

Subject:	Standards Update
Date of Meeting:	21 June 2016
Report of:	Executive Lead for Strategy, Governance and Law and Monitoring Officer
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Ward(s) affected:	All

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

1.1 This report updates Members on Standards-related matters since the last report.

2. RECOMMENDATIONS:

2.1 That Members note the report.

3. MEMBER-RELATED COMPLAINTS

3.1 Since the last report to the Committee, there have been four new standards complaints, three of which have been determined as outlined in para 4 below.

3.2 The fourth complaint has now been referred for formal investigation following consultation with the Independent Person and that investigation is underway.

4. RESOLVED COMPLAINTS**4.1 Complaint 1**

4.1.1 **The allegation:** The first of the complaints was received in during February 2016 and concerned a complaint about a Member's postings on social media which were said to have breached paras 1.1 and/or 1.2 of the Code of Conduct for members by failing to treat others with respect and/or by behaving in a manner which could reasonably be regarded as bringing the member's office or authority into disrepute.

4.1.2 Following consultation with one of the Independent Persons, a decision was made to instigate initial enquiries regarding the complaint in accordance with the procedure available to the authority for making preliminary assessment with a view to deciding whether or not to progress the matter to formal investigation, or whether to resolve it in another way.

- 4.1.3 The complaint concerned the relevant member's use of language on a public forum during an interaction with another member. It was noted that although the issues arose during a single interchange, there was the potential for an unfavourable impression to be created by a member whose inappropriate use of language appeared to indicate a failure to exhibit appropriate standards of care and reflection.
- 4.1.4 The Monitoring Officer met with the subject member to discuss the complaint and the conduct which had given rise to it. He considered that the member concerned understood the issues which had given rise to the complaint and indicated regret early on at the matters complained of. The complainant had given an early indication that an apology would be considered to by them to be an appropriate means of resolving the matter. The subject member sent a written apology communicating regret.
- 4.1.5 **The outcome:** In this case, a decision was made by the MO in consultation with the Independent Person, under para 5.6(i) of the procedure for dealing with allegations, not to progress the complaint to formal investigation or other resolution. The reasons were that it was not considered to be in the public interest to do so given the particular circumstances, including the fact that the subject member had given an appropriately comprehensive apology which had been accepted by the complainant.
- 4.1.6 Although no further action was taken in this complaint, it was noted that the complaint raised a number of issues of general relevance to members' use of social media: a topic which was the subject of a report to the last Audit and Standards Committee. It is anticipated that the revised guidance on this topic may provide useful clarity regarding the expectations made of members in relation to social media usage.

4.2 **Complaint 2**

- 4.2.1 **The allegation:** A complaint was received in in March 2016 alleging that a specific subject member had used Council information and/or facilities to obtain confidential information regarding the whereabouts of an individual known to them in a personal capacity. The allegation was that paragraphs 1.2 and/or 1.6 of the Code of Conduct had been breached as the member had conducted themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute and/or by failing to act in accordance with the Practice Note on Publicity and the Use of the Council's resources.
- 4.2.2 Given the nature of the complaint, it was decided in consultation with one of the Independent Persons to make initial enquiries in accordance with the provisions of the relevant procedure with a view to deciding whether to progress the matter to formal investigation or whether to resolve it in another way.
- 4.2.3 Those enquiries involved seeking the views of the subject member as well as further detail from the complainant with a view to ascertaining amongst other things whether the information allegedly improperly obtained was accessible by other means. It was noted that a request that the relevant data be held confidentially by the Council had been received by the Council and that appropriate processes appeared to have been set up. It was also noted that a

complaint that a councillor had used their office to obtain personal data of any type would - if made out – be likely to amount to a serious breach of the Code.

4.2.4 Notably however no evidence of unauthorised access to the Council's systems by the member was identified. The relevant member denied the allegations and was moreover able to provide an account of how the information came to be available to them. That version of events was considered to be plausible although - because of its nature – it could not readily be either verified or disproved. Finally it was noted that in the absence of evidence linking the relevant member with the alleged breach on a specific date or time then the likely next steps in any investigation would be resource-intensive as they would involve interrogating several Council systems on which the relevant data was held as well as interviewing the potentially large number of staff whose day-to-day roles give them access to the type of data alleged to have been the subject of the breach.

4.2.5 **The outcome:** On all of the facts a decision was made by the Monitoring Officer, in consultation with the Independent Person, under para 5.5 of the procedure for dealing with allegations, not to progress the complaint to formal investigation. The reasons for this decision were that it was not considered to be in the public interest to expend public resources on a formal investigation involving investigative activity of the type outlined above in a context where a plausible alternative explanation had been given for the events complained of and in the knowledge that the investigation would be unlikely to generate evidence that would prove that the information had been obtained from the Council by the subject member.

4.3 **Complaint 3**

4.3.1 **The allegation:** Complaints were received in May alleging that a Member had a conflict of interest in connection with work on school admissions. That complaint has been the subject of initial enquiries made at the preliminary assessment stage. Following those enquiries it was decided in consultation with the Independent Person that it was in the public interest to refer the matter for formal investigation.

4.3.2 The Monitoring Officer has appointed an Investigating Officer to carry out the formal investigation with a view to generating a written report and the parties have been notified in accordance with the appropriate procedure.

4.4 **Complaint 4**

4.4.1 **The allegation:** A complaint was received alleging that two Members of the Council breached the Code of Conduct for Members by failing to stop incorrect information being supplied to Members and the public in committee reports and the press.

4.4.2 **The outcome:** Preliminary enquiries indicated that there was nothing to suggest that the Members concerned had themselves provided or instructed officers to provide the allegedly incorrect information. Furthermore, under the Code of Conduct for Member/Officer Relations, committee reports remain reports of the relevant Chief Officer, not Members. It was therefore decided, following

consultation with one of the Independent Persons, not to progress the formal complaint on the grounds that if proven the complaint would not amount to a breach of the Code of Conduct for Members.

5. OTHER MATTERS

- 5.1 A need for training to assist members of the Audit & Standards Committee with their responsibility to sit on Standards Hearing Panels was noted in the last Report. New training dates during July are under discussion and an oral update will be supplied to the Committee.

6. ANALYSIS & CONSIDERATION OF ANY 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. The current arrangements and the proposals in this report reflect this and no alternative proposals are suggested.

7. COMMUNITY ENGAGEMENT & CONSULTATION

- 7.1 This report focuses mainly on internal rules and procedures and as a result no need to consult with the local community has been identified.

8. CONCLUSION

- 8.1 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 which are compliant with local requirements are maintained.

9. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 10.1 There are no financial implications arising from this report

Legal Implications:

- 10.2 These are covered in the body of the report

Lawyer Consulted: Victoria Simpson

Date: 23/05/16

Equalities Implications:

- 10.3 There are no equalities implications arising from this report

Sustainability Implications:

- 10.4 There are no sustainability implications arising from this report

Any Other Significant Implications:

10.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms:

None.

Background Documents:

None

