

Report to: Annual Standards Committee

Date of Meeting: 16th May 2019

Report Title: Annual Report of Standards Committee

Report By: Chris Barkshire-Jones
Chief Legal Officer and Statutory Monitoring Officer

Purpose of Report

To report on the activities of the Standards Committee for 2018.

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 inform the Standards Committee of procedures that worked well.
3. To contribute to continuous improvement of the way the Council deal 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 within 4 days of being elected.

1.2 The Code of Conduct and revised Standards arrangements were adopted by the Council in July 2012 in order 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 sensitive and/or serious. The Monitoring Officer has discretion to deal with some complaints that in her opinion do not need to be considered further as set out in detail in paragraph 3 of this report. However she considers it good practice to inform the Chair of Standards Committee and the Independent Persons of any decision she makes in this way. The original report to Standards Committee dated 28th May 2012 is attached for information.

1.3 Standards Committee has a membership of 7, of whom 5 are elected councillors and 2 are independent persons. The elected councillors sitting on the Standards Committee in the last municipal year were Councillors Barnett (Chair), Roberts (Vice-Chair), Bishop, Edwards and Forward. The Committee is politically balanced although not required to be so by law.

1.4 The Localism Act 2011 requires the Council to appoint at least one Independent Person to assist with the standards process. 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.

2. Complaints

2.1 In 2018 seven complaints were received by the Monitoring Officer. Three are ongoing investigations pending conclusion of the European election on 23rd May 2019 so as not to take place during purdah. The remaining four were dealt with under Monitoring Officer's discretion.

3. Monitoring Officers Discretion

3.1 The Monitoring Officer has discretion 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 or deemed not sufficiently serious. Four of the complaints received were considered under Monitoring Officer's discretion. The first of these related to a complaint following a heated debate at a Full Council meeting which had spilled over after the Council meeting had concluded and involved a Labour councillor saying something rude to a Conservative councillor for which he apologised and the two councillors shook hands. The Monitoring Officer sought the view of both Independent Persons and the Chair of Standards Committee and concluded that apologies had been offered and accepted. The complainant was advised that no further action would be taken.

3.2 The second complaint related to an allegation that a councillor called another councillor a liar in a Full Council meeting. The Monitoring Officer and Deputy Monitoring Officer watched the recording of the meetings concerned and did not uphold the claim as they considered there to be a misunderstanding of language. The Monitoring Officer sought the view of both Independent Persons and the Chair of Standards Committee. The complainant was advised that no further action would be taken.

3.3 The third complaint came from a member of the public and related to an allegation that a councillor had been involved in a campaign of bullying and harassment involving users of Alexandra Park. The Monitoring Officer and Deputy Monitoring Officer spoke to the councillor involved and made enquiries of Council officers. The Monitoring Officer asked the complainant for the person who alleged the complaint to contact her to discuss the complaint. No response was received, the Monitoring Officer chased again and no response was received, therefore the complaint could not proceed due to a lack of evidence. The Monitoring Officer sought the view of both Independent Persons and the Chair of Standards Committee.

3.4 The fourth complaint related to an allegation that a conservative councillor called a labour councillor anti-semitic in a Full Council meeting. The Monitoring Officer and Deputy Monitoring Officer watched the recording of the meeting concerned and did not uphold the claim as they considered that the statement made was against the Labour Party given the national coverage the issue was receiving and not made against the individual concerned. The Monitoring Officer sought the view of both Independent Persons and the Chair of Standards Committee. The complainant was advised that no further action would be taken.

Training

12. A training session was arranged for members of the Standards Committee and Independent Persons in October 2018. The training was provided by the Monitoring Officer and Deputy Monitoring Officer.

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

Additional Information

Appendix 1 - original report to Standards Committee dated 28th May 2012

Officer to Contact

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