

# **East Herts Council Report**

## **Standards Committee**

**Date of meeting: Tuesday 16 July 2024**

**Report by: Head of Legal and Democratic Services**

**Report title: Standards Update and appointment of a Standards Sub-Committee.**

**Ward(s) affected: (All Wards);**

**Summary** – The report updates Members of the Committee on standards issues generally and asks Members of the Committee to appoint a Standards Sub-Committee.

### **RECOMMENDATIONS:**

- a) That the Committee receive the report and provide any observations to the Head of Legal and Democratic Services and Monitoring Officer.**
- b) That the Committee appoint a Standards Sub-Committee to determine Complaint 13/2023 in accordance with the Standards Sub Committee Terms of Reference under the Constitution.**

#### **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 Under paragraph 7.4.1 (m) of the Constitution the Committee can “appoint the Standards Sub Committee drawn from three members of the Committee which will exercise, on a delegated basis, the functions set out in the Sub-Committee terms of reference. The Committee should reflect representation where practicable”.
- 2.5 Within its terms of reference, the Standard Sub Committee has the function to consider assessment and investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer and to conduct a hearing into an allegation that a Member has breached the relevant Code of Conduct.

**East Herts complaints/ issues update**

- 2.6 The complaints made to the Monitoring Officer since the last report to the Standards Committee on 23<sup>rd</sup> January 2024 are as follows:

Complaint about: Parish/Town or District	Summary of complaint	Action taken
---	----------------------	--------------

Councillor		
<p><b>Complaint 10/2023</b> Complaint against District Councillor</p>	<p>Improper use of position as a District councillor and bullying.</p>	<p>Resolved informally (apology given and training provided).</p>
<p><b>Complaint 11/2023</b> Complaint against District Councillor</p>	<p>Unacceptable language online.</p>	<p>Withdrawn by the complainant.</p>
<p><b>Complaint 12/2023</b> Complaint against Parish Councillor</p>	<p>Impartiality and improper use of position as a Town Councillor</p>	<p>Dismissed under Appendix 1 paragraph 3 of the Complaints Procedure – no breach of the Code of Conduct (the Councillor was not acting in their capacity as a Councillor at the time of the alleged incident).</p>
<p><b>Complaint 13/2023</b> Complaint against District Councillor</p>	<p>Disrespectful behaviour toward another councillor</p>	<p>Councillor refuses to engage with informal action approach and therefore in accordance with paragraph 5.11 of the Complaints Procedure the complaint has been moved to the Standards Sub-Committee to be determined.</p>
<p><b>Complaint 01/2024</b> Complaint against a</p>	<p>Disrespectful behaviour.</p>	<p>Local Resolution Referral in accordance</p>

Town Councillor		with Appendix 1 paragraph 11 of the Council Procedure Rules.
<b>Complaint 02/2024</b> Complaint against a Town Councillor.	Disrespectful behaviour.	Local Resolution Referral in accordance with Appendix 1 paragraph 11 of the Council Procedure Rules.
<b>Complaint 03/2024</b> Complaint against a District Councillor	Impartiality, not treating persons fairly	Ongoing.
<b>Complaint 04/2024</b> Complaint against a District Councillor	Disrespectful behaviour	Dismissed under Appendix 1 paragraph 3 of the Complaints Procedure – no breach of the Code of Conduct (the Councillor was not acting in their capacity as a Councillor at the time of the alleged incident).

2.7 In respect of Complaint 12/2023 the complainant referred their complaint to the Local Government and Social Care Ombudsman (LGO) as they were unhappy with its conclusion. The LGO confirmed that they were “satisfied the Deputy Monitoring Officer had dealt with the matter in line with the Council’s rules for code of conduct complaints before deciding not to take any further action”. The LGO confirmed they would “not investigate the complaint because they were unlikely to find fault by the Council.”

2.9 In respect of Complaint 13/2023 the Deputy Monitoring Officer sought to resolve this informally by way of an apology and training without the need for a formal investigation. The Councillor refused to engage with the informal approach suggested and therefore, as set out at paragraph 5.11 of the Complaints Handling Procedure for matters relating to the Councillors' Code of Conduct, this complaint will need to be referred directly to the Standards Sub-Committee for determination.

### **3.0 Reason(s)**

3.1 To ensure good governance within the Council.

3.2 To consider, investigate and dispense with Code of Conduct Complaints under the Localism Act 2011 and to comply with the Council's Complaints Procedure.

### **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.

4.2 Not agreeing to form a Standards Sub Committee to determine Complaint 12/2023. This option is NOT RECOMMENDED as the Council is under a legal duty to promote and maintain high standards of conduct. Complaints therefore need to be investigated and concluded in line with the Localism Act 2011 and the Council's Complaint's Procedure.

## **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 The Independent Person is consulted on all complaints as is required under the Localism Act 2011.

### **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.

Complaint that highlight a failure to promote equal opportunities allows the Council to address these and provide confidence to the residents of East Herts that the Council treats these issues seriously.

### **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 the potential for some referrals to be made externally should the Procedure indicate that this is appropriate, or because of resource implication within the Service in dealing with it inhouse.

## **Health and Safety**

No

## **Human Resources**

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

## **Human Rights**

No

## **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**

7.1 None

## **Contact Member**

*None*

## **Contact Officer**

James Ellis – Head of Legal and Democratic Services,

Contact Tel. No. 01279 502170

[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

## **Report Author**

Victoria Wilders– Legal Services Manager and  
Deputy Monitoring Officer

Contact Tel No. 01279 502195

[victoria.wilders@eastherts.gov.uk](mailto:victoria.wilders@eastherts.gov.uk)