

Subject:	Standards Update		
Date of Meeting:	8 March 2016		
Report of:	Head of Law and Monitoring Officer		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 291500
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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 issues/activities since the last report.

2. RECOMMENDATIONS:

- 2.1 That Members note the report.

3. Member-related Complaints

- 3.1 Since the last report to the Committee, there has been just one new standards complaint received in. This relates to postings allegedly made by a Member on a social media forum open to the public during an exchange with a fellow member. At time of writing, the Monitoring Officer is in consultation with one of the Independent Persons regarding how best to progress that complaint, and any developments will be reported back.
- 3.2 The two complaints received in during December 2015 relating to the City Council have been determined as outlined below.

3.3 Complaint 1**The allegation:**

The first of the complaints received in in December last year concerned a complaint from a member of the public about a Member failing to respond to correspondence from a constituent. If made out, the allegations of the complaint were considered to have the potential to amount to a breach of those provisions of the Code of Conduct requiring members to treat others with respect and/or not to act in such a way as to bring their office or authority into disrepute.

Following consultation with one of the Independent Persons, it was decided to make initial enquiries regarding the complaint in accordance with the procedure available to the authority for making preliminary assessment with a view to deciding whether or not to progress the matter to formal investigation, or whether to resolve it in another way.

The complaint concerned the relevant member's apparent failure to respond in any way to two communications sent to the Member in September and October 2015, the last of which was delivered to Kings House by tracked delivery. The Member was able to adduce proof that a response had been despatched to the constituent, albeit later than was ideal. However that communication had gone astray as the Member made a typographical error in the respondent's email address. This went undetected as no error message was received.

In communications with the Monitoring Officer, the Member acknowledged that even in relation to the email communication which had gone astray, best practice in terms of communication response times had not been achieved. That acknowledgement was accompanied by an email sent to the complainant expressing regret and endeavouring to deal with the original query. In addition, the relevant Member has also highlighted the volume of correspondence received in and the difficulties of prioritising the same. The challenge was rendered particularly acute by recent personal events which imposed additional pressures on available time and made the exercise of prioritising urgent communications particularly difficult.

The outcome:

In this case, a decision was made by the MO in consultation with the Independent Person to decide under para 5.5 of the procedure for dealing with allegations not to progress the complaint to formal investigation or other resolution. The reasons for doing so were that it was not considered to be in the public interest given the particular circumstances which surrounded the failure complained of, including the personal circumstances of the particular Member at the relevant time. That Member had now communicated effectively with the complainant in the terms sought and also indicated that the issues raised by the conduct complained of were understood.

Although no further action was taken in this complaint, which is now at an end, it was noted that the complaint raised a number of issues of general relevance regarding the expectations of members in the context of challenging demands on their time. This observation - amongst others - informs the Guidance on Member Correspondence before you today, appended to a separate Report.

3.4 **Complaint 2**

The allegation:

A complaint was received on 30th December about comments made by a Member on Facebook on two groups. Following consultation with one of the Independent Persons, it was decided to make initial enquiries regarding the complaint in accordance with the procedure available to the authority for making preliminary assessment with a view to deciding whether or not to progress the matter to formal investigation, or whether to resolve it in another way.

Those enquiries involved considering the transcripts of exchanges on social media which were made available by the complainant as well as seeking the Member's version of events. The complainant considered that the Member had "trolled" him on social media and had acted inappropriately both in terms of the content of postings online and

also in 'blocking' him. If proven, the allegations had potential to amount to breaches of the Code relating to failure to treat others with respect, acting in such a manner as to bring one's office or authority into disrepute, and/or acting in a way which a reasonable person would regard as bullying and/or intimidatory.

It was noted that the complainant's version of events was robustly disputed by the Member, who referenced a proven willingness to engage via social media in order to engage with groups which were not readily accessible but outlined a very different interpretation of events. That version of events involved the complainant's conduct online on social media being such that the decision to 'block' him was one which was considered appropriate on the facts.

The outcome:

The Member concerned sought to communicate directly with the complainant, and this - although not a requirement of this process - occurred at the same time that the outcome of the complaint was notified. On all of the facts, a decision was made by the MO in consultation with the Independent Person pursuant to para 5.5 of the procedure for dealing with allegations not to progress the complaint to formal investigation or other resolution. The reasons for this decision were that it was not considered to be in the public interest to formally investigate the matter given that there were issues with the reliability of the evidence of the relevant exchanges on social media: a forum in which contributions to an exchange may be amended after the event. It was noted that exploring the context of the decision to block the complainant would involve the investment of further public resources in a context where the evidence would be similarly unreliable. Moreover it was not considered that choosing to block an individual would necessarily amount to a breach of the Code of Conduct by any Member. This observation - amongst others - informs the recommended revisions to the Protocol on Members Use of Social Media which is before you today, appended to a separate Report.

4. Other Standards Initiatives

- 4.1 Following on from the meeting referred to in the last update Report with the two Independent Persons and a workshop with representatives from each of the political groups, and also a meeting between the Independent Persons and the Chief Executive, a number of ways of improving the workings of the Audit & Standards Committee, the risk framework and good governance overall were further explored.
- 4.2 The proposals which have been actioned include reviewing and updating the Council's webpages on Member complaints to better signpost the public appropriately. Members will note too that they are being asked to consider new or revised policies on member and staff usage of social media as well as on correspondence, all of which have benefitted from the input of the Council's Independent Persons.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 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 and no alternative proposals are suggested.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 The nature of the report (focussing on internal rules and procedures) means there has been no consultation with the local community generally.

7. CONCLUSION

- 7.1 The current arrangements for maintaining high standards of conduct comply with local requirements and the steps taken over the last year have contributed to improvements in standards as well as governance in general.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 There are no financial implications arising from this report.

Finance Officer Consulted: James Hengeveld

Date: 26/02/16

Legal Implications:

- 8.2 These are covered in the body of the report

Lawyer Consulted: Victoria Simpson

Date: 10/02/16

Equalities Implications:

- 8.3 There are no equalities implications arising from this report

Sustainability Implications:

- 8.4 There are no sustainability implications arising from this report

Any Other Significant Implications:

- 8.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms:

None.

Background Documents:

None

