

Brighton & Hove City Council

Audit, Standards & General Purposes Committee

Agenda Item 39

Subject: Standards Update, including the Annual Review of member complaints

Date of meeting: 28th January 2025

Report of: Director Governance & Law and 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 a review of complaints received in during 2024 alleging that Members have breached the Council's Code of Conduct for Members.

2. Recommendations

2.1. That Committee note the contents of this report.

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 reviews its arrangements regularly, including its Code of Conduct for Members and related Procedure and guidance, and is proactive about publishing information on this topic on [its website](#). The Council also makes data regarding member complaints available to the public, via reports to this Committee.

3.2. At Brighton & Hove City Council, this Committee has delegated authority for leading in discharging the statutory requirement that the Council maintain and promote high standards of conduct by Members. It receives quarterly reports on complaints against members as well as information on the training and briefings offered to assist Members in discharging their responsibilities according to the Nolan Principles.

3.3. Members are aware that changes to the Procedure for Dealing with Complaints were made at the last meeting of this Committee, in September

2024. As a result, those complaints which were received in after that Committee meeting have been dealt with at preliminary assessment stage by applying the updated criteria, which has since been published on the Council's website.

- 3.4. This quarterly Report provides data on the complaints both still outstanding at the time of the last Report and those which have been received in since then. In this way, the Report seeks to provide reassurance that recent complaints are being considered and dealt with in accordance with the Council's processes. This Report also provides some data on the complaints received in during the 2024 calendar year with a view to enabling members to better assess the overall picture at this Council.
- 3.5. Furthermore this Report draws attention to the recent consultation process undertaken by the Government to canvas views about the future shape of the standards framework. Any proposals for change which follow on from this exercise will be reported to this Committee in detailed way.
- 3.6. Committee is further asked to note that the tenure of David Bradly, the Council's most longstanding Independent Person, has now been extended (following consultation with the Committee Chair) by the Council's Monitoring Officer for two years, from October 2024. Committee is aware that the Council is required to appoint at least one Independent Person, according to a prescribed process. Mr Bradly was [appointed by full Council](#) in October 2020, following a competitive external recruitment process. His term was stated to be for an initial period of four years, with the Monitoring Officer being given delegated authority to extend that term for a further two years at their discretion following consultation with the Chair of this Committee. Mr Bradly's proven expertise and commitment - particularly but not only in the area of Standards - is considered to be of significant value to the Council. His ongoing contribution is much appreciated, as is that made by the Council's other two Independent Persons:

4. Data re Member Complaints

Complaints previously reported to this Committee

- 4.1. In accordance with the last Report to this Committee, this data is provided in [Appendix 1](#), at table 1.
- 4.2. It will be noted that all of the complaints referred to in the last Update have now been determined by decisions by the Monitoring Officer (having consulted with one of the Council's three Independent Persons) to take no action at preliminary assessment stage.

Complaints received in since the last Update in September 2024

- 4.3. This data is provided in table 2 of [Appendix 1](#).

4.4. All of the complaints referred to in this section are being progressed by the Monitoring Officer in accordance with the Procedure which governs member complaints.

Annual review of Member Complaints, including the Consultation on the Standards Framework

4.5. This Report seeks to provide annual review data which may be read alongside [the Report on this same topic published this time last year](#). The data provided in [Appendix 2](#) goes to the volume of complaints made about elected members during 2024 and the subject matter of those complaints. While information is not currently made publicly available by all authorities in a readily accessible form, that may change if all local authorities are required to publish this data in future: an initiative which (if implemented) would make it possible to generate more meaningful comparator analysis in future years.

4.6. Members will be aware that the last Government declined to make the legislative changes recommended by the Committee on Standards in Public Life in its detailed review of local government standards. As a result, the position remains as is since the passing of the Localism Act 2010, including the fact that authorities have no power to suspend a Member where there is a finding that the Code has been breached. Available sanctions are limited to censuring a Member and/or taking measures such as recommending training which the subject Member is free to accept or reject.

4.7. The current Government has however signaled an interest in reviewing the framework which governs the conduct of members of local authorities. To that end, a consultation exercise was recently initiated by the Local Government Association to which all councillors were invited to input. The window for responses ended on 9.1.24 and the relevant information is [here](#). The consultation asked some key questions about the standards framework, including the potential for the introduction of sanctions - including disqualification - for breaches of the Member Code of Conduct. The questions posed were fundamental ones which could generate changes which would impact significantly on the framework. Given this, the attention of all members of this Council was expressly drawn via email in mid December 2024 to the invitation to respond, in order to ensure that the opportunity to input during a limited window of time was offered to all members of this authority. That consultation was primarily aimed at local authority members, and has now closed. However [a wider consultation process](#) was launched on 18 December 2024 which is open to input from all stakeholders until it closes on 26 February 2025.

4.8. [Appendix 2](#) meantime provides some information regarding the subject matter of complaints received in during 2024. Members will note that there appears to be a relatively even spread of complaints across the full range of activities by elected Members in their capacity as Council and ward Members.

5. Member Training

5.1. To assist Committee in discharging its role in promoting and maintaining high standards of conduct by councillors, member training sessions on standards-related matters is regularly offered in addition to the member development training run by other areas in the Council. This training is normally offered live

via Teams as opposed to via an online module, as it is considered to offer members a useful opportunity to canvas specific areas of concern.

5.2. The above training is a requirement for all members. Repeat sessions will be offered during 2025, including to the Council's formally co-opted members.

6. Analysis and consideration of alternative options

6.1. 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. This Council's arrangements are regularly reviewed. This Report draws attention to the wider picture without recommending specific options.

7. Community engagement and consultation

7.1. Past reviews of the Council's Standards arrangements (most recently in 2021) have been carried out by its elected Members and the Council's Independent Persons, supported by officers who have provided stakeholder data as well as signposting relevant LGA resources. This could be an option for future reviews.

8. Conclusion

8.1. 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.

9. Financial implications

9.1. 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.

Name of finance officer consulted: Nigel Manvell
Date consulted: 6/1/25

10. Legal implications

10.1. These are covered in the body of the Report.

Name of lawyer consulted: Victoria Simpson
Date consulted 06/01/25

11. Equalities implications

11.1. 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.

12. Sustainability implications

12.1. No sustainability implications have been identified.

13. Other Implications

13.1. No significant other implications have been identified as arising from this Report.

Supporting Documentation

[Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#)

Appendices

Appendix 1 – data on member complaints

Appendix 2 – annual overview of complaints, showing data relating to the 2024 calendar year.

