

Subject:	Standards Update		
Date of Meeting:	27th September 2016		
Report of:	Head of 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 updates Members on Standards-related matters since the last report.

2. RECOMMENDATIONS

2.1 That Members note the report.

3. MEMBER-RELATED COMPLAINTS

3.1 A complaint reported to the last meeting of this Committee has been resolved during this quarter, as has a complaint received in the early part of June 2016. A third complaint received in at the start of September remains to be determined.

4. ALLEGATIONS CONSIDERED**4.1 Complaint 1**

4.2 **The allegation:** A complaint received in during May 2016 concerned complaints about a Member's participation in the School Admissions Review Group and was referred to in the last Standards Update to this Committee, in June 2016, as 'Complaint 3'.

4.3 That complaint was referred for formal investigation following consultation with the Independent Person. It was the subject of detailed consideration by an investigator appointed by the Monitoring Officer. Having provided all parties with the opportunity to input, the investigator reached the view that there had been no breach of the Code of Conduct other than a technical but minimal breach arising out of the subject member's failure to update their entry on the members' register of interests so as to delete references to financial interests which they no longer held.

4.4 After consulting with the Independent Person, the Monitoring Officer took the view that it would not be in the public interest to refer the technical but minimal breach to a Standards Panel. He wrote to all parties, including the complainants, recommending that the matter be resolved informally and inviting them to make

representations if they had any objections to proceeding in this way. No representations were received in.

4.5 **The outcome:** The Monitoring Officer therefore took such steps as were considered necessary to resolve the complaint informally. These involved the subject member apologising to the Chair of Audit and Standards Committee for their failure to update their register of interests and providing reassurance that they had taken all necessary steps to update their register of interests, following which the matter was determined.

4.6 **Complaint 2**

4.7 **The allegation:** A complaint was received in during June 2016 from a member of the public. This alleged that the relevant member had failed to treat the complainant with respect during a public Council meeting and had engaged in behaviour which was bullying and/or intimidatory.

4.8 Following consultation with one of the Independent Persons, a decision was made to instigate a preliminary assessment with a view to deciding whether or not to progress the matter to formal investigation.

4.9 The complaint concerned the relevant member's statements during a public meeting. It was noted that the issues arose during a single interchange and that the member's choice of language appeared to indicate a failure to exhibit appropriate standards of care and reflection during an engaged debate.

4.10 Once alerted to the complaint, the subject member promptly and pre-emptively offered an apology to the complainant, indicating regret. That apology was accepted.

4.11 **The outcome:** In this case, a decision was made by the Monitoring Officer in consultation with the Independent Person to dispose of the matter by informal resolution as doing so was considered to be in the public interest on all of the facts.

4.12 **Complaint 3**

4.13 A complaint was received in during early September from a Member of the Council about a comment from another member via social media which the complainant considered unacceptable. This has now been referred to one of the Independent Persons for consultation to determine whether an investigation should be undertaken in accordance with the procedure for investigating complaints.

5. **OTHER MATTERS**

5.1 **Extension of the tenure of one of the Independent Persons to the Committee**

- Under the Localism Act 2011, the Council is required to appoint at least one Independent Person to fulfil the functions prescribed by the Localism Act. Their views are sought in relation to Member Code of

Conduct issues and other standards-related issues. They also provide independent assurance in relation to internal and external controls in line with CIPFA Guidance to Local Authorities on best practice for audit committees.

- Two IPs are currently appointed to the Audit and Standards Committee in order to provide resilience should one IP not be available or should there be a conflict.
- Dr David Horne was appointed for a four year term following a competitive recruitment process in accordance with a decision of full Council in October 2012. That decision gave the Monitoring Officer the delegated authority to extend Dr Horne's appointment for a further 4 year term following consultation with the Chair of Audit and Standards Committee.
- The Monitoring Officer has consulted in the required terms with the Chair to this Committee who has agreed that Dr Horne's term may be extended for a further 4 year period. Dr Horne has now agreed to his term being extended for that period.
- This Committee is therefore asked to note the above. For the avoidance of doubt, Diane Bushell, this authority's other IP, was appointed in March 2015 and therefore her tenure does not fall to be considered at the current time.

5.2 **Member Training**

- Training of members of the Audit and Standards Committee was carried out in the evenings of 13th and 20th July 2016. The training focused on conducting Standards Panel hearings. It is a compulsory requirement for members of the Audit & Standards Committee as it equips them to sit on Standards Hearing Panels. The training involved a presentation and a roleplay exercise and was attended by all those elected members of this Committee who had not previously received training.
- An additional training need has been identified in the form of a need to refresh members' awareness of BHCC's Code of Conduct and of the rules relating to predetermination and pre-disposition. If the proposals outlined in para 6 are agreed, that training might most logically take place after the Code has been reviewed and any changes agreed.

5.3 **Proposed Review of the Code of Conduct**

- The current Code of Conduct for members was adopted in its current form in 2012, following the introduction of the Localism Act 2011. It was last reviewed and updated in November 2014, following recommendations made by a cross party Working Group comprised of Independent Persons and members of this Committee.
- Authority is sought from this Committee to allow the Monitoring Officer to set up a new cross party Working Group to carry out a further review of the current Code with a view to updating and clarifying it. This accords with the emphasis placed by the Committee on Standards in Public Life (which retains a watching brief on local government standards) in its recent annual report on the need for councils to consider whether their local frameworks remain sufficient to address breaches

and to build trust: <https://www.gov.uk/government/publications/committee-on-standards-in-public-life-annual-report-2015-2016>.

- A meeting of a cross party Working Group has been provisionally scheduled to take place on 4th October 2016. Assuming that authority to proceed in this way is given, that Working Group may be directed to make such recommendations as it considers appropriate regarding the Code of Conduct for consideration at a future meeting of the Audit and Standards Committee.

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. This Report aims to assist the Committee in discharging its responsibilities for ensuring that high standards of conduct which are compliant with local requirements are maintained. The Report reflects this aim and no alternative proposals are suggested.

7. COMMUNITY ENGAGEMENT & CONSULTATION

- 7.1 This report focuses mainly on internal rules and procedures and as a result no need to consult with the local community has been identified.

8. CONCLUSION

- 8.1 Members are asked to authorise the Monitoring Officer to set up a Working Group in the terms described in para 6 and otherwise to note the contents of this Report.

9. FINANCIAL & OTHER IMPLICATIONS:

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: Jeff Coates

Date: 16 September 2016

Legal Implications:

- 10.2 These are covered in the body of the report

Lawyer Consulted: Victoria Simpson

Date: 12 September 2016

Equalities Implications:

- 10.3 There are no equalities implications arising from this report

Sustainability Implications:

- 10.4 There are no sustainability implications arising from this report

Any Other Significant Implications:

10.5 None

SUPPORTING DOCUMENTATION

Appendices: None

Documents in Members' Rooms: none.

Background Documents: None

