

Brighton & Hove City Council

Audit, Standards & General Purposes Committee

Agenda Item 25

Subject: Standards Update

Date of meeting: Tuesday 10th September 2024

Report of: Corporate Director – Corporate Services

Contact Officer: Victoria Simpson, Senior Lawyer – Corporate Law, on behalf of the Council’s Acting Monitoring Officer
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Ward(s) affected: All

For general release

1 Purpose of the report and policy context

- 1.1 To provide an update on standards-related matters, including on the progress of complaints alleging that Members have breached the Council’s Code of Conduct for Members.
- 1.2 To propose an update to the procedure for dealing with allegations of breaches of the Code of Conduct for Members’ (attached as Appendix 2).

2 Recommendations

- 2.1 That Committee note the contents of this report, including the data provided on member complaints at Appendix 1.
- 2.2 That Committee approve the proposed changes to the initial tests against which member complaints are assessed as set out in Appendix 2 and give the Monitoring Officer delegated authority to update the Council’s Constitution to incorporate those changes, including by making any changes considered necessary or incidental to give effect to the proposal.

3 Context and background information

- 3.1 The Council is required by the Localism Act 2011 to have in place arrangements for dealing with complaints against elected and co-opted Members. Brighton & Hove City Council regularly reviews its arrangements, including its Code of Conduct for Members and related procedures and guidance. The Council publishes the arrangements for complaints against members on [its website](#).
- 3.2 At Brighton & Hove City Council, the Audit, Standards & General Purposes Committee has been given delegated authority for the function of maintaining and promoting high standards of conduct by Members, including reviewing and updating the Council’s policies and procedures which relate to complaints

against members. This Committee receives quarterly reports on complaints against members, including data on outstanding complaints and new complaints received in since the time of the last report.

4 Update on Current Complaints

- 4.1 Updated data on complaints that have been previously reported to Committee is set out in Table 1, [Appendix 1](#). New complaints that have been received since the June 2024 Committee meeting, are set out at Table 2, [Appendix 1](#).
- 4.2 All of the complaints referred to in this paragraph are being progressed by the office of the Monitoring Officer in accordance with the Procedure which governs member complaints.

5 Review of the test applied to member complaints at preliminary assessment stage

- 5.1 The Council's arrangements for dealing with member conduct issues were last reviewed in 2021, when key elements from the Local Government Association's model Code of Conduct were incorporated to achieve greater clarity. At that time, associated arrangements – including [the Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members](#) ('the Procedure') - were also comprehensively reviewed.
- 5.2 It is proposed that consideration be given to further updating the test against which member complaints are initially assessed, as shown as tracked changes in [Appendix 2](#). These changes have been developed with input from the Chair of this Committee and the lead administration Member for this area. The proposals have benefitted from detailed input from two of the Council's three Independent Persons ('the IPs'). It is a requirement that the IPs be consulted in relation to member complaints. As a result, the IPs are very familiar with this test, which they apply each and every time a new complaint is received in.
- 5.3 The proposals aim to emphasise the importance of the assessment of the public interest when considering whether or not to progress a complaint to formal investigation. It is proposed that express reference be made to the seriousness of the complaint and that the initial test is framed more clearly. Reference to whether it is 'possible' to investigate a complaint is removed, as this is not a helpful criteria.
- 5.4 It is considered that the proposed changes are consistent with [the principles which underpin the procedure](#), including that complaints are only referred for formal investigation (and thereafter if relevant for determination by a Standards Panel) where doing so is considered to be proportionate and necessary in the public interest. The proposed refinements aim to provide a clearer and more nuanced test to be applied in those situations where a decision not to progress a complaint to the next stage is being contemplated. The objective is to provide maximum clarity to stakeholders, including where the Council decides to take no action in a complaint at preliminary assessment stage.

6 Member Training

- 6.1 To assist Committee in discharging its role in promoting and maintaining high standards of conduct by councillors, training on standards-related matters is

offered to all members. This includes a session on the Council's conduct arrangements which is considered to be key in developing member understanding of this Council's expectations and arrangements, so that they can carry out their roles within the Code. This training is a requirement for all members, and is offered very regularly.

- 6.2 A session was offered to members of this Committee on some of the Committee's key functions last week, as part of the ongoing commitment to providing helpful input to members. In addition, Standards Panel training (mandatory for any member seeking to be appointed to a Standards Panel) will be offered as or when needed.

7 Analysis and consideration of alternative options

- 7.1 The Council is obliged under the Localism Act to make arrangements for maintaining high standards of conduct among members and for the investigation of complaints and it is therefore appropriate to keep the arrangements under review. While it is an option not to update the procedure and to retain the existing wording, the proposed new wording is recommended on the basis that it will provide greater clarity for those using the procedure.

8 Community engagement and consultation

- 8.1 All reviews of the Council's Standards arrangements are carried out by its elected Members and the Council's Independent Persons, supported by officers.

9 Conclusion

- 9.1 Members are asked to note the contents of this report, which aims to assist the Council in discharging its responsibilities for overseeing that high standards of conduct are maintained in a way which is compliant with local requirements.

10 Financial implications

- 10.1 There are no additional financial implications arising from the recommendations in this Report. All activity referred to has been, or will be, met from existing budgets.

Finance officer consulted: Nigel Manvell Date consulted: 28/8/24

11 Legal implications

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

Lawyer consulted: Victoria Simpson Date consulted 20/08/2024

12 Equalities implications

- 12.1 There are no equalities implications arising from this Report. It provides reassurance on the arrangements which have been developed with the need to ensure the Council and its members discharge their responsibilities with appropriate regard for equalities considerations in mind.

13 Sustainability implications

13.1 No sustainability implications have been identified.

Supporting Documentation

Appendices

Appendix 1 – data on member complaints

Appendix 2 – tracked changes excerpt from [the Procedure for Allegations of Breaches of the Code of Conduct for Member Complaints](#)