





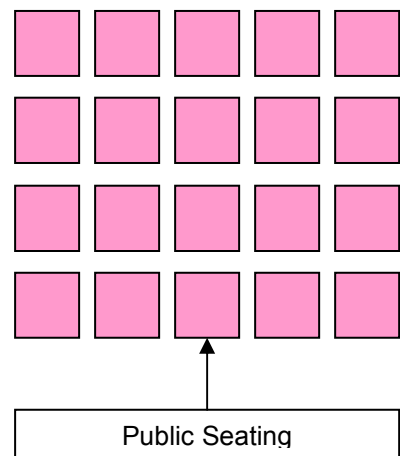
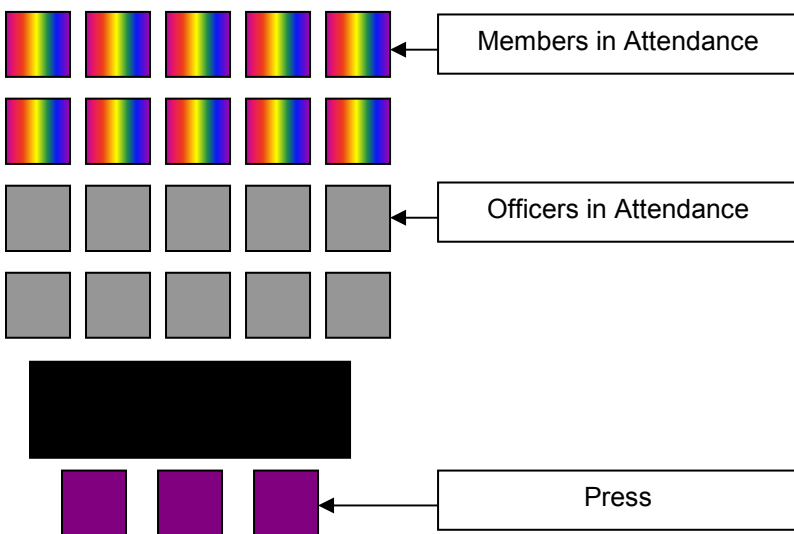
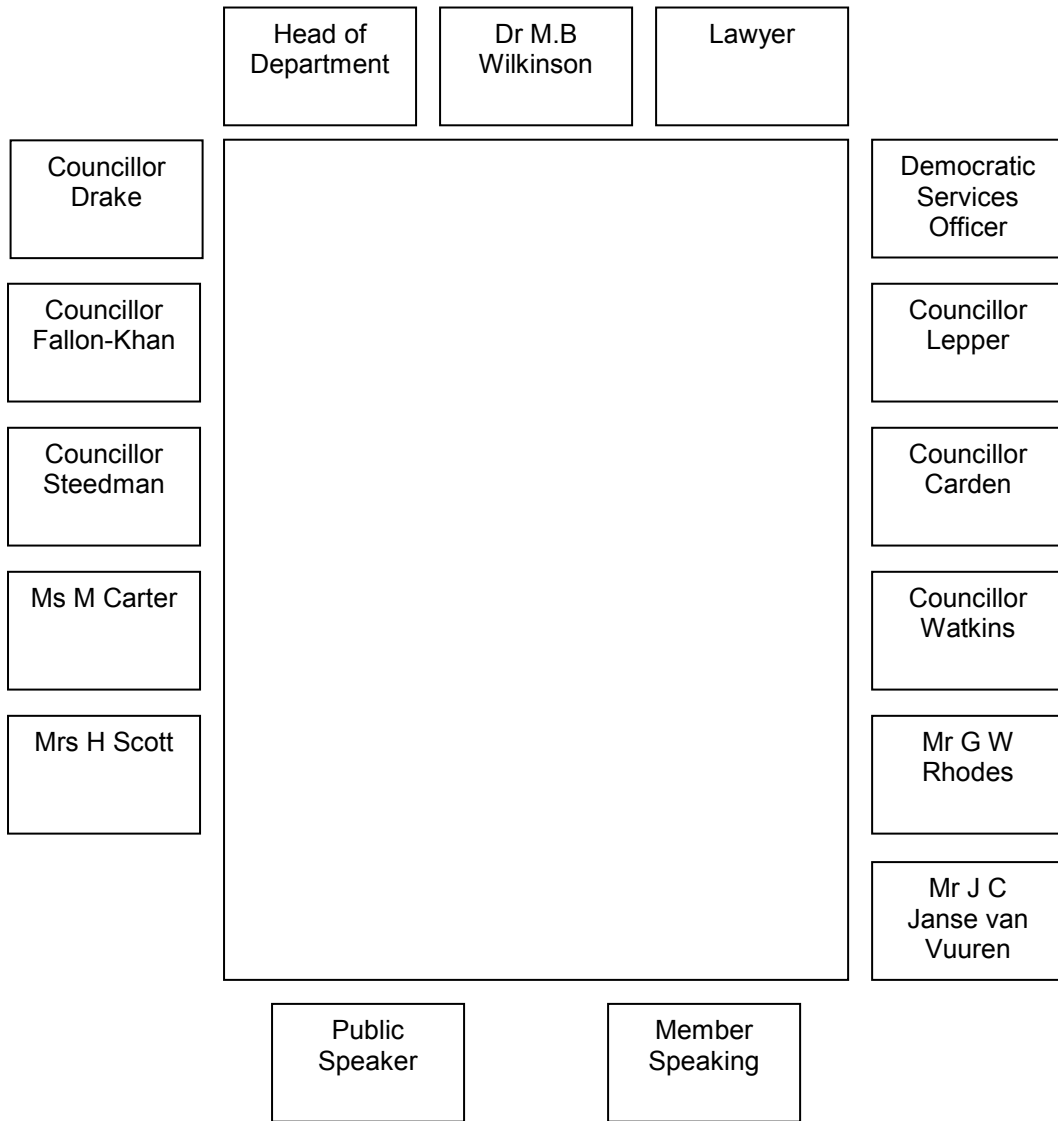
Brighton & Hove
City Council

Standards Committee

Title:	Standards Committee
Date:	10 June 2008
Time:	5.00pm
Venue	Committee Room 1, Hove Town Hall
Members:	Councillors: Carden, Drake, Fallon-Khan, Lepper, Steedman and Watkins Independent Members: Dr M Wilkinson (Chairman), Ms M Carter and Mrs H Scott Rottingdean Parish Council Representatives: Mr J C Janse van Vuuren and Mr G W Rhodes
Contact:	Penny Jennings Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

1. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

2. MINUTES OF THE PREVIOUS MEETING

1 - 4

Minutes of the meeting held on 18 March 2008 (copy attached).

3. CHAIRMAN'S COMMUNICATIONS

4. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 5 June)

5. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

6. FUTURE CHAIRING ARRANGEMENTS

Item for discussion and determination by the Committee.

7. THE STANDARDS COMMITTEE WITHIN THE NEW CONSTITUTION

5 - 18

Report of the Director of Strategy and Governance (copy attached).

Contact Officer: John Heys

Tel: 29-1549

Ward Affected: All Wards

STANDARDS COMMITTEE

8. CONFIRMATION OF ADOPTION OF NEW CODE OF CONDUCT FOR MEMBERS 19 - 36

Report of the Director of Strategy and Governance (copy attached).

Contact Officer: John Heys *Tel:* 29-1549
Ward Affected: All Wards

9. COMPLAINTS UPDATE 37 - 42

Report of the Director of Strategy and Governance (copy attached).

Contact Officer: Brian Foley *Tel:* 01273 291229
Ward Affected: All Wards

10. TRAINING EVENTS 43 - 46

Report of the Director of Strategy and Governance (copy attached).

Contact Officer: Brian Foley *Tel:* 01273 291229
Ward Affected: All Wards

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 2 June 2008

BRIGHTON & HOVE CITY COUNCIL

STANDARDS COMMITTEE

5.00PM – 18 MARCH 2008

HOVE TOWN HALL

MINUTES

Present: Councillor Drake (Deputy Chairman); Councillors Carden, Kennedy, Lepper (OS), Simson and Watkins.

Independent Members: Dr M B Wilkinson (Chairman), Ms M Carter and Mrs H Scott.

Rottingdean Parish Council Representative: Mr G Rhodes

Apologies were received from Mr J van Vuuren of Rottingdean Parish Council.

PART ONE

ACTION

49. PROCEDURAL BUSINESS

49A. Declarations of Substitutes

49.1 There were none.

49B. Declarations of Interest

49.2 There were none.

49C. Exclusion of Press and Public

49.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

49.4 **RESOLVED** - That the press and public be not excluded from the meeting.

50. MINUTES

- 50.1 **RESOLVED** – That the minutes of the meeting held on 8 January 2008 be approved and signed by the Chairman.

51. CHAIRMAN'S COMMUNICATIONS**Letter to All Members of the Council**

- 51.1 The Chairman explained that he had, as agreed sent a letter to all Members' of The Council and its voting Co-optees explaining the effect of the changes made to the Code of Conduct in relation to equalities. This had been considered timely in view of issues which had been highlighted at a Hearing Panel meeting.

Additional Members

- 51.2 The Chairman explained the facility to appoint additional Committee Members had been agreed at the meeting of the council held on 13 March 2008.

New Democratic Arrangements : Post May 2008

- 51.3 The Chairman explained that the role of the Standards Committee would continue post May 2008 when the Council's new democratic arrangements came into force. Its profile and workload could change however once the requirements of the new legislation which was in train came into force. He thanked all Members of the Committee for their contribution to its work and expressed his hope that many of them would be re-appointed for the 2008 / 09 municipal year.

Special Meeting of the Committee

- 51.4 The Chairman stated that although this was the Committees' last scheduled meeting until June 2008, in the event that the awaited legislation came into force sooner than anticipated, it might be necessary to hold a special meeting in order to agree assessment arrangements.

Training

- 51.5 The Chairman confirmed that at the conclusion of the formal meeting of the Committee there would be a training session for all Members of the Committee in relation to the assessment of complaints.

52. PUBLIC QUESTIONS

- 52.1 There were none.

53. TO AGREE ATTENDANCE OF DELEGATES AT THE STANDARDS BOARDS SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

53.1 **RESOLVED:** - That three places be booked at the Standards Boards Seventh Annual Assembly of Standards Committees between 13 - 14 October 2008 at the ICC in Birmingham. Delegates as follows :

Dr M B Wilkinson , Chairman;

Mr B Foley, Standards and Complaints Officer ; and

One further place, attendees name to be confirmed.

54. REPORT OF THE WORKING GROUP ON THE IMPLEMENTATION OF THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL

54.1 The Committee considered a report of the Director of Strategy & Governance concerning the second report of the Working Group on the implementation of the Local Government and Public Involvement in Health Bill (for copy see minute book).

54.2 **RESOLVED** – (1) that the commencement information set out in Appendix 2 and the response sent to Government in relation to the consultation paper issues on 3 January 2008 set out in Appendix 3 , be noted ; and

(2) That further report(s) of the Working Group be received in due course.

55. ITEMS TO GO FORWARD TO COUNCIL

55.1 **RESOLVED** - that the following item considered at the meeting of the Committee held on 8 January 2008 go forward to the meeting of the Council scheduled to take place on 24 April 2008 :

Item 44 - Revision of the Local Code of Conduct for Members

Note : It was noted that the relevant Appendix to the report which would be forwarded to the council had been amended slightly in order to correct some minor inconsistencies in the proposed new Code of Conduct which had been noticed since its original preparation. There were no changes to the recommendations.

The meeting concluded at 5.15 pm

Signed

Chairman

Dated this

day of

2008

Agenda Item

Brighton & Hove City Council

For general release

Meeting: Standards Committee

Date: 10 June 2008

Report of: Director, Strategy and Governance

Subject: The Standards Committee within the new Constitution

Ward(s) affected: All

1. Purpose of the report

- 1.1 The purpose of this report is to inform the Committee, particularly those who are not Members of the Council, about the new constitution and the provisions in it relating to the Standards Committee, the functions of which are set out in **Appendix 2** to the report. The new constitution took effect at the Council's Annual General Meeting (AGM) on 15 May 2008.

2. Recommendations

- 2.1 To note the report.

3. Information/background

- 3.1 Councillors, but not necessarily other members of the Committee, will be aware of the Local Government and Public Involvement in Health Act 2007 and in particular its implications for the City Council's "alternative arrangements" Committee System. The Act required the Council to cease to operate alternative arrangements and to introduce a "new style" Leader & Cabinet system.
- 3.1 On 13 March the Council approved the outline proposals in **Appendix 3** to this report. Based on these, the final detailed report on adopting the new constitution was submitted to the Council on 24 April 2008. Council approved the much fuller details presented to it for a new constitution and this came into force at the Council's AGM on 15 May 2008.

- 3.2 The work in developing the constitution was guided by principles approved by Council on 18 October 2007, which meant preserving the best aspects of the current constitution that have worked well while taking the opportunity to improve other aspects, all within the requirements of the law.
- 3.3 Under the new arrangements, the Council continues to have 54 Councillors, elected on the same basis as now. On the introduction of the new constitution and after each election, the Council will elect a Leader, and the Leader will then appoint up to nine other Councillors to serve in his or her Cabinet.
- 3.4 The Leader and Cabinet will exercise all of the executive functions of the Council, being the day to day decision making and running of the authority. They will do this within the budget and policy framework set by the whole council. Licensing and Planning decisions, as well as other regulatory functions such as those of the Standards Committee, will continue to be dealt with by Committees.
- 3.5 The arrangements include provision to ensure that every Cabinet Meeting or meeting where a Cabinet Member makes a decision will be taken in public with full public access, as now. There will be a Forward Plan which identifies key decisions planned over the coming four months.
- 3.6 The number of Overview and Scrutiny Committees will increase to six. This will build on the current provision of three committee, to facilitate the review and scrutiny of the decisions of the Cabinet and Executive Members and the ways in which the Council's executive and non-executive functions are exercised.

4. Standards Committee

- 4.1 The Committee will note from **Appendix 3** and the diagrammatic form of the proposals in the chart at **Annex 2 to the Appendix 3** that the arrangements being made for regulatory committees and sub-committees, including the Standards Committee and its Panels.
- 4.2 The Standards Committee remains basically the same with the same functions, although, of course changes are coming in from a different source in relation to the local assessment of complaints.

- 4.3 There are many references to ethical standards matters in the Articles of the new constitution.
- 4.4 Article 2.03 states that all Councillors will maintain the highest standards of conduct and ethics.
- 4.5 Article 3 makes it clear that citizens of Brighton & Hove have the right to complain to the Standards Committee about any breach of the local Code of Conduct for Members.
- 4.6 Article 8.04 summarises the membership and functions of the Committee.
- 4.7 Article 9 relates only to the Standards Committee and provides as follows:-

ARTICLE 9 – THE STANDARDS COMMITTEE

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Role and Composition

- (a) The Standards Committee deals with issues of conduct which includes assessing and determining complaints against Members, granting dispensations regarding Members' interests and promoting high ethical standards generally.
- (b) The full terms of reference of the Standards Committee are set out in the Scheme of Delegation to Committees and Sub-Committees at Part 5 of the constitution.
- (c) The Standards Committee consists of six Councillors, two Parish Council representatives from Rottingdean Parish Council and four independent members, none of whom are Councillors or officers of the Council or any other body having a Standards Committee. A Rottingdean Parish Council Member must be present when matters relating to that Parish Council or its Members are being considered.
- (d) All members of the Standards Committee are entitled to vote at meetings. The Chair of the Standards Committee must be one of the independent members. Standards Committees are not subject to the political balance rules in section 15 of the Local Government and Housing Act 1989.

- (e) The Standards Committee when dealing with complaints acts through one or more of its Sub-Committees as set out in Part 5 of this Constitution.

- 4.8 Article 12.04 sets out the main functions of the Monitoring Officer in relation to ethical standards. It states that the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. The Monitoring Officer will also receive and act on reports made by ethical standards officers and decisions of the case tribunals. Finally the Article indicates that the Monitoring Officer will conduct investigations into matters referred by the Standards Committee (acting through its Hearing Panels) or the Standards Board for investigation and make reports or recommendations in respect of them to the Standards Committee (or its Hearing Panels).

- 4.9 Article 15.03 preserves the role of the Standards Committee in commenting on constitutional change in appropriate cases. It mentions that (subject to some qualifications) changes to the constitution will only be approved by the full Council after consideration of proposals from the Governance Committee, the Standards Committee, the Chief Executive, or the Monitoring Officer.

- 4.10 Article 17.02(5) makes it clear that Committee and Sub-Committee Chairmen in fulfilling their role are expected to ensure that high standards of ethical conduct are maintained by the Council's Members and officers – particularly the Council's Code of Conduct for Members.

- 4.11 Part 5 of the constitution contains the full functions of the Standards Committee and its Panels (see extract at **Appendix 2**). These follow the requirements of the relevant legislation and are not significantly changed from the previous constitution, except that they include provision for the new assessment procedures for dealing with complaints.

- 4.12 Part 9 of the constitution contains Codes and Protocols, including the newly revised local Code of Conduct for Members (9.1), the arrangements in relation to the Register of Members' interests (9.2) and a practice note on the use of Council facilities (9.3)

Appendix 1

Meeting/Date	Standards Committee – 10 June 2008
Report of	Director, Strategy & Governance
Subject	The Standards Committee within the new Constitution
Wards affected	All

Financial implications

This report is for information and there are no direct financial implications.

Finance Officer consulted:

Legal implications

The new constitution is based on the relevant legal requirements.

Lawyer consulted: John Heys 21 May 2008

Corporate/Citywide implications The new constitution applies to the whole of the area of the Council.	Risk assessment No formal risk assessment has been carried out in relation to this report.
Sustainability implications There are no direct implications arising from the report.	Equalities implications There are no direct implications arising from the report.
Implications for the prevention of crime and disorder There are no direct implications arising from the report..	

Background paper

No unpublished background papers have been relied on to a material extent in writing this report..

Contact Officer

John Heys, Principal Solicitor : ext 1549

The Standards Committee

Explanatory Note

The Standards Committee deals with issues of conduct which includes assessing and determining complaints against Members, granting dispensations regarding Members' interests and promoting high ethical standards generally. The Standards Committee consists of six Councillors, two Parish Council representatives from Rottingdean Parish Council and four independent Members, none of whom are Councillors or Officers of the Council or any other body having a Standards Committee. All Members of the Standards Committee are entitled to vote at meetings. The Chair of the Standards Committee must be an independent Member, not an elected Councillor. Standards Committees are not subject to the political balance rules in section 15 of the Local Government and Housing Act 1989.

Delegated Functions

The Standards Committee will have the following delegated functions:

Setting standards of conduct throughout the City Council

1. promoting and monitoring high standards of conduct within the Council;
2. advising the Council on the adoption or revision of Codes of Conduct for Members and Officers;
3. monitoring the operation of the Council's Codes of Conduct, associated registers and declarations of interests;
4. responsibility for the overview of internal and external audit in so far as it relates to standards of conduct;
5. responsibility for the overview of the whistleblowing policy;
6. at the request of the Governance Committee, to review parts of the constitution and make recommendations to the Governance Committee and the Council.
7. receiving and considering reports or recommendations of the Monitoring Officer;

8. responsibility for the overview of complaints handling and Ombudsman investigations;

Building capacity to meet high standards of conduct

9. advising, training or arranging to train Members and Officers on probity and ethical matters including Code of Conduct issues;
10. granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Code of Conduct;
11. supporting the Monitoring Officer in his/her statutory role and issuing guidance on his/her role;
12. supporting the Chief Finance Officer in his/her statutory role and issuing guidance on his/her role;

Enforcing standards of conduct

13. In relation to any written allegation that a Member, Co-opted Member or Independent Person (or former Member, Co-opted Member or Independent Person) of the Council or any of its Committees or Sub-Committees has failed, or may have failed, to comply with the Code of Conduct for Members:-
 - (a) assessing what action to take in relation to the allegation;
 - (b) dealing with any request for review of an assessment decision to take no action;
 - (c) receiving and making a determination in relation to any investigation report referred to the Committee;
14. determining and implementing appropriate action on other matters referred to the Council or Committee by the Standards Board for England or the Monitoring Officer;
15. appointing Sub-Committees (panels) to carry out the assessment, review and determination processes and for any other purposes connected with the function of dealing with complaints. For the avoidance of doubt, the appointment of such panels shall not be subject to the approval of the Governance Committee and such appointments may be made on a task and finish basis or on an ongoing basis.

Political Restriction

16. discharging the functions conferred on standards committees by section 3A of the Local Government and Housing Act 1989 in relation to the grant and supervision of exemptions from political restriction;

General

17. discharging any other functions conferred by law on standards committees;

Functions in relation to bodies other than the City Council

18. exercising the above-mentioned functions in relation to Rottingdean Parish Council and the Members of that Parish Council, so far as the functions are relevant to them;
19. exercising the functions of the Council in relation to the ethical framework and standards of conduct of joint Committees and other bodies;

Procedure

The Standards Committee may develop its own procedures and protocols for dealing with matters of conduct.

The Standards Panels known as Assessment Panels, Assessment Review Panels and Hearing Panels

Explanatory Note

These Panels are Sub-Committees of the Standards Committee and their main roles are to (a) assess allegations that Members have breached the Code of Conduct, (b) deal with any requests for review of assessment decisions to take no action and (c) hear cases and make determinations in relation to any allegations which are referred to them after investigation. They have been set up in accordance with Guidance from the Standards Board for England and the requirements of the relevant Regulations. Each Panel consists of Members drawn from the Standards Committee. Differently constituted Panels are set up to deal with cases involving Brighton & Hove City Council and cases involving Rottingdean Parish Councillors. The latter Panels, as required, include a Parish Councillor. The Sub-Committees are to be known as Assessment Panels, Assessment Review Panels or Hearing Panels, as appropriate.

Delegated Functions

1. To conduct assessment, assessment review and determination hearings in relation to allegations of breaches of the Code of Conduct for Members received by or referred to the Standards Committee or the Monitoring Officer under Part III of the Local Government Act 2000 as amended and regulations made thereunder;
 2. In relation to the hearing panel that deals with Brighton & Hove City Council matters-

To hear and determine any applications from Members (including Co-Opted Members with voting rights) of Brighton & Hove City Council for dispensation under the Relevant Authorities (Standards Committee) (Dispensation) Regulations.
 3. In relation to the hearing panel that deals with Rottingdean Parish Council matters –

To hear and determine any applications from Members of Rottingdean Parish Council for dispensation under the Relevant Authorities (Standards Committee) (Dispensation) Regulations.
 4. To discharge any of the functions of the Standards Committee in connection with the above functions, as appropriate to the circumstances.
- NB The proceedings of the Panels are governed by procedures approved by the Standards Committee from time to time.



Brighton & Hove City Council
Proposals for a Leader and Cabinet System
Local Government & Public Involvement in Health Act 2007

1. Introduction

- 1.1 This document sets out the Council's proposals for a Leader and Cabinet System. It describes in outline the role of Full Council, the Cabinet, Overview & Scrutiny, the "local choice" functions and the proposals regarding transitional arrangements. Any move to implement these proposals requires the approval of the Council.

2. Council

- 2.1 Full Council will consist, as now, of 54 councillors appointed every 4 years at the annual election. The meetings of the Council are presided over by the Mayor who is elected by the Council every year.
- 2.2 The full Council appoints the Leader and approves the Council budget at budget Council. Council also approves a number of key plans and strategies (collectively known as the Policy Framework), which are developed by the cabinet. These include:
- (i) **those required under the law to be adopted by full Council:-**
- Annual Library Plan;
 - Best Value Performance Plan;
 - Children's Services Plan;
 - Community Care Plan
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Early Years Development Plan;
 - Education Development Plan;
 - Local Transport Plan;
 - Plans and strategies which together comprise the Development Plan (the Local Plan, the Waste Local Plan, the Minerals
Local
Plan and the County Structure Plan);
 - Youth Justice Plan
 - Statement of Licensing Policy

- Statement of Gambling Policy.
- (ii) **those which the Council has determined should be adopted by full Council as part of the Policy Framework:**
- Food Law Enforcement Service Plan;
 - The plan and strategy which comprise the Housing Investment Programme;
 - Lifelong Learning Development Plan;
 - Sustainability (Local Agenda 21) Strategy;
 - Adult Learning Plan
 - Quality Protects Management Action Plan;
 - The Council's Corporate Plan
 - Equalities Strategy
 - Regeneration Strategy
 - Local Area Agreement.

2.3 In addition to the Policy Framework, full Council approves Members allowances, the Code of Conduct for Members, appointments to external bodies, establishment and terms of reference of Council committees, changing the name of the area, conferment of titles and honours, appointment of Chief Executive, making and amending byelaws. Most of its other functions, such as planning, licensing, audit and standards, are delegated to committees and sub committees or officers.

3. Local Choice Functions

3.1 A number of functions are designated by law as local choice functions, which means the council can choose to designate them council functions or executive function to be discharged by the executive. A list of the local choice functions with proposals, as to how they are to be exercised is attached in annex 1 [*NOTE, The annex is not included with this report*].

4. The Executive

4.1 All the functions that are by law vested in the executive and any local choice functions that the council decides to designate as executive functions will be exercised by the Leader and up to 9 other Cabinet Members. The Leader decides how many executive Councillors to have and their portfolios. He/she may subsequently change the numbers or the portfolios by notifying the Chief Executive.

4.2 Subject to the approval of the Leader, it is proposed to have the following Cabinet portfolios in addition to the Leader.

- Children and Young People
- Adult Social Care and Health

- Environment
- Housing
- Culture, Recreation & Tourism
- Enterprise, Employment and Major Projects
- Finance
- Central Services
- Community Affairs and Internal Relations

4.3 Executive decisions may be made by the Leader, by the Cabinet as a whole, individual Cabinet Members or Officers. These will be set out in the scheme of delegations to the various decision-making bodies. Any such delegation operates without prejudice to the powers of the Leader or the delegating body to exercise the function.

4.4 It is proposed that all meetings of the Cabinet and Individual Cabinet Member meetings will be public unless discussing confidential or exempt business.

5. Overview and Scrutiny Committee

5.1 The Council proposes to have 6 Overview and Scrutiny Committees as follows:

- (a) Overview & Scrutiny Commission:- to oversee and to co-ordinate the work of the scrutiny function with special responsibility for resources, performance, partnerships and central services.
- (b) Health Overview & Scrutiny Commission:- to discharge the functions of a Health Overview & Scrutiny Function as requested by law.
- (c) Children & Young People Overview & Scrutiny Committee:- to scrutinise the functions of the Council regarding children and young people including education and children's social services.
- (d) Adult Social Care & Housing Overview & Scrutiny Committee:- to deal with Adult Social Care and Housing
- (e) Environment and Community Safety:- this will discharge the Overview & Scrutiny functions regarding environmental services, including the discharge of functions as the Crime and Disorder Committee.
- (f) Culture, Tourism & Enterprise Overview & Scrutiny Committee:- to discharge the Overview & Scrutiny functions regarding culture, enterprise, major projects and economic development.

6. Regulatory Committee and Sub-Committee

6.1 In addition to the Overview and Scrutiny Committee, it is proposed to have the following committees and sub-committees:

- (a) Planning Committee
- (b) Personnel Appeals Committee
- (c) Audit Committee
- (d) Governance Committee
- (e) Licensing Committee
- (f) Licensing Panel
- (g) Standards Committee
- (h) Standards (Determination) Panel x2
- (i) Standards (Appeal) Panel x2

7. Joint & Other Committee

7.1 It is proposed to retain the following joint committees and joint arrangements:

- (a) Children & Young People Trust Board
- (b) Joint Commissioning Board
- (c) Integrated Waste Management Services Contract Committee
- (d) South Downs Joint Committee

7.2 Where the function exercised is exclusively or in part an executive function, appropriate adjustments will be made to the Council's representation or the voting arrangements to comply with legal requirements.

7.3 It is proposed to replace the existing Housing Management Sub-Committee with the Housing Management Consultative Committees that retain membership.

8. Structure Chart

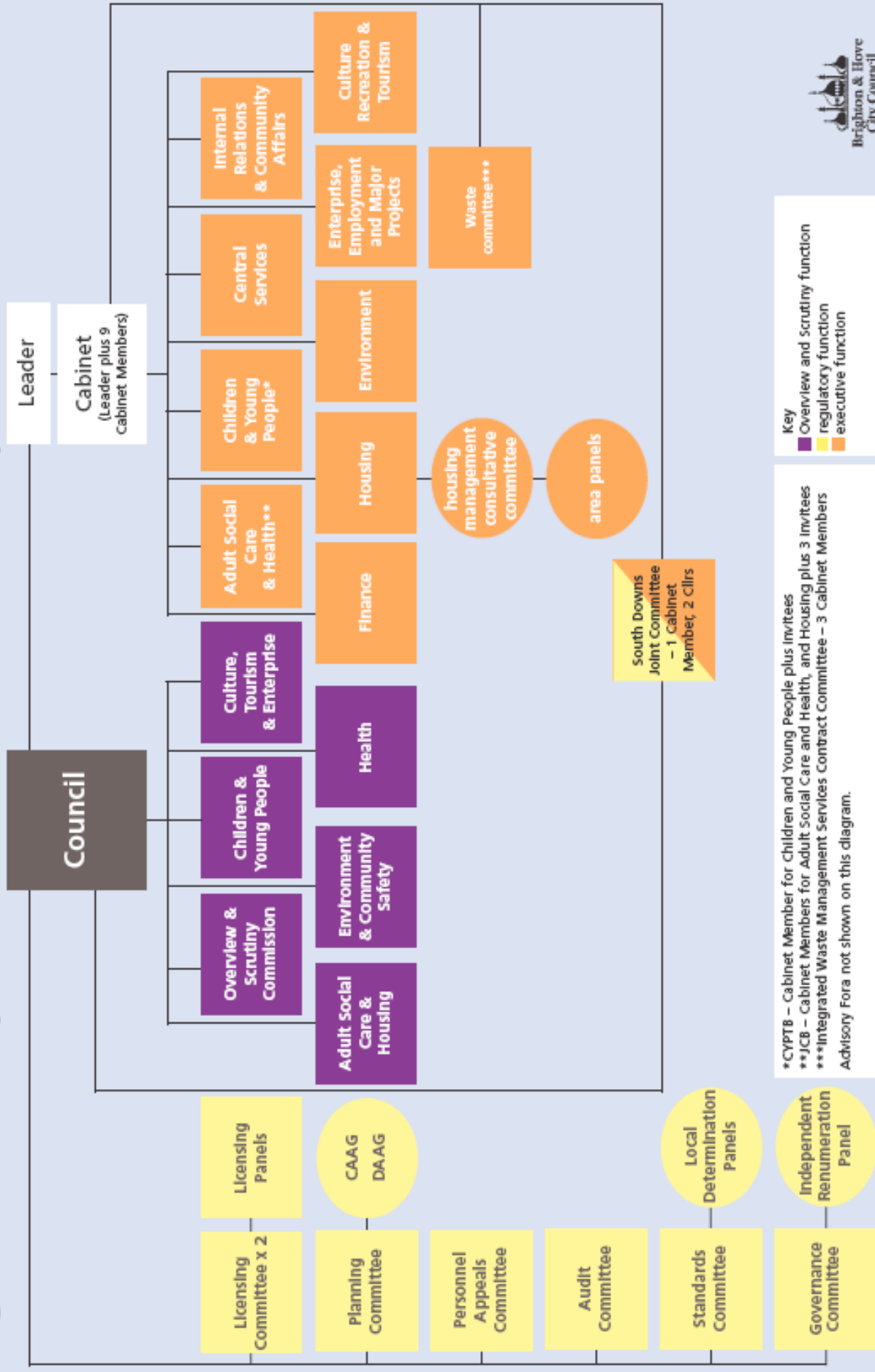
8.1 A chart showing the executive, overview & scrutiny as well as council parts is attached in **annex 2** to this document.

9. Transitional Arrangements

9.1 It is proposed that the arrangement come into force at the Council's annual general meeting on 15 May 2008 and it is not proposed to make any transitional arrangements.

Brighton & Hove City Council Constitution - Draft Proposal

25 Feb 2008



Brighton & Hove City Council

For general release

Meeting: Standards Committee
Date: 10 June 2008
Report of: Director, Strategy and Governance
Subject: Confirmation of adoption of new Code of Conduct for Members

Ward(s) affected: All

1. Purpose of the report

- 1.1 This report is to advise the Committee on the actions taken to revise the local Code of Conduct for Members which was introduced in September 2007, in order to meet the requirements for executive arrangements.
- 1.2 The revisions took effect at the Council's Annual General Meeting (AGM) on 15 May 2008.

2. Recommendations

- 2.1 To note the report.

3. Information/background

- 3.1 The Council, like all other local authorities, had to adopt a new local Code of Conduct in 2007, to ensure its Code remained in step with the nationally prescribed model code. The Council's new Code came into force on 30 September 2007 and was adapted for the Council's then current committee system.
- 3.2 Subsequently some minor revisions were needed for the change to executive arrangements. This was to ensure that the Council complied with the requirements of the relevant Regulations as to the content of its Code.
- 2.2 The Standards Committee considered these in January 2008 and recommended the Council to approve as its revised Code all the mandatory provisions of the national model Code of Conduct set out in the

Local Authorities (Model Code of Conduct) Order 2007 applicable to the Council as a local authority operating executive arrangements, together with the following non-mandatory provision:

a provision for Members to make voluntary declarations of membership of private clubs;

- 3.3 The Council agreed this recommendation at its meeting in April and resolved that the revised Code take effect at the Annual General meeting of the Council on 15 May 2008.
- 3.4 The revised Code is as shown at **Appendix 2** of this report. The minimal changes from the Code adopted in September 2007 are set out in bold type in the text of the Code in **Appendix 2**.
- 3.5 A number of steps follow on from the adoption of a revised Code and these are being attended to. These include:-
 - (a) The issue of the revised Code, as approved, to all Council Members and Co-opted Members with voting rights;
 - (b) Public notice of the adoption of the revised Code and making the Code publicly available and
 - (d) Sending a copy of the revised Code to the Standards Board for England.
- 3.6 Power has been delegated to the Monitoring Officer to take all further ancillary action necessary and to amend and update, as necessary to take account of the revisions to the local Code, any documents in the Council's constitution or any other policy or practice notes

APPENDIX 1

Meeting/Date	Standards Committee – 10 June 2008
Report of	Director, Strategy & Governance
Subject	Confirmation of adoption of new local Code of Conduct for Members
Wards affected	All

Financial implications

There will be some costs incurred in revising the local Code including the cost of placing the notice in the local paper and producing new documentation. Any external training which is considered desirable is also likely to require expenditure. Such costs can be met from the Committee's budget.

Finance Officer consulted:

Legal implications

The legal requirements have been referred to in the body of this report.

Lawyer consulted: John Heys 21 May 2008

<h3>Corporate/Citywide implications</h3> <p>The revised local Code applies to all Members (including co-opted Members with voting rights) of the Council. The Code regulates behaviour in relation to all Council matters.</p>	<h3>Risk assessment</h3> <p>No formal risk assessment has been carried out in relation to this report.</p>
<h3>Sustainability implications</h3> <p>There are no direct implications arising from the report.</p>	<h3>Equalities implications</h3> <p>The Code contains requirements for Members not to do anything that may cause the Councils to breach their statutory duties under equalities laws, so that discriminatory behaviour by Members can be dealt with.</p>

Implications for the prevention of crime and disorder

Members who observe the Codes will be complying with the law. A breach of any provision of either of the Codes is seldom likely to be a criminal offence but could result in penalties, including suspension and disqualification from serving as a councillor.

Background paper

No unpublished background papers have been relied on to a material extent in writing this report..

Contact Officer

John Heys, Principal Solicitor : ext 1549

**PROPOSED REVISED CODE OF CONDUCT FOR MEMBERS OF BRIGHTON
& HOVE CITY COUNCIL**

BRIGHTON & HOVE CITY COUNCIL
CODE OF CONDUCT FOR MEMBERS

INTRODUCTION

The Text of the Code

This code has been prepared and adopted by Brighton & Hove City Council (“the authority”) in accordance with Section 51 of the Local Government Act 2000. The text of the code follows this introduction and is in 3 parts: 1 General Provisions; 2 Interests and 3 Registration of Members’ Interests. All text printed in ordinary type comprises the mandatory provisions prescribed by the Secretary of State under Section 50 of the Local Government Act 2000. Any text underlined comprises additional or variant text approved by the authority. Any text in italics comprises comments and informal guidance only and is not part of the authority’s code.

The authority’s code applies to you if you are an elected Member of the authority or a co-opted Member with voting rights.

The Undertaking

You must sign a formal undertaking to observe the authority’s code. If you fail to do so, you will not be able to act as Member of the authority.

Sanctions for Breach of the Code

Any person may make a written complaint that you have acted in breach of the code. Investigation of any such complaint may lead to sanctions being applied to you by a Case Tribunal or, where the Secretary of State provides by regulations, by a panel of the authority’s Standards Committee. It should be noted that a Case Tribunal has power to order you to be suspended or partially suspended from the authority for a period not exceeding one year, or to be disqualified from being a Member of the authority for a period not exceeding five years.

Observing the Code

You should make sure that you are familiar with the requirements of the code, including any guidance issued by the Standards Board for England and the

Authority's standards committee. It is your responsibility to make sure that you comply with the code. You should regularly review your personal circumstances with this in mind, particularly when those circumstances change. If in any doubt, you should seek advice from the authority's monitoring officer or from your own legal adviser. (The Standards Board for England is unable to give guidance on specific cases.) In the end, however, the decision and the responsibility are yours in each case.

Documents forming part of the constitution issued by the authority which include some particularly relevant guidance on, or requirements relating to, conduct, are:-

- *Part 3.2 – Council Procedure Rules*
- *Part 9.3 - Practice Note – Use of Council Facilities*
- *Part 9.2 - Arrangements regarding the register of Members' Interests*
- *Part 9.5 - Protocol for Members regarding Planning Applications*
- *Part 9.7 - Code of Conduct for Member/Officer relations*

Also relevant are the following strategy / policy documents:-

- *Anti-Fraud and Corruption Strategy*
- *Whistleblowing policy*
- *Full Inclusive Council Policy*

You should familiarise themselves with all the above documents.

Main Provisions of the Code

You should note that:

- *The code must be observed when you are acting in an official capacity, defined in Paragraph 2. There are some circumstances, also mentioned in paragraph 2, where the code will apply at other times if you are convicted of a criminal offence.*
- *Any personal interest (defined in Paragraph 8) in a matter under consideration must usually be disclosed by you at meetings where the matter is being considered, but there are some limited exceptions, mentioned in Paragraphs 9(2) to 9(5).*
- *You may have a personal interest through your family or any person with whom you have a close association.*
- *Any personal interest which is also a prejudicial interest (defined in Paragraph 10) in a matter under consideration must be disclosed by you at meetings where the matter is being considered and you must withdraw from the meeting, except in the limited circumstances set out in Paragraph 12.*

- *To determine whether you have a prejudicial interest, you should*
 - (1) bear in mind the ten principles of public life (set out below)*
 - (2) consider how the public would judge you if you were to participate in discussing and/or deciding the relevant matter and*
 - (3) apply the provisions in Paragraphs 10 and 11 of the code.*
- *You must keep up to date the information held on the Register of Interests maintained by the Monitoring Officer and give due notification of any gift or hospitality received as failure to do so will automatically be a breach of the code even though the circumstances may not seem important.*
- *There is provision in the code for you to make a voluntary declaration of your membership of private clubs.*

The Ten General Principles of Public Life

The ten general principles are the fundamental values which, by virtue of the relevant Authorities (General principles) Order 2001, underpin the code. You should therefore read them in conjunction with the code, even though they are not directly part of the code.

1. Selflessness - *You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.*

2. Honesty and Integrity - *You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.*

3. Objectivity - *You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.*

4. Accountability - *You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.*

5. Openness - *You should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.*

6. Personal Judgement - *You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.*

7. Respect for Others - *You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of*

their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

8. Duty to Uphold the Law - *You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.*

9. Stewardship - *You should do whatever you are able to do to ensure that your authority uses its resources prudently and in accordance with the law.*

10. Leadership - *You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.*

BRIGHTON & HOVE CITY COUNCIL
CODE OF CONDUCT FOR MEMBERS
(Adopted 15 May 2008)

Part 1 - General provisions

Introduction and interpretation

1(1) This Code applies to you as a Member of an authority.

1(2) You should read this Code together with the general principles prescribed by the Secretary of State.

1(3) It is your responsibility to comply with the provisions of this Code.

1(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) the executive of the authority

(c) any of the authority’s **or its executive’s** committees, sub-committees, joint committees, or joint sub-committees, **or area committees**;

“Member” includes a co-opted Member and an appointed Member.

Scope

2(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

2(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

2(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3(1) You must treat others with respect.

3(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4 You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6 You—

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements; and

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

7(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

8(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

9(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

9(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

9(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

9(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of Members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

9(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

9(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

Prejudicial interest generally

10(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

10(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to Members;

(v) any ceremonial honour given to Members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by **your authority's executive or** another of your authority's committees, sub-committees joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the **executive**, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

12(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration of Members' interests

13(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of Members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

13(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

14(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no

longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of Members' interests.

14(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Voluntary Registration of Membership of Private Clubs

15. You may provide written notification to the authority's monitoring officer of your membership of any private club and of any subsequent change or addition to your membership.

Subject:	<i>Complaints Update</i>		
Date of Meeting:	10 June 2008		
Report of:	<i>Director of Strategy and Governance</i>		
Contact Officer:	Name:	<i>Brian Foley</i>	Tel: 29-3109
	E-mail:	brian.foley@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This paper gives summarised information on complaints about Member conduct administered under:
- A. New arrangements as defined by The Standards Committee (England) Regulations 2008 which came into effect on 08 May 2008.
 - B. Previous arrangements that existed prior to 08 May 2008.

2. RECOMMENDATIONS:

- 2.1 The Standards Committee is asked to note the report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Standard Committee (England) Regulations 2008 are derived from the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007. The regulations set out a framework for the operation of a locally based system for assessment, referral, investigation and hearing of complaints of member misconduct.
- 3.2 This paper summarises complaints dealt with under the new regulations.
- 3.3 In addition this report summarises complaints concluded under previous arrangements in which the Standards Board for England had four options for dealing with complaints. The options available to the SBE were:

- (a) Decide to either not investigate or to refer for investigation by an Ethical Standards Officer.
 - (b) Refer a case to the Monitoring Officer under Local Determination Regulations.
 - (c) Refer to the Monitoring Officer for Local Investigation and Determination.
 - (d) Refer to the Adjudication Panel following investigation by an Ethical Standards Officer.
- 3.4 The Local Government Act 2000 requires the names of complainants and of Members about whom allegations have been made to be kept confidential.
- 3.5 There are no cases with the Standards Board awaiting a decision. All new complaints will be dealt with through the new Standards Committee (England) Regulations 2008.

4. SUMMARY OF COMPLAINTS ABOUT MEMBER CONDUCT

- 4.1 There have been no complaints dealt with under the new Standard Committee (England) Regulations 2008.
- 4.2 The following are summaries of cases previously reported to the Standards Committee now been concluded, and new cases not previously reported.
- 4.3 Cases type (a) where the Standards Board have decided either not to investigate or to refer for investigation by an Ethical Standards Officer.
- 4.3.1 Case Number **SBE 15053.06**
 Complainant: An elected member
 Date of complaint: 05 June 2006
 Date completed: 01 May 2008

The investigation concerning a remark made by a member while attending an official function was deferred while the matter was investigated by the police.

The member's trial and conviction were reported in local and national media and the member resigned on 14 December 2006. The conviction was quashed on appeal on 22 February 2008.

Paragraph 4 of the Code of Conduct (in place at that time) required a councillor not to bring their office or authority into disrepute. The Standards Board investigation concluded that the conduct of the member had brought the member as an individual into disrepute. It was also considered that the remarks made by the member were so unreasonable and offensive that the member's conduct was capable of diminishing public confidence in their

.../

/...

office of councillor. The remarks were considered as capable of bringing the member's office into disrepute. It was therefore concluded the member had failed to comply with paragraph 4 of the Code of Conduct.

Paragraph 2(a) required members when acting in their official capacity to "promote equality by not discriminating unlawfully against any person". This paragraph is generally concerned with people's actions, or intended actions, not with opinions or beliefs. The SBE were satisfied that in this case paragraph 2(a) did not apply.

Paragraph 2(b) of the Code requires members to "treat others with respect" which the SBE considered could be defined as "unfair, unreasonable or demeaning behaviour directed by one person against another". The SBE considered that the member's remarks failed to treat people who heard his remarks with respect.

A finding available to the SBE would have been to refer the matter to the Adjudication Panel for England who have powers to disqualify an ex-councillor from future office for a defined period. However, the Ethical Standards Officer took into account that the member had been prosecuted, initially resulting in a criminal conviction, that there had been a public apology and that the member resigned. The ESO consider it would not be an appropriate use of public resources to take further action.

4.3.2 Case Number **SBE 21661.08**

Complainant: Member of the public

Date of complaint: 04 April 2008

Date completed: 04 April 2008

Allegation:

The complainant allegedly listened in on a conversation through a letter box between a member and a neighbour during which allegedly racist statements were made by the member. It was alleged that the member was conspiring to get a relative of the neighbour 'moved up the transfer list' and have the complainant's dog destroyed.

Decision:

From the information provided it appeared the complaint concerned a private conversation. Having taken account of the available information the Standards Board concluded that a potential breach of the Code of Conduct had not occurred. The matter was not referred for investigation.

4.3.3 Case Number **SBE 21914.08**

Complainant: An elected member

Date of complaint: 06 May 2006

Date completed: 06 May 2008

Allegation:

In a letter to a local newspaper a member strongly recommended to the public an environmental service available to local people and gave the contact details of a business where further information could be obtained. The complainant asked if there was a breach of the Code of Conduct in that the business mentioned had donated fundraising items to the member's party and had purchased advertising space in the party's election campaign material.

Decision:

It was not considered improper to mention the business in a letter to the newspaper. Neither was it considered unethical based on the claim that the business had in the past donated an item for fundraising and had purchased advertising space in the election leaflet. These were considered party matters and did not disclose a breach of the Code of Conduct.

- 4.4 There have been no cases dealt with under option (b). (Referral to the Monitoring Officer under Local Determination Regulations).
- 4.5 There have been no new cases dealt with under option (c). (Referral to the Monitoring Officer for Local Investigation and Determination). Any cases dealt with in this way have been previously reported.
- 4.6 There have been no cases dealt with under option (d). (Referral to the Adjudication Panel following investigation by the Ethical Standards Officer).

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are no financial implications.

5.2 Legal Implications:

Identified within the body of the report.

5.3 Equalities Implications:

An Equalities Impact Assessment for complaints received under the new regulations is being carried out by the Standards and Complaints Manager to ensure members of the public are aware of the change in procedures and to make the service widely accessible.

5.4 Sustainability Implications:

There are no Sustainability Implications for this report.

5.5 Crime & Disorder Implications:

There are no Crime & Disorder implications for this report.

5.6 Risk and Opportunity Management Implications:

There are no issues that require immediate action. Two issues will require review:

- Training for members in operation of new assessment procedure (see report dated 10 June 2008)
- Ensuring disadvantaged communities have knowledge of and access to new complaint process (to be addressed in Equalities Impact Assessment)

5.7 Corporate / Citywide Implications:

This report is a measure of the quality of ethical governance for the City and openness of leadership within the Council

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None required

7. REASONS FOR REPORT RECOMMENDATION:

7.1 To inform members of the Standards Committee of complaints made about alleged breaches of the members' Code of Conduct.

7.2 To ensure high quality ethical governance.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms

1. None

Background Documents

1. None

Subject:	Planned Training for Members of Standards Committee		
Date of Meeting:	10 June 2008		
Report of:	Director, Strategy and Governance		
Contact Officer:	Name:	Brian Foley	Tel: 29-3109
	E-mail:	Brian.foley@btinternet.com	
Key Decision:	Yes/No	Forward Plan No.	
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to update members of the Standards Committee on proposals for Member training throughout the forthcoming year.
- 1.2 The report makes proposals for training for:
 - a. all elected members and co-opted members with voting rights
 - b. members of the Standards Committee

2. RECOMMENDATIONS:

- 2.1 The Standards Committee is asked to note the report and to accept the recommendations for the additional training initiatives over the forthcoming year.
- 2.2 It is recommended that the Standards Committee engage with the Member Development Working Group to provide seminars that all elected members and co-opted members with voting rights should attend which will focus on developing their awareness of current equalities legislation and good practice.
- 2.3 It is recommended that further training be offered to all members of Standards Committee on the process for Local Assessment of Complaints. An event will be organised along similar lines to that held in March 2008.
- 2.4 It is recommended that the officers and members who have expressed interest in training aimed at developing awareness of Mediation should attend the seminar being organised for ACSeS South East Members.

- 2.5 It is recommended that two members of the Standards Committee and the Standards and Complaints Manager attend the Seventh Annual Assembly of Standards Committees on 13 – 14th October 2008.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In March 2008 the Chair of the Standards Committee wrote to all elected members and co-opted members informing them of the changes to the Code of Conduct. This reminded them that they must not act in a way which might hinder the authority's fulfilment of its positive duties under equalities laws. Failure to observe this could result in a complaint that there has been a breach of the Code of Conduct.
- 3.2 It was therefore thought appropriate to offer training in the form of development seminars to improve members' awareness of the obligations placed upon them by current equalities legislation so that members did not inadvertently breach the relevant paragraph of the Code.
- 3.3 It is recommended that the Standards Committee work with the Member Development Working Group to provide seminars that all elected members and co-opted members can attend which will focus on developing their awareness of current equalities legislation and good practice.
- 3.4 At the Standards Committee meeting on 18 March 2008 training was provided to members of the committee to familiarise them with the process of carrying out initial assessment of complaints. It was generally agreed that this session which used material provided by the Standards Board for England was of great value.
- 3.5 The membership of the Standards Committee is about to change. It is therefore recommended that the training be repeated so that all new members become familiar with the processes of assessment and members who remain on the Standards Committee have an opportunity to further develop their assessment skills. A further event will be organised along similar lines to that in March 2008.
- 3.6 When complaints about member conduct are received an option for dealing with those matters will be to use alternative dispute resolution. Mediation and Conciliation are examples of such an approach to dealing with complaints.

- 3.7 Expressions of interest have been sought from Standards Committee members and officers involved in the complaint process to develop their knowledge, understanding and awareness of Mediation.
- 3.8 It is recommended that the officers and members who have expressed interest in this training should attend the seminar being organised for ACSeS South East Members.
- 3.9 Arrangements have been finalised for the forthcoming Seventh Annual Assembly of Standards Committees on 13 – 14th October. Two members of the Standards Committee and the Standards and Complaints Officer will be attending.

4. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There will be some costs incurred in the provision of training. Equalities training carried out in conjunction with the Member Development Working Group will be funded by that group. Mediation costs will be met through a combination of staff development budgets and the Standards budget. Costs associated with Standards Conference will be met from the Standards budget. Assessment training will be carried out in-house.

5.2 Legal Implications:

The code of conduct has been prepared and adopted by Brighton & Hove City Council in accordance with Section 51 of the Local Government Act 2000 and it is mandatory for members to sign a formal undertaking to observe the authority's code. Members should be fully aware of the code and potential for breaching the paragraphs of the code.

The Standards Committee (England) Regulations 2008 set out the framework for operating a locally based system for the assessment, referral, investigation and hearing of complaints of member misconduct. Members of the Standards Committee will be involved in those processes.

5.3 Equalities Implications:

An Equalities Impact Assessment for complaints received under the new regulations is being carried out by the Standards and Complaints Manager to ensure members of the public are aware of the change in procedures and to make the service widely accessible.

5.4 Sustainability Implications:

There are no Sustainability Implications for this report.

5.5 Risk and Opportunity Management Implications:

A risk assessment has been carried out which identified that the following items will need review:

- Training for members in operation of new assessment procedure has been carried out and has been effective.
- Ensuring members are aware of their duties under code of conduct and with particular reference to the obligations placed on the council under current equalities legislation.

5.6 Corporate / Citywide Implications:

The training recommended in this report will contribute to the quality of ethical governance and leadership within the City.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 None

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None