

Subject:	Hearing of an allegation that a councillor has failed to comply with the Code of Conduct for Members	
Date of Meeting:	21.9.20	
Report of:	The Monitoring Officer	
Contact Officer:	Elizabeth Culbert,	
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Ward(s) affected:	All	

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

- 1.1 This report concerns a complaint that Councillor Robert Nemeth has failed to comply with the Code of Conduct for Members.
- 1.2 This complaint has been referred to the Standards Panel by the Monitoring Officer in accordance with paragraph 7.2 of the Council's Procedure for Dealing with Allegations of the Code of Conduct for Members. The complaint is for the Standards Panel to determine.

2. RECOMMENDATIONS:

- 2.1 That this Panel determine the complaint that Councillor Nemeth has failed to comply with the Code of Conduct for Members by finding either:
- i) that he did fail to comply with the Code of Conduct in one or more respects,
 - ii) that he did not fail to comply with the Code of Conduct for Members, or by
 - iii) making no finding in respect of the allegations.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The complaint concerns comments posted on social media by Councillor Nemeth on or about 7th March 2019. The comments were the subject of a complaint by Councillor Dan Yates, who took the view that it gave rise to a breach of Brighton & Hove City Council's Code of Conduct for Members.
- 3.2 That complaint was received in by the Council's Monitoring Officer who - following consultation with one of the Council's two Independent Persons - decided to refer the complaint for formal investigation in April 2019. He requested Victoria Simpson, Senior Lawyer - Corporate Law, to carry out that investigation.

3.3 The Final Report appended here (Appendix I) represents the outcome of the formal investigation carried out up to September 2019. It includes the Investigating Officer's analysis and findings regarding conduct which occurred during the investigative process, as well as the conduct which gave rise to the complaint.

3.4 The additional process which was subsequently followed, immediately following the referral of this complaint for hearing by a Standards Panel, is highlighted in the Addendum to the Final Report (Appendix II). This outlines the witness evidence offered by the subject member and obtained in February 2020. The rationale for the Addendum and the contents of it are considered to be self-explanatory.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The Panel will wish to consider the evidence which was made available to the investigating officer both during and following the main investigative process. As well as considering that evidence alongside the analysis and findings of the Investigating Officer, the Panel will wish to hear submissions from the member who is the subject of the complaint, and may also consider any other witness evidence which is available to it.

4.2 The Panel will note that the Investigating Officer's findings indicate that having considered the evidence available to her, she formed the view that paragraphs 1.2 and 1.8 of the Code of Conduct for Members had been breached. The Panel will however wish to make its own findings on the evidence available to it.

4.3 The Panel will be invited to determine the allegations that Councillor Nemeth has failed to comply with the Code of Conduct for Members by either i) finding that he did fail to comply with the Code of Conduct in one or more respects, ii) finding that he did not fail to comply with the Code of Conduct for Members, or by iii) making no finding in respect of the allegations.

4.4 If the Panel finds that one or more breaches have occurred then it may decide what action if any to take in respect of the member who is the subject of the complaint.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None.

6. CONCLUSION

6.1 The options available to the Panel are outlined above.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 None.

Legal Implications:

- 7.2 The legislative framework under which the allegation has been investigated and referred to the Standards Panel for determination is provided in Part 1, Chapter 7 of the Localism Act 2011.

Equalities Implications:

- 7.3 None.

Sustainability Implications:

- 7.4 None.

Any Other Significant Implications:

- 7.5 None.

SUPPORTING DOCUMENTATION

Appendices:

- Appendix I. Final report of the Investigating Officer (including Appendices A – E).
Appendix II. The Addendum to the Final Report (including Appendix 1).

Documents in Members' Rooms:

1. None.

Background Documents

1. None.

