

Brighton & Hove City Council

Audit & Standards Committee

Agenda Item 55

Subject: Standards Update

Date of meeting: 19th April 2022

Report of: Monitoring Officer

Contact Officer: Name: Victoria Simpson, Senior Lawyer – Corporate Law
Tel: 01273 294687
Email: Victoria.Simpson@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1 Purpose of the report and policy context

- 1.1 To provide Committee with a quarterly update on member complaints and on Standards-related matters.

2 Recommendations

- 2.1 That Committee notes the information in this Report.

3 Context and background information

- 3.1 Members are aware of the provisions in the Localism Act 2011 which require the Council to maintain arrangements for reviewing and determining complaints that elected and co-opted members have breached the Council's Code of Conduct for Members. This Report updates the Committee on the complaints which the Council has received and which it has either determined recently or is in the process of considering. The Report also provides information on matters related to Standards, in order to assist the Committee in discharging its delegated responsibilities to promote and maintain high standards of conduct by members of the authority

4 Member complaints: an update on Complaints previously reported to this Committee

- 4.1 Complaint **M/2021** remains at preliminary assessment stage, following the circulation of a draft Report to the parties by external investigators.
- 4.2 Complaint **E1/2021** concerned a complaint made by one elected member about another's conduct. It was resolved by informal action, which involved the member who was the subject of the complaint taking remedial action to clarify their intentions and to apologise for the distress caused.

- 4.3 Complaints **F1 and O1/2021** concerned comments made by the same member about Council officers on social media. Both remain at preliminary assessment stage at the current time.
- 4.4 Complaint **I/2021** has been further reviewed in light of more detailed evidence supplied by the complainant, and remains at preliminary assessment stage.
- 4.5 Two complaints previously reported to Committee but involving different members – **J/2021 and L1/2021** – have each been resolved by a decision of take no further action: an outcome which was considered to be appropriate once the subject member clarified their position, having taken to communicate regret for their actions.
- 4.6 Complaints **M1 and N1/2021** relate to the same member and remain at preliminary assessment stage. So too do complaint **K1/2021** and also the complaint previously referred to as P1/2021 but now assigned the signifier '**A/2022**' to reflect the fact that it was received in at the very beginning of 2022.

Member Complaints received since the last Update in January 2022

- 4.7 Fourteen new complaints against members have been received in since the last Update report. Nine of these complaints relate to the social media comments made by a single elected member on a specific topic, while one other complaint relates to comments made in the press by a different member of the same Group on the same topic. Those ten complaints (**E, G, H, I, J, K, L, M & N/2022** and **F/2022** respectively) remain at preliminary assessment stage.
- 4.8 One other new complaint alleges disrespect toward a member of the public via social media (**B/2022**) by a member, while a very recent complaint (**O/2022**) alleges that an elected member failed to treat a member of the public with respect. A total of two complaints were made by members against another elected member regarding their conduct at a meeting of the Council (**C & D/2022** respectively).
- 4.9 All fourteen of the above complaints remain at preliminary assessment stage at time of writing and will be the subject of further reports to Committee in due course.

5 Update on the CSPL recommendations

- 5.1 The Minister of State for Equalities and Levelling Up Communities has now written to the Committee on Standards in Public Life ('the CSPL') to provide the Government's detailed response to the CSPL's recommendations in its 2019 Report on Local Government Standards.
- 5.2 That response was provided on 18.3.22 and is appended here for information as [Appendix 1](#). Comments have been published by both Lord Evans, [the Chair of the CSPL](#), and by Cllr James Jamieson, [the Chair of the Local Government Association](#).

5.3 The statutory duty which requires all authorities to promote and maintain high standards of conduct remains in place. It will continue to be discharged by this authority via regular reviews of the Council's Standards arrangements. Those reviews take on board all available best practice in order to ensure that the arrangements at this Council are as effective as possible in allowing for complaints to be determined proportionately and in a compliant way, within the existing legal framework.

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. The current arrangements and the proposals in this Report are considered to be key to discharging these requirements. No alternative proposals are suggested.

7 Community engagement and consultation

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

8 Conclusion

8.1 This Report aims to assist the Committee in discharging its responsibilities for overseeing the standards of conduct at this authority and for reviewing the arrangements in place for the resolution of member complaints.

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.

Name of finance officer consulted: Nigel Manvell Date consulted 25/3/22:

10 Legal implications

10.1 These are covered in the body of the Report.

Name of lawyer consulted: Victoria Simpson Date consulted 24/3/22

11 Equalities implications

11.1 No equalities implications have been identified.

12 Sustainability implications

12.1 No sustainability implications have been identified.

13 Other Implications

13.1 No other implications have been identified.

Supporting Documentation

Appendices

1. Letter from Kemi Badenoch, MP, Minister of State for Equalities and Levelling UP Communities, published on 18.3.22

Background documents

1. [Report of the Committee on Standards in Public Life on Local Government Standards](#), published in January 2019.