

Brighton & Hove City Council

Council

Agenda Item 67

Subject: REPORT BY AILEEN MCCOLGAN KC

Date of meeting: 14 December 2023

Report of: Chief Executive

Contact Officer: Name: Abraham Ghebre-Ghiorghis
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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report presents the Independent Report by Aileen McColgan KC to members for consideration.

2. Recommendations

2.1 That Members note the report as set out in the Appendix.

2.2 That Members note that a report will be submitted to the January meeting of the Strategy, Finance and City Regeneration Committee with an action plan to implement the recommendations.

3. Context and background information

3.1 Earlier this year, the Council commissioned Aileen McColgan KC to undertake an investigation into complaints about behaviour and activity within the Council's Waste Service, City Clean. She spoke to over 70 witnesses who came forward in response to the Council's invitation. The complaints contained multiple allegations of sexual harassment, race discrimination, discrimination based on disability, bullying and intimidation.

3.2 The findings of the KC are outlined in the public report which is attached as an appendix. Since the receipt of the report, the Council has indicated its acceptance of all the recommendations and Officers have been progressing action in response to the report.

3.3 It is proposed to do a detailed report to the Strategy, Finance and City Regeneration Committee in January with an action plan. In the meanwhile, the Council received a requisition from the Green Group under paragraph 4.4 of the Council Procedure Rules to convene an extraordinary meeting of full Council to discuss the KC's report. The Council procedure rules provide:

“Extraordinary Meeting Requisitioned by Members

“4.4 An Extraordinary Meeting of the Council may be called by submission of a requisition signed by at least five Members, specifying the business to be transacted. The requisition shall be delivered to the Chief Executive (see Procedure Rule 1.6). The Extraordinary Meeting shall be called within seven days of receipt of the requisition by the Chief Executive to take place as soon as reasonably practicable.”

3.4 As we have a full Council meeting today, it was decided, with the agreement of the requisitioners, to add the item to this agenda rather than call a special meeting.

3.5 The report covers issues that are highly sensitive and require careful handling. It is therefore essential that the meeting is conducted in a way so that the debate does not stray into individual cases, makes references to third parties that may open the Council to legal action, compromise the integrity of any disciplinary processes or adversely affects the Council’s ability to take action in progressing the recommendations. Guidance will therefore be given to Members before the meeting to enable the debate to take place having regard to the need to avoid legal risks.

4. Analysis and consideration of alternative options

4.1 The initial plan was to report this to the January meeting of the Strategy Committee and that will still go ahead.

5. Community engagement and consultation

5.1 The report was published to the public, but there has not been any community engagement or consultation.

6. Conclusion

6.1 It is recommended that Members note the report.

7. Financial implications

7.1 The cost of the King’s Counsel investigation and report, and subsequent ongoing investigations regarding individual members of staff have not yet been finalised or fully quantified. Exceptional legal or investigatory costs can arise from year to year including responding to Judicial Reviews, Planning Appeals, pay claims, health & safety investigations, or other non-standard legal matters or investigations. These are normally dealt with using either Corporate Contingency budgets, reserves, or the Working Balance depending on the availability of resources or provisions. Where these are insufficient, costs are managed as part of the overall General Fund Targeted Budget Management process whereby financial recovery measures are applied to mitigate the impact of exceptional costs.

Name of finance officer consulted: Nigel Manvell

Date consulted: 06.12.23

8. Legal implications

- 8.1 As set out in paragraph 3.5 above, the report deals with issues that are highly sensitive. In conducting the debate, members need to be aware of the risk in straying into areas that may compromise the Council's disciplinary processes or expose the council to legal action from third parties or of affect the Council's ability to progress actions resulting from the report's recommendations. A separate guidance will be issued to members ahead of the meeting.

Name of lawyer consulted: Abraham Ghebre-Ghiorghis

Date consulted: 06.12.2023

9. Equalities implications

The KC's report deals with issues of racial, sexual and disability discrimination. The report and its recommendations will enable the Council to take action to address issue of discrimination.

10. Sustainability implications

- 10.1 There are no sustainability implications arising from the report.

11. Other Implications

- 11.1 There are no other significant implications arising from the report.

