

East Herts Council Report

Audit and Governance Committee

Date of Meeting: 9 November 2021

**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.

RECOMMENDATIONS FOR AUDIT AND GOVERNANCE COMMITTEE:

- (a) That the Committee receive the report and provide any observations to the Head of Legal and Democratic Services.**
- (b) That the Committee agree for an additional Independent Person, as defined under s.28 of the Localism Act 2011, be sought and, where appropriate, appointed.**

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.

East Herts complaints/ issues update

2.2 The complaints made to the Monitoring Officer since the last report to this Committee on 27 May 2021 are as follows:

Complaint about: Parish/Town or District Councillor	Summary of complaint	Action taken
Complaint 5/2021 Complaint against Parish Councillors	Racial discrimination	No breach of the code found.
Complaint 6/2021 Complaint against Parish Councillors	Not treating others with respect	Potential breach of the Code, Parish Councillors told to apologise.
Complaint 7/2021 Complaint against Parish Councillor	Bringing the Parish Council into disrepute	Ongoing
Complaint 9/2021 Complaint against Parish Councillors	Racial discrimination and bullying	Ongoing
Complaint 10/2021 Complaint against Parish Councillor	Lack of trust and victimisation	Ongoing

2.3 Please note that complaints that are withdrawn by the complainant before they are considered by the Monitoring Officer and Independent Person are not included in the table above.

LGA Model Code of Conduct

- 2.4 As reported to the meeting of this committee in May 2021, the new LGA Model Code of Conduct was adopted at Annual Council on 29th April 2021, meaning that standards complaints against District Councillors are now being considered against this new Code.
- 2.5 Since the meeting of 27 May 2021, several Parish and Town Councils have likewise adopted the new model Code of Conduct, meaning that more Councillors at that level of local government will now be held to the same standard, giving a better level of consistency across the district.

Independent Person

- 2.6 Section 28 of the Localism Act 2011 states that a relevant authority, such as East Herts, must appoint an Independent Person whose views are to be sought and taken into account by the authority before it makes its decision on an allegation/complaint.
- 2.7 East Herts currently has one such Independent Person. It is not uncommon, however, for District Councils to have anywhere up to three or four Independent Persons to assist in the application of the Standards regime.
- 2.8 The Head of Legal and Democratic Services recommends that East Herts would benefit from having at least one additional Independent Person at this time.

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 Member

None

Contact Officer

James Ellis – Head of Legal and Democratic
Services and Monitoring Officer

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Report Author

As above