

East Herts Council Report

Audit and Governance Committee

Date of Meeting: 17 November 2020

Report by: James Ellis, Head of Legal and Democratic Services and Monitoring Officer

Report title: Standards Update

Ward(s) affected: All

Summary

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

RECOMMENDATION FOR AUDIT AND GOVERNANCE COMMITTEE:

(a) That the Committee notes the content of the report and provides any observations to the Head of Legal and Democratic Services.

1.0 Proposal(s)

1.1 As above.

2.0 Background

2.1 Within its terms of reference the Audit and Governance Committee has a function “promote and maintain high standards of conduct of Members and Co-opted Members of the Council”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist to govern, Member conduct.

Committee on Standards in Public Life (CSPL)

Local Government Ethical Standards

- 2.2 Members may be aware that the CSPL published a report with 26 recommendations on ethical standards in local government on 30 January 2019.
- 2.3 The most recent updates/ developments in respect of these recommendations are:
- 2.4 In June the local government association launched a consultation on a new draft model code. The consultation on the draft ran for 10 weeks from 8 June until 17 August. Members were invited to participate in the consultation through the Member Information Bulletin, with reminders sent via e-mail in early August.
- 2.5 A number of consultation events took place with the LGA online and these were attended by Members and Officers alike. A number of Members took the opportunity to respond to the consultation before it closed.
- 2.6 It was stated that the feedback from the consultation was to be fed into a final draft, which will be reviewed by the LGA Executive Advisory Board before being presented to the next LGA General Assembly - which was due to be held this autumn. It is not however evident from the agenda for that Advisory Board meeting of 30 September that this was considered at that virtual meeting, and at this stage the next scheduled meeting on the website appears to be in July 2021.
- 2.7 On 6 July the Chair of the CSPL, Lord Evans wrote to the Right Honourable Robert Jenrick¹, Secretary of State for Housing Communities and Local Government. The Chair asked when the CSPL would receive a government response to the

¹ [Lord Evans' letter to Robert Jenrick MP](#)

Committee’s recommendations and said he had not received a reply to a letter he wrote in October 2019 to Luke Hall MP, the previously responsible Minister. Recognising the challenges of the times, Lord Evans said at this time of crisis, demonstrable high standards are as important as ever to help maintain trust between government and the public. As yet there appears to be no published response to this letter.

2.8 It is unclear when the East Herts Council Code of Conduct was last updated; however it is the opinion of the Monitoring Officer that it is in need of review and updating. Members may however feel it prudent to await the outcome of the Government’s response to the recommendations (one of which was a new model code). As referred to at 2.4 above, a consultation on a new model code has recently taken place, and it is therefore advisable that the Audit and Governance Committee/Council awaits the outcome of the consultation on the draft to consider whether that LGA version should be adopted.

East Herts complaints/ issues update

2.9 The complaints made to the Monitoring Officer since taking up the role in February 2020 are as follows:

Complaint about: Parish/Town or District Councillor	Summary of complaint	Action taken
Complaint 1/2020 Complaint against Town Councillor	Failed to act with professional competence	No case to answer as no evidence that the Town Councillor in question had any involvement in the dispute.
Complaint 2/2020	Failure to declare an	No case the answer

Complaints against Parish Councillor	interest and behaving in an inappropriate way	as no evidential basis to any of the allegations
Complaint 3/2020 Complaint against District Councillor	Perceived use of inappropriate language	Dealt with informally under paragraph 4.2 of the Complaints Procedure
Complaint 5/2020 Complaint against Parish Councillor	Breach of confidentiality	Ongoing
Complaint 7/2020 Complaint against Parish Councillor	Failure to show respect	Ongoing

2.10 Please note that complaints that are withdrawn by the complainant before they are considered by the Monitoring Officer and Independent Person are not include 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 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 None

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

None, other than as identified above.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 None.

Contact Officer

James Ellis
Head of Legal and Democratic Services
Tel No: 01279 502170
James.Ellis@eastherts.gov.uk