

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

Additional Information

Officer to Contact

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