



*Alison Stuart
Head of Legal and
Democratic Services*

MEETING : ASSESSMENT SUB-COMMITTEE
VENUE : ROOM 1.12 WALLFIELDS, HERTFORD
DATE : FRIDAY 4 OCTOBER 2019
TIME : 12.00 PM

MEMBERS OF THE COMMITTEE

Councillors A Alder, L Corpe and A Ward-Booth

Substitutes

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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.

Implementing paperless meetings will save East Herts Council approximately £50,000 each year in printing and distribution costs of agenda packs for councillors and officers.

You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

The Council is moving to a paperless policy in respect of Agendas at Committee meetings. From 1 September 2019, the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices.

AGENDA

1. Appointment of Chairman

To appoint a Chairman for the meeting.

2. Code of Conduct Complaint - Request to retain anonymity (Pages 7 - 24)

3. Exclusion of the Press and Public

To move that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of agenda item 2 above on the grounds that it contains exempt information as defined in paragraph 1 of part 1 of Schedule 12A of the said Act of the following description:

"Information in relation to an individual".

4. 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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EAST HERTS COUNCIL

ASSESSMENT SUB-COMMITTEE – 4 OCTOBER 2019

REPORT BY THE MONITORING OFFICER

CODE OF CONDUCT

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- A Code of Conduct complaint has been received where the complainant wishes to retain anonymity. An assessment sub committee has been formulated to consider the complainant's request for anonymity and further consider whether the complainant's request for anonymity should be upheld.

| <u>RECOMMENDATION TO ASSESSMENT SUB COMMITTEE</u> | |
|--|--|
| (A) | To consider a complainant's request for anonymity in respect of a Code of Conduct complaint |
| (B) | To decide whether the complainant's request for anonymity should be upheld |

1.0 Background

1.1 Within its terms of reference, the Performance Audit and Governance Oversight Committee has a function "to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority".

1.2 Part C of the East Council's complaint form specifies:

1. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the

complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:

- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
- may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

1.3 Paragraph 3.5 of the East Herts Council complaints procedure further provides:

- The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

1.4 The formulation of an assessment sub committee was approved by the Performance Audit and Governance Oversight Committee on 24 September 2019. It is therefore required that the assessment sub Committee considers whether anonymity should be granted in line with the complaints process.

1.5 Members of the Assessment Sub Committee are required to consider the complaint in line with procedure and decide whether the complainants request for anonymity will be upheld.

2.0 Implications/Consultations

Information on any corporate issues and consultation associated with this report are contained within **Essential Reference Paper 'A'**.

Background Papers:

<https://www.eastherts.gov.uk/search?q=councillors&go.x=0&go.y=0>

Contact Officer and report author:

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

| | |
|---|---|
| Contribution to the Council's Corporate Priorities/ Objectives | 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: | N/A |
| Legal: | It is important that the Council follows due process in consideration of Code of Conduct complaints. |
| Financial: | No financial implications |
| Human Resource: | N/A |
| Risk Management: | |
| Health and wellbeing – issues and impacts: | N/a |
| Equality, diversity and human rights considerations, and whether Equality Impact Assessment required: | N/A |
| Environmental Sustainability | N/A |

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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