

Subject:	Update on Standards matters		
Date of Meeting:	29 June 2021		
Report of:	Head of Law and Monitoring Officer		
Contact Officer:	Name:	Victoria Simpson, Senior Lawyer – Corporate Law	Tel: 01273 294687
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To update this Committee on progress in the determination of complaints that Members have breached the Code of Conduct for Members since the last Update report.

2. RECOMMENDATIONS

- 2.1 That the Audit & Standards Committee note the information provided in this Report on those member complaints which have either been progressed or concluded since the last quarterly report, or which remain outstanding.

3. MEMBER COMPLAINTS – CURRENT**Complaints previously reported to this Committee**

- 3.1 Four complaints previously reported to this Committee have now each been determined by a decision to take no further action at preliminary assessment stage. **Complaint O** concerned a failure to respond to correspondence, and was resolved in the public interest, the member concerned having provided an explanation to the complainant and an apology. **Complaint I/2021** was also resolved in the public interest, the member concerned having acknowledged the potential issue which had arisen and agreed to communicate to their Group the clarification they had received regarding how to best make representations which might be viewed as political lobbying in the future. **Complaints J/2021** and **N/2021** both concerned the relevant councillors' conduct in their respective wards and were both resolved on the basis that the conduct complained of was not considered to amount to a breach of the Code of Conduct. **Complaint O/2021** related to a complaint about a post made by a member on social media which again was dealt with at preliminary assessment stage by a decision not to take it further on the basis that it did not have potential to amount to a breach of the Code.

- 3.2 **Complaint L/2021** and **Complaint M/2021** are entirely separate matters which have both been referred for formal investigation. The Committee will be updated in due course, once there is progress to report.

Complaints received in since the last Update

- 3.3 A number of new complaints were received in since the last Update. The following complaints were resolved by a decision to take no action at preliminary assessment stage, following initial enquiries which resulted in consensus by the Independent Person and the Monitoring officer that the conduct complained of did not have potential to amount to a breach of the Code of Conduct for Members: **Complaints P/2021, Q/2021, R/2021, T/2021, U/2021**. The basis for those decisions were as follows:

Complaint P/2021 alleged that a member's employment meant that they should not have participated in the council's decision making on a particular issue, while **Complaint Q/2021** alleged that a member had acted inappropriately by 'blocking' a member of the public on social media without notice. **Complaint R/2021** was made by an elected member and alleged that the councillor complained about had sought to engage with constituents in another ward in a way which did not comply with usual expectations of cross-boundary working. **Complaint T/2021** contended that the subject member had not provided sufficient support to a constituent when asked, although an email trail was uncovered which indicated otherwise. Finally: **Complaint U/2021** was made about all of the members of a particular Committee who had voted in favour of a particular application. No evidence to indicate that the councillors concerned had breached the Code of Conduct through their behaviour as Committee members was identified during initial enquiries. For completeness: this last complaint is also the subject of a corporate complaint, which is being progressed separately.

Complaint S/2021 is a complex complaint alleging misconduct in the activities of a member in their constituency and in Council meetings in order to promote a particular agenda. It remains at preliminary assessment stage, it having been considered helpful to clarify the issues in contention by obtaining the subject member's detailed initial input at an early stage before a decision is made to either resolve matters or to progress to formal investigation. Progress once made will be reported to future meetings of this Committee.

Very shortly before publication of this report, a further complaint **V/2021** was received. This too remains at preliminary assessment stage at the current time.

- 3.4 All of the complaints referred to above have been determined by the Monitoring Officer in accordance with the procedure which governs member complaints, having first consulted with one of the council's Independent Persons.

4. MEMBER TRAINING

- 4.1 Refresher training for members on Standards was offered to all elected members of the Council toward the end of March 2021. The training was offered on two alternative dates and sought to remind members of the arrangements the Council has in place to discharge its statutory duty to maintain a process for dealing with

allegations of misconduct by members, and to provide practical input re how to stay within the rules.

5. PROPOSAL FOR A TASK AND FINISH GROUP

- 5.1 This Committee previously appointed a task and finish Member Working Group to review the Council's standards arrangements against the LGA model Code of Conduct and generally. The work of that Member Working Group is reported on as a separate item in these Committee papers.

6 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 6.1 The Council is obliged under the Localism Act to make arrangements for maintaining high standards of conduct among members and to make arrangements for the investigation of complaints. The current arrangements and the proposals in this Report reflect this. No alternative proposals are suggested.

7 COMMUNITY ENGAGEMENT & CONSULTATION

- 7.1 No need to consult with the local community has been identified.

8 CONCLUSION

- 8.1 Members are asked to note the contents of this Report, which aims to assist the Committee in discharging its responsibilities for overseeing that high standards of conduct are maintained in a way which is compliant with local requirements.

9 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 9.1 There are no direct financial implications arising from the recommendations of this report.

Finance Officer Consulted: James Hengeveld

Date: 13/06/21

Legal Implications:

- 9.2 These are covered in the body of the Report.

Lawyer Consulted: Victoria Simpson

Date: 28/5/21

Equalities Implications:

- 9.3 There are no equalities implications arising from this Report

Sustainability Implications:

- 9.4 There are no sustainability implications arising from this Report

Any Other Significant Implications:

- 9.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents:

None