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Standards Committee Agenda

Thursday, 30 June 2022 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Community Contact Centre entrance.

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democraticservices@hastings.gov.uk

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STANDARDS COMMITTEE

23 FEBRUARY 2022

Present: Councillors Pragnell (Chair), Edwards, Sinden, Roberts and Webb.
Independent Persons: John Baker and Amanda McIntyre (observing). Officers: Mary Kilner, Monitoring Officer and Kirsty Cameron, Deputy Monitoring Officer

44. APPOINTMENT OF CHAIR

The Monitoring Officer opened the meeting and explained that given a potential conflict of interest which had been raised Councillor Evans decided not to attend and was substituted by Councillor Webb.

A potential conflict of interest was also raised against Councillor Roberts, who as Vice-Chair would normally chair the meeting in Councillor Evans' absence. The Monitoring Officer therefore asked for nominations for Chair for the duration of the meeting.

Councillor Sinden proposed Councillor Pragnell be appointed Chair for the duration of the meeting, seconded by Councillor Roberts.

RESOLVED (unanimously) – that Councillor Pragnell be appointed Chair for the duration of the meeting.

45. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Evans. Councillor Webb was present as a substitute for Councillor Evans.

46. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Roberts	47 – Standards Complaint Ref 2021-2	Personal – Had a Teams meeting with Councillor X to discuss political group procedure. Was also present at a speech given by Councillor X as a press photographer.
Webb	47 – Standards Complaint Ref 2021-2	Personal – Has supported one of the complainants but over past years has supported individuals from all parties, including Councillor X.
Sinden	47 – Standards Complaint Ref 2021-2	Personal – Knows Councillor X and their family and was present at a speech given by Councillor X

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Councillor X's witness queried whether Councillor Webb's interest was personal or prejudicial. The Monitoring Officer read out the description of a prejudicial interest and said the interest should be considered personal and Councillor Webb could therefore take part in the meeting. The witness requested that it be noted that Councillor Webb was intending to support one of the complainants in a planned meeting with the witness and the complainant.

47. MINUTES OF THE PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 15th December 2021 be approved by the Chair as a true record.

48. STANDARDS COMPLAINT REF 2021-2

The Monitoring Officer presented a report to decide what action to take in respect of five complaints against Councillor X regarding the following paragraphs of the Code of Conduct:

Section 3 - (1): You must treat others with respect.

Section 3 - (2)(a) You must not- do anything which may cause your authority to breach any of its equalities duties (in particular as set out in the Equality Act 2010). (b) bully any person.

Section 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Section 6 – (a) You must not use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

The Monitoring Officer explained that the purpose of the meeting is for the Committee to decide if there has been a breach of the code, and to decide appropriate action, if any. Councillor X was also in attendance to give their evidence.

All five complaints were related to the same incident. The complaints were received between 19th September 2021 and 29th October 2021 and the Monitoring Officer met with Councillor X on 22nd September to discuss the complaints.

The Committee were shown evidence relating to the complaints, including a video and press articles.

The Monitoring Officer described the steps taken following receipt of the complaints. Councillor X was made aware of the complaints and given the opportunity to speak to Amanda McIntyre, one of the Independent Persons. Amanda offered advice on the complaints procedure.

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The Monitoring Officer spoke to both Independent Persons in November 2021 to discuss the complaints, following which it was agreed that they were sufficiently serious to be sent to the Standards Assessment Sub-Committee for discussion. The Sub-Committee met on 15th December 2021 to assess the initial tests and decide whether there was a breach of the code.

The Assessment Sub-Committee concluded that the initial tests were met and the evidence presented constituted a breach of the code. However, they decided to convene a full hearing to allow Councillor X to present their case before reconsidering the initial tests.

Councillor X's representative gave a submission to the Committee and responded to each complaint. Evidence was provided to the Committee by Councillor X as well as a detailed written response to the points raised in the complaints. Councillor X called a witness who gave evidence to the Committee.

The Standards Committee carefully considered the Monitoring Officer's report, the complaints, the evidence and submissions made by Councillor X, their representative and witness and sought the view of the Independent Person.

The Standards Committee concluded that the complaints satisfied the initial tests in that at the time of the events complained of Councillor X was an elected member of Hastings Borough Council and was required to observe the Code of Conduct of Hastings Borough Council. The Standards Committee concluded that Councillor X was acting in their capacity as a Councillor as they were introduced as a Councillor and correspondence was also sent from their Hastings Borough Council email address. The Standards Committee concentrated on the direct actions and statements of Councillor X and the impact it had on Councillor Y and public views and sentiment.

The Standards Committee considered all five complaints together and debated each part of the Code of Conduct as follows: -

1). 3 (1) You must treat others with respect.

Unanimous Decision: Breach of the Code of Conduct. (Proposed by Councillor Pragnell, seconded by Councillor Roberts)

Reasons for decision: The Standards Committee concluded that the evidence provided made it clear that Councillor X did not treat Councillor Y with respect and undermined Councillor Y's respect and standing in the community.

**2). 3 (2) You must not:
(a) do anything which may cause your authority to breach any of the equality duties (in particular as set out in the Equalities Act 2010)**

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Unanimous Decision: No Breach of the Code of Conduct. (Proposed by Councillor Pragnell, seconded by Councillor Roberts)

Reasons for decision: The Standards Committee concluded from the evidence provided that Councillor X did not breach Para 3(2)(a) of Part 1 of the Code of Conduct.

- 3). 3 (2) You must not:
(b) bully any person.

Unanimous Decision: Breach of the Code of Conduct. (Proposed by Councillor Edwards, seconded by Councillor Sinden)

Reasons for decision: The Standards Committee concluded on the evidence provided that the actions and statements of Councillor X towards Councillor Y amounted to bullying of Councillor Y. They considered the impact on Councillor Y together with the impact it had on members of the public. They took into account the view given by the Independent Person.

- 4). 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Decision (4 For, 1 Against): No breach of the Code of Conduct. (Proposed by Councillor Edwards, seconded by Councillor Roberts)

Reasons for decision: The Standards Committee concluded that the actions of Councillor X did not breach Para 5 of Part 1 of the Code of Conduct.

- 5). 6 (a) You must not use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Unanimous Decision: Breach of the Code of Conduct. (Proposed by Councillor Pragnell, seconded by Councillor Webb)

Reasons for decision: The Standards Committee concluded from the evidence provided that the actions and statements made by Councillor X (whilst acting in the capacity of a Councillor) was intended to confer a disadvantage on Councillor Y in relation to Councillor Y's standing and respect in the community.

Sanctions: -

The Standards Committee carefully considered the submissions made by the Monitoring Officer in terms of considering mitigating and aggravating factors.

They heard from Councillor X and their representative and sought the view of the Independent Person. The Standards Committee considered all options available to them.

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Unanimous Decision: Councillor X to undertake one to one training with the Monitoring Officer on the Code of Conduct. Councillor X to also undertake one to one training with the appropriate officer on social media. (Proposed by Councillor Roberts, seconded by Councillor Sinden)

Reasons for decision: The Standards Committee considered mediation as a sanction however did not consider it would be appropriate in this case. They considered that training would be more suitable in order to prevent future recurrence.

The Standards Committee requested that their decision be Part 2 and all attendees respect the confidentiality and identities of the complainants and the Councillors concerned given their concerns regarding safeguarding because of the nature of the issues raised in the complaints.

The decision of the Standards Committee is final and there is no right of appeal.

(The Chair declared the meeting closed at 2.05pm)

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Agenda Item 4



Report to: Annual Standards Committee

Date of Meeting: 30th June 2022

Report Title: Annual Report of Standards Committee

Report By: Mary Kilner
Chief Legal Officer and Statutory Monitoring Officer

Purpose of Report

To report on the activities of the Standards Committee for 2021-22.

Recommendation(s)

1. To note the contents of the report.

Reasons for Recommendations

1. To keep the Standards Committee advised of past complaints.
2. To keep under review the Standards Committee complaints procedures and improve the way the Councils deals with complaints about elected members.

1. Introduction

- 1.1 The Council's Standards Committee promotes and maintains high standards of behaviour by ensuring that all elected councillors comply with the Council's Code of Conduct. The Code of Conduct is found at Part 5 of the Council's Constitution. All elected councillors sign a declaration to say that they will comply with the Code of Conduct upon their appointment to office.
- 1.2 The Code of Conduct and revised Standards arrangements were adopted by the Council in July 2012 to comply with the provisions of the Localism Act 2011. This introduced delegation to the Monitoring Officer to make an initial decision on whether the complaint requires investigation, with the power to consult with the Independent Person if required and the ability to refer particular complaints to the Standards Committee if that is appropriate, for example where the complaint is serious and/or sensitive.
- 1.3 Standards Committee has a membership of 7, of whom 5 are elected councillors and 2 are independent members. The elected councillors sitting on the Standards Committee in the last municipal year were Councillors Evans (Chair), Carr (Vice-Chair), Edwards, Pragnell and Roberts. Councillor Sinden joined the Committee in February 2022 replacing Councillor Carr. At the Annual Council meeting in May 2022 the new Committee membership was confirmed with Councillor Haffenden replacing Councillor Evans as Chair and Councillor Webb joining in place of Councillor Sinden for the new municipal year. The Committee is politically balanced.
- 1.4 The Localism Act 2011 requires the Council to appoint at least one Independent Person to assist with the standards process. Full Council previously recommended that two Independent Persons should be appointed in case of non-availability or a conflict of interest. The Localism Act requires that the views of the Independent Person must be sought on a complaint referred for investigation before the outcome of the complaint is determined. Also, the councillor who is subject to the complaint may discuss the matter with the Independent Person who will provide support to the councillor. The Independent Person's view would also be sought in terms of any sanction imposed on a councillor found to be in breach of the Code of Conduct.
- 1.5. At the Council meeting on 18th October 2017, John Baker and Amanda McIntyre were appointed as Independent Persons from 1st November 2017 to 31st October 2022. Full Council approval will be required to renew the appointment of the Independent Persons.

2. Complaints

- 2.1 The last Annual Standards Committee meeting was held on 22nd September 2021 and this Report covers the period from September 2021 to the present date. There were five individual complaints against the same Councillor received by the Monitoring Officer during this period which were determined at a full hearing of the Standards Committee. In addition to this there were a few emails complaints received by the Monitoring Officer which when asked to complete a Standards Complaints Form to proceed, the complainant either did not wish to proceed or did not respond, and the complaint was therefore withdrawn. It is only when the Standards Complaint Form has been received that the complaint is allocated a reference number, an electronic file is opened and the complaint formally dealt with under the standards procedures.

There have been three complaints received by the Monitoring Officer concerning the behaviour of a Councillor at a public rally. As the complaints were received during the purdah period, the Monitoring Officer postponed dealing with the complaint until after the local elections in May 2022. Two of the complainants did not return the Standards Complaints Form, and the Monitoring Officer has yet to review and consider whether the complaint should proceed any further.

3. Monitoring Officers Discretion

- 3.1 The Monitoring Officer has discretion whether or not to proceed with complaints where an investigation would not be in the public interest or the matter would not warrant any sanction or when the complaint is malicious, politically motivated or deemed not sufficiently serious. In these circumstances, the Monitoring Officer may decide to seek the views of both Independent Persons and the Chair of the Standards Committee.

4. Assessment Sub-Committee and full Standards Committee meetings

- 4.1 The Standards Assessment Sub-Committee and full Standards Committee each met on one occasion during this period to determine the five complaints against the same Councillor. Due to safeguarding issues the Monitoring Officer decided after consultation with the Independent Persons that the Reports should be redacted and the names of the complainants and the Councillors involved kept confidential given the nature and sensitivity of the issues raised by the complaints.
- 4.2 The Assessment Sub-Committee met on 15th December 2021 to consider five complaints against one Councillor all relating to the same incident. On that occasion the Sub-Committee concluded that there was a case to answer and

requested a full hearing of the Standards Committee to allow the Councillor an opportunity to attend and present their case. Due to the safeguarding concerns it was decided that the Standards Committee hearing should be held in private.

4.3 The Standards Committee met on 23rd February 2022. Due to a potential conflict of interest, Councillor Evans decided not to attend and was substituted by Councillor Webb. Councillor Pragnell was elected Chair for the duration of the meeting. The Committee considered all five complaints and concluded that there was a breach of the Code of Conduct in relation to the following paragraphs:

- 3 (1) You must treat others with respect.
- 3 (2) You must not: (b) bully any person.
- 6 (a) You must not use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

The Committee resolved that the Councillor should undertake one to one training on social media and the Code of Conduct. The Committee also requested that all attendees respect the confidentiality of the complainants and the Councillors involved given safeguarding concerns.

5. Training

5.1 A training session is arranged for Members of the Standards Committee on 30th June 2022 immediately before the Annual Standards Committee meeting.

Wards Affected

None

Policy Implications

Have you checked this report for plain English and readability? Yes

Climate change implications considered? Yes

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Report Template v29.0

Additional Information

Officer to Contact

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