

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 23 JANUARY
2024, AT 7.00 PM

PRESENT:

District Council Members:

Councillors V Burt, R Carter, N Clements,
A Parsad-Wyatt, V Smith, T Stowe and
R Townsend

Independent Persons:

N Moss

ALSO PRESENT:

Councillor Furness

OFFICERS IN ATTENDANCE:

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

295 APOLOGIES

Apologies for absence were received from Councillor Ian
Hunt from Much Hadham Parish Council.

296 CHAIRMAN'S ANNOUNCEMENTS

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

297 DECLARATIONS OF INTEREST

There were no declarations of interest.

298 MINUTES - 5 JULY 2023

Councillor Townsend proposed and Councillor Smith seconded, a motion that the Minutes of the meeting held on 5 July 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

- Minute 83 – Delete in the first line – ‘Stow’ and replace with ‘Stowe’

After being put to the meeting and a vote taken, the motion was declared carried.

RESOLVED – that the Minutes of the meeting held on 5 July 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

- Minute 83 – Delete in the first line – ‘Stow’ and replace with ‘Stowe’

299 STANDARDS UPDATE

The Head of Legal and Democratic Services presented the report to the committee which provided Members with an update on standards issues over the last six months. He said that he was required to provide an update to the committee at each meeting as set out in the Constitution. Paragraph 2.4 of the report set out the latest complaints received since the last committee which were anonymised but gave Members an idea of the kind of complaints received and how they had been resolved.

Councillor Carter asked for clarification under paragraph 2.4 where complaints were described as “Member not ‘in capacity’ under s.27(2) Localism Act’.

The Head of Legal and Democratic Services explained that the Localism Act recognised that councillors were not acting as councillors at all times and so any complaint against a councillor must have happened when a councillor was undertaking council business or involved with an issue that was relevant to the council. He said that this was the first test for a complaint before it could be further assessed.

The Independent Person said that the legislation provided for this specific test and must be applied first to any complaint.

The Head of Legal and Democratic Services said that there were examples of cases across the country which pointed to certain scenarios where a member had behaved in a certain way and determined whether they were in capacity or not. He said if the complaint did not meet this first test, then the complaint went no further.

Councillor Stowe asked if it was correct that if a councillor resigned whilst the subject of a complaint then the complaint falls once they were no longer in office. He also asked how much information would be available if the complaints were subject to a Freedom of Information request.

The Head of Legal and Democratic Services confirmed that if a councillor resigned whilst being the subject of a complaint then the matter would fall away. He said however that if that Member came back into an elected position within a certain timeframe, then the complaint was reopened. He said this was to stop Members resigning to ensure the complaint was closed and then get themselves co-opted back onto the Council. In response to the Freedom of Information question, the

Head of Legal and Democratic Services said that it would have to be determined on a case-by-case basis depending on how sensitive the complaint was.

Councillor Furness referred to the table at paragraph 2.4 and asked why case number 11 was missing.

The Head of Legal and Democratic Services said that paragraph 2.5 explained that if a complaint had been withdrawn by the complainant, then they were not listed. He said he would be happy to include withdrawn complaints in the table if the committee would find this useful.

Councillor Townsend felt that the list should be presented in numerical order with the withdrawn complaints included for clarity. The Committee agreed with this suggestion.

Councillor Parsad-Wyatt asked if the 13 complaints received in 2023 were in line with previous years and asked how long it took for a complaint to be resolved.

The Head of Legal and Democratic Services said that in 2022 there were six complaints which was less than average and 2021 and 2023 there was 11 and 14 complaints. He said that in the complaints handling procedure, there was a three-month limit on the complaint process and he tried to ensure that complaints were assessed as quick as possible and they took about a month on average.

The Independent Person said that East Herts had a lot of parishes compared to the other local authorities in Hertfordshire which in turn generated more complaints. He said the aim of the complaints process was fairness both to the complainant and the member complained of. He added that it was common for members of the public to submit complaints as a result of a decision having been made that they did not agree with.

Councillor Clements asked if complaints were distributed

across the parishes or if there were repeat offenders.

The Head of Legal and Democratic Services said that certain individuals and parish councils appeared in complaints more often than others.

Councillor Townsend referred to the table in paragraph 2.4 and suggested amending the wording in the last column which referred to complaints being dismissed. He said it could be mistaken as the councillor had been dismissed instead of the complaint.

The Head of Legal and Democratic Services said he could see why it could be confusing and said he would put 'complaint dismissed' in future reports.

Councillor Smith referred to the changes to the complaint handing procedure and the local resolution stage. She asked if this was working within the parish councils.

The Head of Legal and Democratic Services said if the complaint had been resolved by the parish council, it would be unlikely that he would find out about it. He said if he received a complaint that was deemed trivial, he often referred it back to the parish to see if they could resolve it themselves.

Councillor Stowe said he felt that complaints from councillor to councillor was often just the result of a robust discussion.

The Head of Legal and Democratic Services said that he took the view that elected members voluntarily put themselves forward to engage in the political process and in debates. He said it was a different situation when a member of the public was being subjected to the same behaviour.

It was moved by Councillor Stowe and seconded by Councillor Townsend, that the recommendation be approved. After being put to the meeting and a vote

taken, this motion was declared CARRIED.

RESOLVED – that (A) the Committee receive the report and provide any observations to the Head of Legal and Democratic Services and Monitoring Officer.

300 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.25 pm

Chairman
Date