implications

- 11.1. There are no equalities implications arising from this Report. It provides reassurance on the arrangements which have been developed with the need to ensure the Council and its members discharge their responsibilities with appropriate regard for equalities considerations in mind.

12. Sustainability implications

- 12.1. No sustainability implications have been identified.

13. Other Implications

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

Supporting Documentation

Appendices

1. Appendix 1 – data on member complaints
2. Appendix 2 – annual overview of complaints, showing data from 2023