



*Head of Legal and  
Democratic Services*

**MEETING** : STANDARDS COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 23 JANUARY 2024  
**TIME** : 7.00 PM

**MEMBERS OF THE COMMITTEE**

Councillors V Burt, R Carter, N Clements, A Parsad-Wyatt, V Smith,  
T Stowe and R Townsend

**CONTACT OFFICER: Katie Mogan**

This meeting will be live streamed on the Council's Youtube page:  
<https://www.youtube.com/user/EastHertsDistrict>

## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
  
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
  
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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### **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

## AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any declarations of interest.

4. Minutes - 5 July 2023 (Pages 5 - 12)

To confirm the Minutes of the meeting held on 5 July 2023.

5. Standards Update (Pages 13 - 18)

6. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 5 JULY 2023,  
AT 7.00 PM

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PRESENT:

DISTRICT COUNCIL MEMBERS:

Councillors V Burt, N Clements, A Parsad-  
Wyatt, V Smith, T Stowe and R Townsend

INDEPENDENT PERSON:

Nicolas Moss

ALSO PRESENT:

Councillors P Furness, G Hill and J Kenyon

Councillor G Hill

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer

79 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor Smith and seconded by Councillor Clements, that Councillor Townsend be appointed Vice-Chairman of the Standards Committee for 2023/24. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that Councillor Townsend be appointed as Vice-Chairman of the Standards Committee for 2023/24.

80 CO-OPTION OF TOWN/PARISH COUNCILLORS

It was moved by Councillor Stowe and seconded by Councillor Parsad-Wyatt, that Parish Councillors Furness, Hunt and Kenyon be formally co-opted to the Standards Committee. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that Parish Councillors Furness, Hunt and Kenyon be formally co-opted to the Standards Committee.

81 APOLOGIES

An apology for absence was received from Councillor Carter.

82 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed everybody to the first meeting of the Committee and asked that all participants use their microphones when speaking as the meeting was being webcast.

83 MINUTES - 5 JANUARY 2023

Councillor Burt proposed and Councillor Stow seconded, a motion that the Minutes of the meeting held on 5 January 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

- Councillor Hunt's name be added to the list of attendees.
- Minute 286 – delete in the 1<sup>st</sup> paragraph – 'bene' and replace with 'been'
- Minute 286 – delete in the 9<sup>th</sup> paragraph – 'complainant' and replace with 'complaint'
- Minute 285 – delete in the 10<sup>th</sup> paragraph – 'they' and replace with 'members of the public'
- Minute 285 – add in the 10<sup>th</sup> paragraph, at line 7 – 'not' after the word something.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting held on 5 January 2023, be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

- Councillor Hunt's name be added to the list of attendees.
- Minute 286 – delete in the 1<sup>st</sup> paragraph – 'bene' and replace with 'been'

- Minute 286 – delete in the 9<sup>th</sup> paragraph – ‘complainant’ and replace with ‘complaint’
- Minute 285 – delete in the 10<sup>th</sup> paragraph – ‘they’ and replace with ‘members of the public’
- Minute 285 – add in the 10<sup>th</sup> paragraph, at line 7 – ‘not’ after the word something.

#### 84 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 85 STANDARDS UPDATE

The Head of Legal and Democratic Services introduced the report. He said that the Committee would receive an update report at each meeting to inform them of any complaints received regarding the conduct of District, Town and Parish Councillors.

The Head of Legal and Democratic Services referred to the table shown at paragraph 2.4 of the report, which listed the six such complaints received since the last meeting of the Committee on 5 January 2023. He said that identifying detail had been removed to maintain confidentiality.

The Head of Legal and Democratic Services said that each complaint received required him to consult with the Committee’s Independent Person and mutually agree upon a conclusion.

The Chairman thanked the Head of Legal and



Democratic Services for his report.

Councillor Stowe asked if the Monitoring Officer received confirmation that an apology letter had been sent, should a breach of the code be found, and this deemed to be the appropriate action to take.

The Head of Legal and Democratic Services said that when a complaint was made, both the complainant and the Member concerned were asked if they are happy to consult with each other directly. He said that he can act as a 'go between' if this was not appropriate, and that confirmation was sought to ensure that letters of apology were sent.

Councillor Clements asked if the number of complaints contained within the report was an average number to have been received, and how much time was spent dealing with a complaint.

The Head of Legal and Democratic Services said that even a trivial complaint took up a lot of time. He said that each required him to speak to the complainant to get a true understanding of the complaint, and how this related to the code of conduct. He said that he would also visit the Council in question to seek their view and speak to any witnesses. He said that any information given to him by the Councillor would also need to be investigated before consultation with the Independent Person. He said that the conclusion for each complaint was then relayed back to both parties.

The Head of Legal and Democratic Services said that to have received six complaints in the period since the last meeting of the Committee was a little below

average, with seven to eight more of a normal number. He said that it was important to understand that every complaint, even where no breach was found, could not be dismissed and required groundwork.

The Independent Person said that he endorsed what the Head of Legal and Democratic Services had said, adding that members of the public were entitled to complain, but tests were also required to ascertain if the Member was acting in the capacity of a Councillor at the time of the alleged breach.

The Independent Person said that it wasn't unknown for members of the public to make complaints if they were unhappy with a decision made by a Councillor. He said that this was not misconduct, and that the code of conduct was not a route for pursuing satisfaction. He said that the code was not intended to hobble Councillors in the discharge of their duties.

Councillor Townsend asked for clarification of the process required to add an item to the Committee's agenda.

The Head of Legal and Democratic Services said that the agenda was required to be published at least five clear working days before the meeting, but this did not include the lead in time required to prepare reports and the possibility that they may need to go before Leadership Team. He asked that Members contact him as soon as possible should they have a possible agenda item and to copy in Democratic Services to determine if the Committee was the correct forum for the item. He said that this should be at least three to four weeks prior to the Committee meeting date.

Councillor Hunt referred to page 7 of the agenda and asked if the new complaints handling procedure had been sent to all parish clerks as per the minutes of the last Committee meeting.

The Head of Legal and Democratic Services said that he would arrange for this to be done within the week. He explained to the new Members of the Committee that the new complaints handling procedure was adopted in January 2023 and included an extra step which required councils to first attempt to resolve complaints at a local level.

It was moved by Councillor Townsend and seconded by Councillor Smith, that the recommendation, as detailed, be approved. After being put to the meeting and a vote taken, this motion was declared CARRIED.

**RESOLVED** – that (A) the Committee receive the report and provide any observations to the Head of Legal and Democratic Services and Monitoring Officer.

86 URGENT BUSINESS

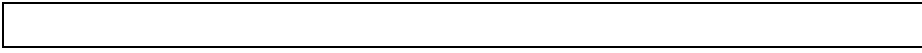
There were no urgent items.

The meeting closed at 7.23 pm

Chairman .....
Date .....

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## **East Herts Council Report**

### **Standards Committee**

**Date of meeting: Tuesday 16 January 2024**

**Report by: Head of Legal and Democratic Services**

**Report title: Standards Update**

**Ward(s) affected: (All Wards);**

**Summary** - The report updates Members of the Committee on standards issues generally.

### **RECOMMENDATIONS that:**

- a) That the Committee receive the report and provide any observations to the Head of Legal and Democratic Services and Monitoring Officer.**

### **1.0 Proposal(s)**

- 1.1 As above

### **2.0 Background**

- 2.1 Within its terms of reference, the Standards Committee has a function “to promote and maintain high standards of conduct of Members and Co-opted Members of the Council” and “to receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members’ Code of Conduct”.

2.2 Paragraph 7.5.1 of the Constitution also states that “The Monitoring Officer will present a general report on standards matters at each Committee meeting, updating the Committee on the workload of the Monitoring Officer and current standards issues”.

2.3 The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist to govern, Member conduct.

### **East Herts complaints/ issues update.**

2.4 The complaints made to the Monitoring Officer since the last report to the Standards Committee on 5 July 2023 are as follows:

Complaint about: Parish/Town or District Councillor	Summary of complaint	Action taken
<b>Complaint 04/2023</b> Complaint against District Councillor.	Offensive social media comments.	Member not “in capacity” under s.27(2) Localism Act.
<b>Complaint 05/2023</b> Complaint against Parish Councillors	Misuse of social media.	Discontinued due to lack of communication from complainant.
<b>Complaint 06/2023</b> Complaint against Parish Councillor	Disrespectful behaviour to fellow town councillor	Dismissed under Appendix 1 of the Complaints Procedure – The complaint

		appears to be minor, trivial or otherwise not sufficiently serious.
<b>Complaint 07/2023</b> Complaint against Parish Councillor	Improper use of position as a Parish councillor and bullying.	Resolved informally (training), bullying allegation dismissed.
<b>Complaint 08/2023</b> Complaint against Parish Councillor	Apparent lack of understanding of topic.	Dismissed under Appendix 1 of the Complaints Procedure –  The complaint appears to be minor, trivial or otherwise not sufficiently serious.
<b>Complaint 09/2023</b> Complaint against District Councillor	Offensive social media comments.	Member not “in capacity” under s.27(2) Localism Act.
<b>Complaint 10/2023</b> Complaint against District Councillor	Improper use of position as a District councillor and bullying.	To be resolved informally (apology).
<b>Complaint 12/2023</b> Complaint against Town Councillor	Impartiality and improper use of position as a Town councillor	Ongoing.
<b>Complaint 13/2023</b> Complaint against District Councillor	Disrespectful behaviour towards another councillor.	Ongoing.

2.5 Please note that where complaints are withdrawn by the complainant before they are considered by the Monitoring Officer and Independent Person, they are not included in the table above.

### **3.0 Reason(s)**

3.1 To ensure good governance within the Council.

### **4.0 Options**

4.1 Not providing updates to Members on standards issues. This option is NOT RECOMMENDED, as to do so would weaken the Committee's ability to adequately promote and maintain the Ethical Standards Framework, and to maintain an oversight of the council's arrangements for dealing with complaints.

### **5.0 Risks**

5.1 Appropriate reporting processes and policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

### **6.0 Implications/Consultations**

6.1 The Independent Person is consulted on all complaints as is required under the Localism Act 2011.

### **Community Safety**

No



### **Data Protection**

Yes – All information pertaining to the complainants, Councillors complained of and the Parish and Town Council involved have been removed to maintain confidentiality.

### **Equalities**

Yes – Where complainants make it known that they require assistance in making their complaints e.g. with language issues, the Monitoring Officer took additional steps to assist them in this regard.

Complaint that highlight a failure to promote equal opportunities allows the Council to address these and provide confidence to the residents of East Herts that the Council treats these issues seriously.

### **Environmental Sustainability**

No - There are no environmental implications to this report.

### **Financial**

No - There are no capital or revenue implications arising from the content of this report. Complaints are dealt with by the Monitoring Officer and Deputy Monitoring Officer, with the potential for some referrals to be made externally should the Procedure indicate that this is appropriate, or because of resource implication within the Service in dealing with it inhouse.

### **Health and Safety**

No

### **Human Resources**

No - The work outlined within the report is within the caseload of the Monitoring Officer. Implications are otherwise touched on under financial implications above.

### **Human Rights**

No

## **Legal**

Yes – The Standards Committee has a function under paragraph 7.4.1(a) and (f) to promote and maintain high standards of conduct of Members and Co-opted Members of the Council and receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

7.1 None

## **Contact Member**

*None*

## **Contact Officer**

James Ellis – Head of Legal and Democratic Services,

Contact Tel. No. 01279 502170

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## **Report Author**

James Ellis – Head of Legal and Democratic Services and Monitoring Officer

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