

<b>Subject:</b>	<b>Standards Update</b>		
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> July 2019</b>		
<b>Report of:</b>	<b>Executive Lead for Strategy, Governance &amp; Law (Monitoring Officer)</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Victoria Simpson</b>	<b>Tel: 01273 294687</b>
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<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

1.1 This report seeks to update Members on a range of Standards-related matters.

**2. RECOMMENDATIONS**

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

2.2 That this Committee agree the proposal that an informally constituted cross-party group of members of this Committee be convened to review the report of the Committee on Standards in Public Life into Local Government Ethical Standards, with a view to reporting back to a future meeting of the Audit and Standards Committee with any recommendations it considers to be appropriate.

**3. MEMBER COMPLAINTS, and TRAINING****3.1 COMPLAINTS**

3.2 Four complaints were referred to in the last Standards Update Report in March 2019 as being outstanding. Two of those have now been determined at preliminary assessment stage following the decision of the Monitoring Officer (having first consulted with the Independent Person) not to progress them either by referring them for formal investigation or by taking other informal action.

3.3 The third of the four complaints referred to in para 3.2 above was the subject of ongoing negotiations which aimed to resolve matters informally at preliminary assessment stage with the active input of the parties involved. That complaint has now been resolved informally on the basis that the subject members concerned have taken steps to publish a clarificatory statement which acknowledged that a misleading impression may have been created by their publicity and have apologised for that. As a result, that complaint has is also at an end.

3.4 The last of the four complaints referred to in the March 2019 Report ('Complaint A') has been referred for formal investigation following a decision by the Monitoring Officer, following consultation in the normal way with the Independent Person.

That process is well underway and although no further information can be divulged at this stage, an update will be provided to a future committee regarding it.

- 3.5 Five new complaints have been received in between March 2019 and the deadline for publication of this Report. Two of those ('B' & 'C') have been resolved at preliminary assessment stage by a decision not to progress either of them. One of those complaints ('D') remains at preliminary assessment stage as further information has been requested from the complainant but remains outstanding. The fourth complaint ('E') has been referred for formal investigation and will be the subject of further reports to this Committee in due course, while the most recent complaint ('F') remains at preliminary assessment stage.
- 3.6 Throughout, all complaints against members have been dealt with in accordance with the Council's procedures for processing complaints against members.

### **3.7 STANDARDS TRAINING FOR MEMBERS**

- 3.8 Training on the Code of Conduct for Members and on related matters is considered to be a key means of equipping members to navigate the structures which are in place to ensure high standards of ethical conduct. Ensuring that effective training and signposting is available to elected councillors is a key part of how this Committee discharges its responsibilities to promote high standards of conduct. With this in mind, the Committee is asked to note that plans are underway to deliver a training session for all elected members of this council on two alternative dates in September and October 2019, with a view to ensuring the attendance of as many members as possible.
- 3.9 There is also considered to be a need for those members of this Committee who have not yet received training on the specific topic of participating in a Standards Panel to do so in order to ensure that sufficient numbers of members are eligible for appointment to a Panel if or when it next becomes necessary to convene one. Steps are in train to identify a date in the near future which a significant proportion of members of this Committee (including its Independent Persons) are able to attend and to schedule Standards Panel training for then.

## **4. LOCAL GOVERNMENT ETHICAL STANDARDS: REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE**

- 4.1 As previously reported to this Committee, the Committee on Standards in Public Life ('CSPL') published its detailed and much-anticipated report on Local Government Ethical Standards on 30 January 2019. [The Report](#) followed a consultation process last year, whereby a cross-party working group of members of this Committee worked together to generate a detailed written response which was submitted on behalf of this authority. The fact of the publication of that report was noted when this Committee last met, in March 2019, when they agreed the suggestion that those members who had inputted into the consultation process review the CSPL report and report back to the Committee. However it did not in the event prove possible to act on that recommendation, for reasons of time. Members may be aware that in the meantime, some limited amendments to the Code of Conduct for Members and to related arrangements were recommended by this Committee and received full Council approval on 28 March 2019. This was

a separate initiative, taken in response to a recommendation made by Policy Resources & Growth Committee which aimed to implement some of the recommendations of the Report of the Local Government Commission which saw the Fawcett Society and the Local Government Information Unit report its response to the question: Does Local Government Work for Women?

- 4.2 The CSPL report referred to above is the outcome of a root and branch review which assessed the effectiveness of the current Localism Act 2011 framework in ensuring that appropriate standards of conduct are maintained by elected councillors. Whilst supporting the principle of a devolved system for regulating councillor conduct, the report authors identify a number of risks and areas of concern which they consider need to be addressed in order to strengthen the locally determined systems in place at local authorities. They consider there to be a need for some additional mechanisms and to that aim make a series of 26 main recommendations. Many of those (such as the power to suspend councillors and the introduction of a right of appeal against such decisions to the Local Government Ombudsman, as well as changes to extend the definition of Disclosable Pecuniary Interests) would require legislative change if they are to be implemented.
- 4.3 It is suggested that this Committee therefore focus instead on another key aspect of the report, namely the fifteen additional best practice recommendations which the CSPL identifies as being key initiatives for local authorities themselves to implement (if they have not already done so) by making changes to their individual arrangements. A list of the best practice recommendations directed at local authorities is available at pages 18 and 19 of the CSPL's report.
- 4.4 In order to scrutinise the best practice recommendations against this authority's current arrangements in a focused way, it is proposed that an informally constituted working group of members of this Committee be set up on a cross party basis, with the addition of the two Independent Persons. The recommendation is that that working group be charged with doing this on a 'task and finish' basis, and with reporting back to this Committee in a detailed way on its findings, making such suggestions as it considers appropriate.

## **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. No alternative proposals are suggested.

## **6. COMMUNITY ENGAGEMENT & CONSULTATION**

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

## **7. CONCLUSION**

- 7.1 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.

## **8. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 8.1 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: 19/06/19

### Legal Implications:

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

Lawyer Consulted: Victoria Simpson

Date: 26/06/19

### 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:

- 10.5 None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Background Documents:**

1. Local Government Ethical Standards: A Review by the Committee on Standards in Public Life: available at <https://www.gov.uk/government/collections/local-government-ethical-standards>

[For context only: Does Local Government Work for Women? The Final Report of the Local Government Commission: study led by the Fawcett Society in partnership with the Local Government Information Unit; available at:

<https://www.fawcettsociety.org.uk/local-government-commission>]