



*Alison Stuart
Head of Legal and
Democratic Services*

MEETING : STANDARDS SUB-COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 6 MARCH 2019
TIME : 2.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE SUB-COMMITTEE

Councillors P Boylan, B Deering and T Stowe

**CONTACT OFFICER:
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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.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

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. Appointment of Chairman

To appoint a Chairman for this meeting.

2. Apologies

To receive any apologies for absence.

3. Chairman's Announcements

To receive any Chairman's announcements.

4. Declarations of Interest

5. Minutes - 30 January 2019 (Pages 7 - 18)

To approve as a correct record the Minutes of the meeting held on 30 January 2019

6. Determination and Decision into a Complaint of Failure to Observe the Code of Conduct - Former Ware Town Councillor Jeanette Taylor
(Pages 19 - 24)

7. 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.

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MINUTES OF A MEETING OF THE
STANDARDS SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 30 JANUARY
2019, AT 10.00 AM

PRESENT: Councillor B Deering (Chairman)
Councillors P Boylan and T Stowe

ALSO PRESENT:

Councillors D Andrews and R Standley

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Alison Stuart	- Head of Legal and Democratic Services
Alex Oram	- Investigator

ALSO IN ATTENDANCE:

Nicholas Moss	- Independent Person
Alex Oram	- Investigator
Mick Standley	- Representing former Town Councillor J Taylor
Jeanette Taylor	- Former Ware Town Councillor
Yvette Taylor	- Daughter of former Town Councillor J Taylor

6 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor P Boylan and seconded by Councillor T Stowe that Councillor B Deering be appointed Chairman of the Standards Sub-Committee for the meeting.

RESOLVED – that Councillor B Deering be appointed Chairman of the Standards Sub-Committee for the meeting.

7 MINUTES - 26 JUNE 2018

Councillor P Boylan proposed and Councillor T Stowe seconded, a motion that the Minutes of the meeting held on 26 June 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 26 June 2018, be confirmed as a correct record and signed by the Chairman.

8 EXCLUSION OF THE PRESS AND PUBLIC

Mr Mick Standley, representing former Ware Town Councillor J Taylor, made a formal application for this Standards Sub-Committee meeting to be adjourned. He summarised the reasons for requesting an adjournment and made an allegation of bullying against the Monitoring Officer. He commented on the differences between the versions of the investigator's report and the difficulties in cross referencing.

The Monitoring Officer refuted absolutely the suggestion of bullying and emphasised that this went against her personal and professional standards. She referred in detail to her email correspondence with Mr Standley.

The Sub-Committee Members left the room with the Monitoring Officer, the Democratic Services Officer and the Independent Person to consider the request for an adjournment. Following this, they returned and the Chairman announced that the Sub-Committee meeting would continue on the basis that all parties were present and had the relevant documents including the investigator's report. The Chairman stated that all parties had had ample time to prepare a response.

The Chairman further stated that he was not aware of any material differences between the versions of the reports that had been made available prior to this Sub-Committee hearing. He also emphasised that he was not aware of any inappropriate behaviour of bullying on the part of the Monitoring Officer. He believed that the conduct of the Monitoring Officer had been entirely appropriate and the matter had been dealt with by her in an exemplary fashion.

Mr Standley raised a point of order in that he believed that former Ware Town Councillor Taylor's daughter should be allowed to stay in the meeting should the press and public be excluded. Councillor D Andrews raised a point of order on the basis that as a Member of East Herts Council he could attend any meeting of the Authority conducting any business. The

Monitoring Officer stated that it was not cited in the Constitution that any Member could attend any meeting.

The Chairman advised that, if the press and public were excluded, then witnesses would have to leave after addressing the Sub-Committee. All present were reminded that this meeting was a Standards Sub-Committee, hearing tasked with investigating code of conduct matters.

Councillor P Boylan proposed and Councillor T Stowe seconded, a motion that, pursuant to Section 100 (A) (4) of the Local Government Act 1972 as amended, the press and public be excluded during consideration of the business referred to in Minute 9, on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part 1 of Schedule 12A of the said Act.

The Monitoring Officer emphasised that the release of an individual's name by Mr Standley before the exclusion of the press and public was not condoned by East Herts Council.

RESOLVED – that pursuant to Section 100 (A) (4) of the Local Government Act 1972, as amended, the press and public be excluded during consideration of the business referred to in Minute 9, on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part 1 of Schedule 12A of the said Act.

At this point, Councillor D Andrews, the press and the witnesses left the Council Chamber.

9 COMPLAINT OF FAILURE TO OBSERVE THE CODE OF CONDUCT - FORMER WARE TOWN COUNCILLOR JEANETTE TAYLOR

The Chairman outlined the procedure to be followed and everyone present was introduced. The procedure had been included in the Agenda circulated in advance of the meeting. Mr Standley read out an email from Councillor M Pope. He commented on whether the complaints against former Ware Town Councillor J Taylor by the complainant had been made in a private capacity or as the Clerk or Officer of Ware Town Council.

Former Ware Town Councillor Taylor outlined the events that had resulted in the complaint that she had failed to observe the Ware Town Council's code of conduct. She stated that an element of the complaint was that she had acted in her capacity as a Councillor when making the arrangements for her late husband's funeral. She refuted this and stated she did not go to meetings about the wake as a Councillor.

The Chairman reminded those present that the matter for the Sub-Committee to consider was whether there had been a breach of the Ware Town Council code of conduct. Former Ware Town Councillor Taylor questioned whether some elements of the matters detailed in the report and evidence were Standards matters that fell outside the jurisdiction of the Sub-Committee.

Former Ware Town Councillor Taylor emphasised that she had sought to book her late husband's funeral as a member of the public. The investigator referred to the initial draft of his report in the Agenda and the final version issued by him on 23rd January 2017. He emphasised that there were 2 elements to the complaint and he stated that he had no problem referring to any of the matters detailed in both reports.

The Investigator stated that the 2 elements concerned (a) the arrangements for the funeral and wake and (b) the manner in which the dissatisfaction with elements of these events was pursued. He referred to the matter of whether former Ware Town Councillor Taylor had been acting in her official capacity or as a private individual. He referred the Sub-Committee to the findings of fact detailed in his report.

Former Ware Town Councillor Taylor referenced her service as a Councillor and stated that there was no evidence she had sought benefit for herself due to her involvement in Council business.

The Investigator referred to a number of emails included with his report. He believed that former Ware Town Councillor Taylor's dissatisfaction with how the response to her son's complaint was being handled had led to a conflict in terms whether she was a Town Councillor acting in the public interest or a Town Councillor seeking to gain advantage.

The Investigator stressed the importance of the onus being on Members to ensure that people were always

aware of which hat they were wearing when interacting with people. He commented on the suggestion that former Ware Town Councillor Taylor had used her position to pursue the complaint and gain advantage. He also commented on the allegation she had used her position to add items onto meeting Agenda.

The Investigator emphasised that former Ware Town Councillor Taylor might have felt she had a duty to rectify matters for the benefit of the public based on her experience. She should not seek to be involved in such matters for her own gain as this would constitute a failure to comply with the code of conduct.

The Investigator confirmed to the Chairman that he had spoken to several witnesses and they had all been willing to engage with him. He referred to the differing accounts he had received and stated that he had no reason to believe that there were any nefarious reasons for the complaint.

The Investigator explained that he had not identified any evidence of bullying by former Ware Town Councillor Taylor. He was however aware that there appeared to be significant issues at Ware Town Council in terms of the relationship between Members and Officers.

The Investigator emphasised that Officers felt pressured to be sympathetic towards the position of former Ware Town Councillor Taylor pursuing her son's complaint, regardless of how she acted towards them and this could be seen as an abuse of her

position as a Councillor.

Following a question from former Ware Town Councillor Taylor in respect of her evidence and the evidence of Mrs Rowlinson, the investigator stated that the evidence of Mrs Rowlinson related to whether she had felt pressured to permit free use of the conservatory in addition to Fletchers Lea.

The Investigator stated that the lines had been blurred in terms of whether former Ware Town Councillor Taylor's involvement with the funeral had been in her capacity as a member of the public or as a Member of Ware Town Council. Former Ware Town Councillor Taylor detailed the timeline of the complaint initiated by her son on Monday 5 October 2015 following her late husband's funeral on 2 October 2015. She stated that she had felt compelled to get involved as there had been no response to his complaint in 6 weeks.

The Investigator commented on the governance arrangements in place at Ware Town Council. Former Ware Town Councillor Taylor emphasised that she believed she had never been rude on the phone to Officers or to anyone.

Mr Standley put a number of questions to Mrs Standley as a witness. She answered a number of questions in respect of her involvement with former Ware Town Councillor Taylor when the funeral arrangements were being made. She confirmed that former Ware Town Councillor Taylor had not been aggressive in her approach and had been very upset at the time.

Mrs Standley confirmed that former Ware Town Councillor Taylor had not said anything to suggest she should be given favourable treatment as she was a Councillor. She summarised a number of failings in the arrangements at the wake that followed the funeral in October 2015. She also answered a number of questions in respect of Ware Priory Trading.

Councillor P Boylan commented on the complaints policy of Ware Town Council and whether this was for general Ware Town Council matters and not specifically for matters concerning Ware Priory Trading. He also commented on what were the next steps should a complainant be unsatisfied with the response they had received.

Mr Standley put a number of questions to the daughter of former Ware Town Councillor Taylor in respect of the circumstances surrounding the events that led up to and followed the funeral. The former Ware Town Councillor Taylor's daughter confirmed that the funeral had been a private wake and emphasised that the suggestion that this was a Town Council event was absurd. She expressed concerns about the sub-standard service at the wake and she detailed a number of problems with the catering.

In response to a question from Mr Standley as to why former Ware Town Councillor Taylor had chased up the complaint, her daughter confirmed that she believed former Ware Town Councillor Taylor had chased the complaint in an effort to protect her children rather than seeking to abuse her position.

Councillor P Boylan referred to the suggestion from the Investigator that a review of governance at Ware Town Council should be carried out. He commented on why this had not taken place. Mrs Rowlinson stated that this matter had been reported to the Finance Committee at Ware Town Council and this had been rejected on the grounds of cost.

Councillor P Boylan questioned former Ware Town Councillor Taylor as to why she had used her Hertfordshire County Council email on a number of occasions to deal with personal matters. Former Ware Town Councillor Taylor acknowledged that she had used her County Council email for sending personal emails signed as Jeanette Taylor and she apologised for this.

Mrs Rowlinson stated that Ware Town Council emails to Members were forwarded to an East Herts Council or Hertfordshire County Council email if a Member had no private email address.

Mr Standley made a number of points in reference to the documents submitted by the investigator regarding the case against former Ware Town Councillor Taylor. The Chairman reiterated that stories that had appeared in the press were not the subject of this Sub-Committee hearing. Former Ware Town Councillor Taylor commented on the issue of adverse media coverage. The Investigator emphasised his view that, following his investigations, it was his opinion that the code of conduct had been breached and the evidence merited formal action.

All of the parties present at the Sub-Committee meeting summarised their submissions. The Sub-Committee retired with the Monitoring Officer, the Independent Person and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced that that the Sub-Committee had not been able to conclude its consideration of the complaints in the time available. The Chair stated that a decision would be reached as soon as possible and all parties would be advised of this decision, which would be issued in the public domain.

RESOLVED – that (A) the Sub-Committee had not been able to conclude its consideration of the complaints in the time available;

(B) a decision would be issued as soon as possible and all parties would be advised of this decision, which would be issued in the public domain.

The meeting closed at 6.15 pm

Chairman
Date

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EAST HERTS COUNCIL

STANDARDS SUB-COMMITTEE – 6 MARCH 2019

REPORT BY THE MONITORING OFFICER

DETERMINATION AND DECISION INTO A COMPLAINT OF FAILURE TO OBSERVE THE CODE OF CONDUCT- FORMER WARE TOWN COUNCILLOR JEANETTE TAYLOR

WARD(S) AFFECTED:

Purpose/Summary of Report

- For the Standards Sub-Committee to deliver their decision on the complaint regarding former Ware Town Councillor Jeanette Taylor in accordance with paragraph 7.1.2 of the East Herts Council Councillors Complaints Procedure.

RECOMMENDATIONS FOR STANDARDS SUB COMMITTEE

(A)	That the Standards Sub-Committee deliver a fair and reasoned decision in the matter of the complaint regarding former Ware Town Councillor Jeanette Taylor and determine whether, on the balance of probabilities, a breach or breaches of the Ware Town Council Members' Code of Conduct adopted on 2 July 2012 has occurred; and
(B)	If such a breach or breaches is/are found to have occurred, the Standards Sub-Committee determines what sanction is appropriate (having consulted with the Independent Person).

1.0 Reason for Recommendation

To comply with S28(4) and (6) of the Localism Act 2011.

2.0 Background

- 2.1 On 30th January 2019, the Standards Sub-Committee convened to determine a complaint regarding former Ware Town Councillor Jeanette Taylor.
- 2.2 The hearing lasted a full day and subsequently the Standards Sub-Committee resolved that due to the length of the hearing and issues raised, it was not possible to deliver a decision at the hearing and the Standards Sub-Committee required sufficient time to consider the matter in detail.
- 2.3 In line with Appendix 4 paragraph 6 of the East Herts Council Councillors' Complaints Procedure, the Standards Sub-Committee shall deliberate in private and consider the evidence presented. The Sub-Committee will give reasons for any decision. The decisions on such matters will be announced by the Chairman of the Committee. Accordingly this meeting has been scheduled to deliver the decision and reasons.

3.0 Issues

- 3.1 In summary, the issues for determination by the Standards Sub-Committee are whether:
- 3.2 The member was not acting in a Councillor capacity and therefore the code was not engaged and the member did not breach it;
- 3.3 The member was acting in a Councillor capacity, but did not through their conduct breach any part of the Code
- 3.4 The member was acting in a Councillor capacity and breached the Code of Conduct.
- 3.5 In reaching its determination, the Standards Sub-Committee are reminded to consider the Reports, relevant evidence and relevant representations made (either included in the reports, or Hearing bundle or made to the Standards Sub-Committee orally or in writing), to take into account views provided by the

Independent Person present at the hearing (in accordance with section 28(7) of the Localism Act 2011 and any legal advice.

4.0 Available Sanctions

4.1 If the Standards Sub-Committee determines that the former Ware Town Councillor was acting as a Councillor at the time of the alleged breach(es), under paragraph 7.1.2 of the adopted East Herts Councillor Complaints, the Standards Sub-Committee can make one of the following findings:

4.2 That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing; or

4.3 That the Member has breached the Code of Conduct;

4.3 If the Standards Sub-Committee decides that the Member has failed to follow the Code of Conduct, it will consider any representations from the Investigator and/or the Member (or his/her representative) and the views of the Independent Person as to whether:

- any action should be taken or
- the form of any action, including whether to make any recommendations to the Council with a view to promoting high standards of conduct among its Members.

4.3 Following 8.2 of the East Herts Council Councillor Complaints Procedure, the Standards Sub-Committee may consider:

- A formal letter to the Councillor found to have breached the code;
- Formal censure by motion;
- Publish its findings that a member has broken the code of conduct in respect of the member's conduct;

- Report its findings to the Authority [or to the Parish Council] for information;
- Advise the member's Group Leader of the finding;
- Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
- Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access
- Issue a press release or other appropriate publicity;

4.4 The Standards Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

5.0 Implications/Consultations

5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	In line with the procedure, the Independent person was consulted throughout the process.
Legal:	<p>The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by Members and co-opted Members of the authority. Under section 28 of the Act, the authority must adopt a Code dealing with the conduct that is expected of Members when acting in that capacity. Any alleged failure to comply with the authority's Code of Conduct must be dealt with under the adopted local complaints handling arrangements.</p> <p>9.2 If the authority receives a complaint of a breach of the Code of Conduct, it is therefore obliged to follow its adopted procedures and to do so in a manner that meets the legal duties under section 27</p> <p>9.3 The Standards Sub-Committee is the designated Committee for determination of any final complaints if the Monitoring Officer concludes (as per paragraph 7 of the East Herts Council Councillor Complaints Procedure) that informal resolution is inappropriate. Given the nature of the complaints and the Investigator's conclusions, the Interim Monitoring Officer considered informal resolution</p>

	to be inappropriate and the matter was referred for determination by the Standards Sub-Committee.
Financial:	There is no specific budget for Member investigation
Human Resource:	East Herts Council is only designated to investigate employment matters concerning its own Authority.
Risk Management:	The Member Code of Conduct and process for carrying out investigations into breaches of the Code are part of the Council's overall governance framework.
Health and wellbeing – issues and impacts:	
Equality Impact Assessment required:	In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. The contents of this report do not directly impact on equality.