



*Head of Legal and  
Democratic Services*

**MEETING** : STANDARDS COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 5 JULY 2023  
**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**  
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This meeting will be live streamed on the Council's Youtube page:  
<https://www.youtube.com/user/EastHertsDistrict>

## AGENDA

### 1. Appointment of Vice-Chairman

To appoint the Vice-Chairman of the Committee for the 2023/24 Civic Year.

### 2. Co-option of Town/Parish Councillors

To formally co-opt Town/Parish Councillors Ian Hunt, Patricia Furness and Jeffrey Kenyon onto the Standards Committee.

### 3. Apologies

To receive apologies for absence.

### 4. Chairman's Announcements

### 5. Minutes - 5 January 2023 (Pages 5 - 12)

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

### 6. Declarations of Interest

To receive any declarations of interest.

### 7. Standards Update (Pages 13 - 18)

### 8. 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 THURSDAY 5 JANUARY  
2023, AT 7.00 PM

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PRESENT:

District Council Members:

Councillors T Stowe, R Bolton,  
R Buckmaster, A Huggins and M Pope

Independent Persons:

N Moss

ALSO PRESENT:

Councillors P Ruffles

OFFICERS IN ATTENDANCE:

James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Katie Mogan	- Democratic Services Manager

281 APOLOGIES

Apologies of absence were received from Parish Councillor Jane Dodson and Parish Councillor Vicky Smith.

282 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members to use the microphones so they could be heard on the webcast.

283 MINUTES - 6 JULY 2022

Councillor Huggins proposed, and Councillor R Buckmaster seconded a motion that the Minutes of the meeting held on 6 July 2022 be approved as a correct record and be signed by the Chairman. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting held on 6 July 2022 be approved as a correct record and signed by the Chairman.

284 DECLARATIONS OF INTEREST

There were no declarations of interest.

285 REVIEW OF COUNCILLOR COMPLAINTS HANDLING PROCEDURE

The Head of Legal and Democratic Services introduced the Review of Councillor Complaints Handling Procedure. He said that the last procedure had been adopted in September 2011 and the complaints procedure needed to be updated following the new Code of Conduct being adopted in April 2021.

The Head of Legal and Democratic Services referred to

paragraph 2.3 of the report which listed the notable changes to the procedure. He said that one important change was the inclusion of local resolution whereby complaints should try to be resolved at a local level before referring to the Monitoring Officer. He said that he hoped this would result in a quicker resolution for the complainant. A further amendment was the inclusion of clearer definitions of each stage of the complaints process to set out clearly what would happen when.

The Head of Legal and Democratic Services said a clearer explanation of the role of the Independent Person had been included instead of the document referring to the Localism Act.

The Independent Person said that the procedure was a vast improvement on the current version. He said that the whole point was to make clear that the complaints procedure was not a mechanism for people to complain about decisions that had been made lawfully by councillors. He said that the sequencing that had been set out for each stage of the process was easy to follow.

Parish Councillor Hunt asked if all complaints fell under Code of Conduct complaints.

The Head of Legal and Democratic Services said there was often some confusion as to what constituted a Code of Conduct complaint. He said he had received complaints about council decisions or that councillors were not responding to correspondence, but these did not fall under the Code of Conduct.

Parish Councillor Hunt said that parish councils were at the front line of complaints and said that Much Hadham had

its own complaints procedure. He asked if parish councils would be informed of that addition of the local resolution stage as they may need to change their own individual policies.

The Head of Legal and Democratic Services said that his role as the Monitoring Officer meant he was responsible for investigating complaints under the Localism Act. He said that the new local resolution stage was intended for a conversation to take place to try and resolve simple misunderstandings. He said he would send the new procedure across to all parish clerks to make them aware that the procedure would encourage complainants to resolve at a local level before being considered by the Monitoring Officer, where required.

The Independent Person said that one area that caused misunderstanding was councillors behaving in ways they don't expect them to behave. He said that the legislation was very careful and specific and said that a councillor needed to be acting 'in capacity'. He said it was an important distinction to make as to whether a councillor was acting as a councillor or doing something connected to the council.

Councillor Pope referred to page 10 and the second recommendation which allowed delegation to the Head of Legal and Democratic Services and the Chairman of the Standards Committee to make amendments. He asked how the Committee would be advised of any amendments made.

The Head of Legal and Democratic Services said that the recommendation was not intended to substantially change the policy, but it was there in case a term needed

amending or a typographical error correcting. He said any substantial changes would be presented to committee for agreement.

The Head of Legal and Democratic Services said the recommendation needed a slight amendment as it referenced Appendix 1 but the new procedure was at Appendix 2.

The Independent Person referred to page 48, point 3. He suggested a slight change to the wording to make the acting in capacity point clearer to reflect the provision in the legislation.

Councillor Stowe said this would be an important distinction to make. He said that he represents a village where they all knew he was a councillor so had to make clear to people when he was acting as a councillor and when he was not.

Councillor Pope asked if there was any case law about the distinction between acting as a councillor and acting as an individual.

The Head of Legal and Democratic Services said that he had previously received a complaint where the complainant had gotten into a disagreement with a Councillor whilst they had been out socialising. The councillor had clearly not been acting in their capacity as a councillor at the time of the disagreement as the complainant had invited them out as a friend. He agreed that point 3 could be strengthened and proposed that point 3 be amended to include the words "*the Councillor was not acting in their capacity as a Councillor at the time of the alleged incident*" in the middle of the paragraph.



Councillor Bolton said the situation was not helped by modern means of communication where residents think councillors were on duty 24/7.

Councillor Huggins proposed and Councillor Buckmaster seconded a motion supporting the recommendations in the report subject to the amendments agreed. On being put to the meeting and a vote taken, the motion was declared carried.

**RESOLVED** – That (A) The Standards Committee recommends to Council the adoption of the revised Councillor Complaints Handling Procedure as contained at Appendix 2; and

(B) The Standards Committee delegates to the Head of Legal and Democratic Services the authority to make minor amendments to the Procedure, in consultation with the Chair and Vice Chair of the Standards Committee and Independent Person as required from time to time.

## 286 STANDARDS UPDATE

The Head of Legal and Democratic Services presented the Standards Update report. He said that it was a requirement to present the committee with a summary of standards complaints that had been raised. The report listed complaints that had been submitted from the end of 2021. He referred to paragraph 2.7 where a complainant referred their complaint to the Local Government and Social Care Ombudsman (LGO) as they were unhappy with its conclusion. The LGO decided that the complaint had

been properly dealt with and did not take it any further.

Councillor Huggins asked why complaint 08/21 was not listed.

The Head of Legal and Democratic Services referred to paragraph 2.6 and said that complaints that were withdrawn were not included in the table.

Councillor Buckmaster referred to complaints 05/22 and 07/22 and asked if they had been resolved yet.

The Head of Legal and Democratic Services said complaint 05/22 was being dealt with by the Deputy Monitoring Officer and was very close to being resolved. Complaint 07/22 was submitted at the end of 2022 and required further information which had now been received so the initial assessment could continue.

Councillor Stowe said the report provided good information as to why some complaints were not accepted especially the relationships between councillors which did not constitute a breach.

The Head of Legal and Democratic Services said that councillors who put themselves up for election put themselves forward for healthy debate and disagreement which was factored into any complaints made between councillors, as a certain level of robust disagreement was to be expected. He said interactions with members of the public had a lower bar as they do not put themselves forward for the same level of robustness.

Councillor Stowe asked if the investigation into a complaint would continue if the councillor concerned resigned.

The Head of Legal and Democratic Services said that the complaints procedure only applied to councillors so if they resigned, the investigation stopped. However, he said that if Members returned to the Council within 14 months, the complainant could be resurrected.

**RESOLVED** – That the report be received.

287 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.35 pm

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

# Agenda Item 7

## **East Herts Council Report**

### **Standards Committee**

**Date of meeting: Wednesday 5<sup>th</sup> July 2023**

**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.

### **RECOMMENDATION 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 Audit & Governance Committee on 5 January 2023 are as follows:

Complaint about: Parish/Town or District Councillor	Summary of complaint	Action taken
<b>Complaint 05/2022</b> Complaint against Parish Councillor	Unreasonable behaviour.	No breach found
<b>Complaint 07/2022</b> Complaint against Town Councillor	Misuse of Council resources.	No breach found
<b>Complaint 01/2023</b> Complaint against District Councillor	Use of racist language	No breach found
<b>Complaint 02/2023</b> Complaint against	Breach of confidentiality	Complainant failed to provide further

District Councillor		information upon request by the Deputy Monitoring Officer.
<b>Complaint 03/2023</b> Complaint against District Councillor	Offensive social media comment	Potential breach of the code found, dealt with informally under para 5.2.2.2 of the Complaints Handling Procedure by way of a letter of apology to the complainant.
<b>Complaint 04/2023</b> Complaint against District Councillor	Offensive social media comments	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 some referrals externally should the Procedure indicate that this is appropriate or because of resource implication within the Directorate in dealing with this in-house.

## **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 and Monitoring Officer

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### **Report Author**

As above