

STANDARDS COMMITTEE

9 FEBRUARY 2022

MONITORING OFFICER UPDATE

Cabinet Member: Cabinet Member for Working Environment and Support Services

Responsible Officer: District Solicitor and Monitoring Officer

Reason for Report: To receive an update on conduct matters and to help identify any associated matters for the Committee's future consideration.

RECOMMENDATION: N/A

Financial Implications: None directly arising from this report

Legal Implications: None beyond those set out in this report

Risk Assessment: No risks directly arising from this report

Equality Impact Assessment: Not directly applicable

Relationship to Corporate Plan: No direct relationship

Impact on Climate Change: None

1.0 Standards Training

- 1.1 At its last meeting the Committee decided to hold joint officer and member workshops following the adoption of the updated Members' Code of Conduct. The Committee will recall that these events sought to contribute to upholding the Council's duty to promote and maintain high standards of Member conduct, ensuring that officers and members have a shared understanding of the updated guidance on ethical standards. The majority of officers and members took up the Committee's invite to attend one sessions arranged or (in the case of some members) a possible further evening session. As the workshops had to be cancelled following the 'work from home' guidance, a Standards Update sheet was sent to all members and lead officers on 7 January 2022. That highlighted key points which were intended to be covered in the workshops namely: Members' role in upholding the standards duty; the new guidance on the general obligation to treat others with respect; and the revised definition of Personal Interests within the Code.
- 1.2 The Local Government Association has more recently indicated that it will be arranging training on its standards guidance which the Committee will recall has been incorporated into the Council's Code of Conduct. On receipt of substantive details, the Monitoring Officer will review the content of that

training, for the benefit of the future in-house officer / member standards workshops.

2.0 Complaints

- 2.1 Since October 2021, eight member standards complaints have been received by the Monitoring Officer, alleging breaches of the relevant code of conduct by district, town or parish councillors. All of the complaints have been considered and concluded. Further, all but two of the complaints, centred round alleged disrespectful conduct and the often linked allegation of bringing the office of councillor or the council into disrepute. This latter breakdown in terms of the type of complaints, is not unusual. Indeed similarly, informal concerns about conduct that have been raised with the Monitoring Officer, have also focused on the potentially disrespectful manner in which a small minority of members communicate with others, alleged failure to declare interests (including predetermination) accounting for the remainder. Where practicable, these informal concerns have largely been dealt with by flagging them up and discussing them with the members themselves, as well as listening and providing support to those raising the concerns.
- 2.2 Returning to the formal complaints made, these were largely resolved via communication with one or more of the parties concerned. Only one of the complaints needed formal sign off at the request of the complainant; in that instance the conclusion being 'no further action', on various grounds illustrating the absence of a prima facie case of a breach warranting investigation in the public interest. In the cases where a potential standards breach was illustrated by the complainant, resolution included provision of an apology and / or guidance on the matter. Further, in relevant cases it was pointed out that any similar conduct in the future would likely result in investigation and referral to the Standards Committee often leading to public censure.
- 2.3 Consistent with many districts, in the case of the parish / town councillor matters, the complainants' concerns tended to be about the operation of the relevant council, as much if not more than the particular member. Whilst it is hoped that supporting or providing some guidance to relevant council clerks or the complainant will prevent further incidents, any subsequent complaints which lead to investigation will probably necessitate offers of potentially chargeable training to relevant parish / town councils or groups of councils, within in their locality.

3.0 Sanctions

- 3.1 By way of update, despite previous indications as part of the report produced by the Committee into Standards in Public Life in 2019 that legislation might be introduced to reinstate powers for local councils to suspend councillors for breaching codes of conduct, there are still no proposals to do so. Consequently, the ability to promote and maintain high standards will continue to rely primarily on reminders of standards (e.g. on predetermination and respect as done in January 2021) and challenging poor conduct when it occurs as advocated by the Nolan Principle of Leadership.

Contact for more Information:

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