

Subject:	Standards Update
Date of Meeting:	27th October 2020
Report of:	Executive Lead Officer, Strategy, Governance & Law (Monitoring Officer)
Contact Officer: Name:	Victoria Simpson
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Ward(s) affected:	All

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

- 1.1 This report seeks to update Members on Standards-related matters and is for noting only.

2. RECOMMENDATIONS

- 2.1 That the Committee note the information provided in this Report on Member complaints and on standards-related matters.

3. MEMBER COMPLAINTS

3.1 In the last update to this Committee a number of new complaints (**M** through **S** inclusive) were briefly described and the fact that they were then at preliminary assessment stage noted. Since that last update, a number of them have been determined at preliminary assessment stage. **Complaints M** and **N** were both determined by decisions to take no action on the grounds that the conduct did not on balance have potential to amount to a breach of the Code. **Complaint P** concerned three members and their response to a ward matter: a complaint which invoked a detailed consideration of a series of written communications and resulted in a decision by the Monitoring Officer not to take any action at preliminary assessment stage on the grounds that the conduct complained of did not have potential to give rise to a breach of the Code. Finally, **Complaint Q** was also determined by a decision to take no action following preliminary enquiries on the grounds that the member's conduct was not considered to have potential to give rise to a breach of the Code of Conduct for Members.

3.2 **Complaints O, R and S** however remain at preliminary assessment stage, and will be the subject of future Update(s) to this Committee.

3.3 **Complaint E** was also referred to in the last update as a matter which had been the subject of a formal investigation some time before but had yet to be determined by a Standards Panel. That complaint was referred to a cross party Standards Panel made up of three members of this Committee, chaired (on a non-voting basis) by one of the Council's two Independent Persons. The Panel hearing took place on 21.9.20 and resulted in a finding that the subject member had

breached the Council's Code of Conduct for Members. A link to the papers and the decision notice is provided [here](#).

- 3.4 A number of additional complaints have been received in between the time of finalisation of the last update report and the preparation of this one. **Complaint T** concerned the responsiveness of a member when asked to engage with a ward constituent who was making an application to the council, while **Complaint U** was about a statement attributed to an elected member by local media which the complainant objected to. **Complaint V** alleged that an elected member should not have put their name to a position being taken by their political Group. All of the complaints in this para (**T, U and V**) were resolved by a decision by the Monitoring Officer to take no further action on the grounds that – having considered each in its context - they did not have potential to amount to a breach of the Code.
- 3.5 In addition to the complaints listed in 3.4 above, the following complaints were also received in during this period. **Complaints W, X, Y, Z, A & B** concerned a single member and related either to comments that person made on social media or to comments they made in a new article or to both. Consideration is currently being given to potentially resolving that matter informally, using the council's Procedure which involves seeking the input of the complainants before making a decision. **Complaints C and D** concern a complaint by one member about the conduct of another group of members and a complaint then made by one of that group. Those complaints both remain at preliminary assessment stage. Finally, **Complaint E** and **Complaint F** are unrelated but both concern comments made by one elected member about another member. Those too remain at preliminary assessment stage and are still being considered by the Monitoring Officer and one of the two Independent Persons.
- 3.6 This Committee has previously requested that an annual review of complaints against members received in be carried out. This will be provided to the January 2021 meeting of this Committee, and will review the number of complaints received in during 2020 as well as any identifiable trends.

RECRUITMENT OF AN INDEPENDENT PERSON

- 4.7 Following an external recruitment campaign, a preferred candidate was identified to fulfil the role of one of the Council's two Independent Persons after Dr David Horne's [second] term ends on 24th October. The preferred candidate was selected by a cross party Panel of members of this Committee following a highly competitive selection process during August and September. Mr David Bradly is a resident of Brighton & Hove and a barrister in private practice of considerable seniority with a longstanding specialism in regulatory and disciplinary law. He is a fee paid member of the judiciary and has relevant experience of chairing inquiries and advising disciplinary tribunals.
- 4.8 The selection Panel was pleased to select Mr Bradly as its preferred candidate. By the time this Report is considered, full Council will have been asked to follow a recommendation that it formally appoint Mr Bradly as one of the council's two Independent Persons at [its meeting on 22nd October 2020](#).

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 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.

5. COMMUNITY ENGAGEMENT & CONSULTATION

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

6. CONCLUSION

- 6.1 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.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 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: James Hengeveld

Date: 24/09/20

Legal Implications:

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

Lawyer Consulted: Victoria Simpson

Date: 23/9/20

Equalities Implications:

- 7.3 There are no equalities implications arising from this Report

Sustainability Implications:

- 7.4 There are no sustainability implications arising from this Report

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents:

None