

East Herts Council

Date of Meeting:	5 January 2023
Report by:	Head of Legal and Democratic Services
Report title:	Standards Update
Ward(s) affected:	All

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.
- 2.4 Unfortunately, due to the transfer of this function from the Audit & Governance Committee to the newly formed Standards Committee part way through 2022, no such report came to this committee when it first met on 6th July 2022.

East Herts complaints/ issues update

- 2.5 The complaints made to the Monitoring Officer since the last report to the Audit & Governance Committee on 9 November 2021 are as follows:

Complaint about: Parish/Town or District Councillor	Summary of complaint	Action taken
Complaint 07/2021 Complaint against Parish Councillors	Bringing the Parish Council into disrepute	No breach found.
Complaint 09/2021 Complaint against Parish Councillors	Racial discrimination and bullying.	No breach found.
Complaint 10/2021 Complaint against Parish Councillor	Lack of trust and victimisation.	Complainant failed to provide further information upon request by the Monitoring Officer. Matter subsequently became out of time

		(over 6 months since alleged misconduct).
Complaint 11/2021 Complaint against Parish Councillor	Lack of respect and victimisation.	No breach found
Complaint 01/2022 Complaint against Parish Councillor	Challenging behaviour.	Not a Standards matter.
Complaint 02/2022 Complaint against Parish Councillor	Lack of respect.	Complaint was out of time (over 6 months since alleged misconduct)
Complaint 03/2022 Complaint against Town Councillor	Offensive Social Media post.	No breach found.
Complaint 05/2022 Complaint against Parish Councillor	Unreasonable behaviour.	Ongoing.
Complaint 06/2022 Complaint against District Councillor	Failure to declare an interest.	Not a Standards matter.
Complaint 07/2022 Complaint against Town Councillor	Misuse of Council resources.	Ongoing.

2.6 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.

2.7 Complaint 09/21 was later referred to the Local Government

and Social Care Ombudsman (LGO) by the complaint, as they were unhappy with the conclusion reached by the Monitoring Officer, in consultation with the Independent Person, following the Initial Assessment of the complaint.

- 2.8 The LGO asked that the Monitoring Officer provide them with copies of the decision letter and associated documents for their consideration, which was done on 13th October 2022.
- 2.9 The LGO gave its final decision on 18th October 2022, that in its opinion the Monitoring Officer had considered the complaint in line with the Council's policy and provided an explanation for the decision in his response. As such there was not enough evidence of fault by the Council to warrant an investigation by the LGO.

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 None

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.

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

Human Rights

No - The work outlined within the report is within the caseload of the Monitoring Officer. Implications are otherwise touched on under financial implications above

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

None

Contact Member

None

Contact Officer and Report Author

James Ellis – Head of Legal and Democratic Services

Contact Tel No 01279 502170

james.ellis@eastherts.gov.uk

Report Author

As above