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Standards Committee Agenda

Monday, 10 July 2023 at 6.00 pm

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

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democraticservices@hastings.gov.uk

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30 JUNE 2022

Present: Councillors Haffenden (Chair), Edwards, Pragnell and Roberts. Independent Persons: Amanda McIntyre and John Baker. Officers: Mary Kilner, Monitoring Officer.

49. APOLOGIES FOR ABSENCE

Apologies for absence received from Kirsty Cameron, Deputy Monitoring Officer.

50. DECLARATIONS OF INTEREST

None received.

51. MINUTES OF THE PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 23 February 2022 be approved by the Chair as a true record.

52. ANNUAL REPORT

The Monitoring Officer presented a report to advise on the activities of the Standards Committee for 2021-22.

The last Annual Standards Committee meeting was held on 22nd September 2021. Since then there were five individual complaints against the same Councillor received by the Monitoring Officer which were determined at a full hearing of the Standards Committee in February 2022.

There have also been three complaints received by the Monitoring Officer concerning the behaviour of a Councillor at a public rally. The Monitoring Officer postponed dealing with the complaints as they were received during the pre-election period. Two of the complainants did not return the Standards Complaint Form, and there is one complaint outstanding which the Monitoring Officer is currently reviewing. The views of the Independent Persons will be sought when considering whether to take the complaint forward.

The Standards Assessment Committee met in December 2021 and a full Standards Committee hearing in February 2022 to deal with and determine the five complaints against the same Councillor. The Standards Committee determined that there was a breach of the code and 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.

RESOLVED:

STANDARDS COMMITTEE

30 JUNE 2022

1. To note the contents of the report.

Reasons:

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.

53. ANY OTHER BUSINESS

John Baker suggested the Committee consider targets for dealing with the different stages of a complaint. The parties involved can justifiably feel that it takes a long time for the process to be worked through, and this could give some indication of the timeframe for dealing with a complaint.

The Monitoring Officer agreed that complaints should move forward as quickly as possible, but this is often dependent on getting responses from those involved who often find the complaints stressful as well as obtaining further information and evidence in relation to the complaint. Amanda McIntyre suggested that the process could be improved by ensuring all parties are regularly updated on the progress of complaints so they can understand why there might be delays.

John Baker noted that when two councillors have submitted complaints against each other both parties are offered access to one of the Independent Persons to provide information on the process. Is there a way that similar support can be given to councillors who make a complaint but are not the subject of a complaint themselves? The Monitoring Officer said it would be possible to call on an Independent Person or officer from another authority to provide support if required.

Amanda McIntyre suggested the Committee draw up a protocol setting out the role of the Independent Person to formalise the process.

(The Chair declared the meeting closed at 6.22pm)

Agenda Item 4



Report To: Annual Standards Committee

Date of Meeting: 10th July 2023

Report Title: Standards Committee Annual Report

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

Key Decision: N/A

Classification: Open

Purpose of Report

To report on the activities of the Standards Committee for 2022-23.

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 Council 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 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 a complaint requires investigation, with the power to consult with one of the Independent Persons if required. The Monitoring Officer may refer particular complaints to the Standards Committee where appropriate, for example where the complaint is serious and/or sensitive. Amendments to the investigations and hearings procedures were adopted by the Standards Committee in May 2019.

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 Haffenden (Chair), Webb (Vice-Chair), Edwards, Pragnell and Roberts. At the Annual Council meeting in May 2023 the new membership was confirmed as Councillors Roberts (Chair), Roark (Vice-Chair), Edwards, Haffenden and Pragnell. 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. The councillor who is subject to the complaint may discuss the matter with the Independent Person who will provide support. 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 John Baker and Amanda McIntyre were appointed as the Independent Persons by Full Council on 18th October 2017 until 31st October 2022. They were nominated and approved for a second three-year term by Full Council on 13th July 2022, effective from 1st November 2022 until 31st October 2025.

2. Complaints

2.1 The last Annual Standards Committee meeting was held on 30th June 2022 and this report covers the period from June 2022 to the present date.

2.2 A complaint was received from a member of the public in November 2022 in relation to a Facebook post by a Councillor. The Monitoring Officer spoke with the Councillor regarding their use of social media and the complaint was not taken any further.

2.3 A complaint was received against a Councillor regarding their conduct towards an officer at a council meeting in November 2022. The Monitoring Officer dealt with the complaint under discretionary powers by speaking with the group leader. Following the group leader's intervention, the Councillor wrote an apology to the officer concerned.

2.4 Two complaints were received against a Councillor from members of the public in February 2023 in relation to comments made on Facebook. Only one complainant returned a Standards

Complaint Form. The complaint was considered under the Monitoring Officer's discretion and the Councillor was issued with a warning regarding their use of social media and instructed to complete social media training.

2.5 A complaint from an officer against a Councillor was received relating to a planning matter in March 2023. The matter is currently being dealt with under Monitoring Officer discretion and has been raised with the group leader.

2.6 (i) A complaint was received from a Councillor against a fellow Councillor in May 2023 alleging a breach of parts 3b (You must not bully another person), 4a (You must not disclose confidential information), 5 (You must not bring your office into disrepute) and 6a (You must not use your office to confer an advantage on yourself or another person) of the Code of Conduct.

(ii) The complaint relates to the alleged use of social media and council email to make accusations against fellow Councillors and alleged exchanges between the Councillors. The Monitoring Officer and Senior Democratic Services Officer met with the parties involved to agree a conciliation process as a way forward. The conciliation meeting is due to take place in the next few weeks.

(iii) Given the seriousness of the allegations the Monitoring Officer initially considered instructing Paul Hoey Associates to undertake an external investigation. As all parties currently wish to proceed with conciliation this has temporarily been put on hold.

2.7 Three complaints were received by the Monitoring Officer concerning the behaviour of a Councillor at a public rally in 2022. Two of the complainants did not return the Standards Complaints Form, and this matter is still under review by the Monitoring Officer.

3. Monitoring Officer 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.

3.2 Depending on the circumstances the Monitoring Officer may deal with complaints under discretionary powers or refer the issue to a Standards Assessment Sub-Committee for consideration.

4. Assessment Sub-Committee and full Standards Committee meetings

4.1 The Standards Assessment Sub-Committee and full Standards Committee have not been required to meet during the 2022-23 municipal year.

5. Review of the Standards Procedures

5.1 A review of the Council's standards complaint investigation procedures and hearing procedures will be undertaken over the course of the new municipal year. As suggested at the previous meeting officers will also bring forward an Independent Person Protocol for the committee to consider.

5.2 Any amendments to the procedures will be brought to the Standards Committee for approval and taken to the Working Arrangements Group to be included in the Council's Constitution. This will make the procedures more accessible to councillors and the public.

6. Training

6.1 Committee members have been provided with a recorded training session to watch in advance of the meeting. Any questions and comments can be taken at the meeting on 10th July.

6.2 Due to the number of complaints received regarding the use of social media further training will be provided for all Councillors on the acceptable use of social media.

6.3 Given two standards complaints have been received within the past municipal year from officers in relation to the officer and councillor protocol, Councillors are reminded to familiarise themselves with the Protocol for Relationships between Councillors and Co-opted Members and Officers in Part 5 of the Constitution. The purpose of the Protocol is to guide Councillors and officers in their relations with one another in such a way as to ensure the smooth running of the Council.

Wards Affected

n/a

Policy Implications

Reading Ease Score:

Have you used relevant project tools?: n/a

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

Equalities and Community Cohesiveness	N
Crime and Fear of Crime (Section 17)	N
Risk Management	N
Environmental Issues & Climate Change	N
Economic/Financial Implications	N
Human Rights Act	Y
Organisational Consequences	N
Local People's Views	N
Anti-Poverty	N
Legal	N

Additional Information

Officer to Contact

Mary Kilner

mary.kilner@hastings.gov.uk

01424 451731