

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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