



Report of Helen Lynch, Head of Legal and Democratic Services

Purpose of the Report

- 1 To inform Members of the 'national picture' on standards issues affecting Local Government.

Executive summary

- 2 This report is for information to update the Committee on national developments, consultations and cases which relate to the work of the Committee since the last meeting.

Recommendation(s)

- 3 The Standards Committee is recommended to:
 - i) to note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated.
 - ii) Consider any recommendations it wishes to make arising out of the content of the report.

Background

- 4 As agreed by the Committee in December 2017, as part of the annual work programme, this will be a standing agenda item with a quarterly update to the Committee.

Consultations

DCLG: Consultation on the Disqualification Criteria for Councillors

- 5 The Committee will recall that between September and December 2017, the Department for Communities and Local Government (now Ministry of Housing Communities and Local Government (MHCLG)) consulted on proposals to widen the disqualification criteria for councillors to include notification requirements under the Sexual Offences Act 2003 and civil injunctions or Criminal Behaviour Orders under the Anti-Social Behaviour, Crime and Policing Act 2014. The Government's response to the consultation has been published indicating that the criteria will be amended as proposed. A separate report detailing the outcome of the consultation is elsewhere on this agenda.

Committee in Standards in Public Life: Consultation on Local Government Ethical Standards

- 6 The Committee will recall that it considered the above consultation earlier this year. The Committee in Standards in Public Life are expected to publish their response to the consultation before the end of the year. The outcome will be reported to a future meeting of the Standards Committee.

Code of Conduct Complaints

- 7 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore, any cases reported are taken from general research where councils publish details of their conduct hearings in public.

Peacehaven Town Council

- 8 Earlier this year, the Town Manager of Peacehaven Town Council submitted a complaint to Lewes District Council's Monitoring Officer, alleging 3 Town Councillors had failed to comply with the Member Code of Conduct in relation to bullying, acting without proper authority,

improper use of their position and breaches of data protection and confidentiality.

- 9 The Monitoring Officer referred the complaint for investigation, which was conducted by an external investigator.
- 10 The investigation established that the majority of allegations were supported by evidence, and to varying degrees, represented likely breaches of the Town Council's Code of Conduct.
- 11 It identified wide ranging Code of Conduct issues, linked mainly to underlying problems concerning:
 - a. longstanding personal conflict and poor working relations between certain elected members and town council officers; and
 - b. a lack of understanding of the norms for officer/member relations and their respective powers and responsibilities:
- 12 Since the findings pointed to wider issues of governance affecting the entire town council and because two out of the three councillors complained of had resigned, it was agreed that the most effective resolution would be for the town council to adopt an action plan to address the governance issues identified.
- 13 Lewes District Council's Audit and Standards Committee approved this recommendation and requested updates at three and six months to assess the success or otherwise of the implementation of the action plan.

Coventry City Council

- 14 On 6 November 2018, the Ethics Committee at Coventry City Council considered an investigation report in relation to allegations that a Councillor had failed to declare disclosable pecuniary interests in relation to business interests. The investigator found and the subject member accepted that there had been a failure to declare the DPIs, which amounted to a breach of the Member Code of Conduct.
- 15 The investigation report covered a further allegation, which arose during interview between the investigating officer and the subject member in the course of the investigation. The investigator reported that the subject member had said in relation to the complainant that he would "stamp on him" and "take him to the cleaners" for bringing what he considered to be a politically motivated, unjustified complaint. The investigator concluded that these comments amount to a failure to treat others with respect, particularly since he had concluded that the

complaint was justified.

- 16 The Ethics Committee found that the Councillor had breached the Member Code of Conduct in relation to his failure to declare his DPs. However, it found no breach in relation to the comments made by the Councillor in respect of the complainant. The Committee considered that the comments had been made in a private meeting with the investigator and not directly to the complainant. Therefore, the threshold for establishing a failure to treat others with respect had not been met.

Wyre Borough Council

- 17 In this case complaints had been made by four other councillors about the behaviour of a Councillor at a meeting of the council's Planning Committee. The Councillor was alleged to have made derogatory comments about fellow Planning Committee members following a heated debate regarding a controversial planning application. The main issue was around the Councillors behaviour towards her fellow committee members, the perception that those comments would give to members of the public and to all those present at the meeting (including applicants and objectors) and, ultimately, the impact that this would have on the council's reputation.
- 18 The Councillor argued that the Code of Conduct comprised "general guidelines" for councillors and there was a degree of subjectivity about what constituted "inappropriate behaviour". She also argued that it was the part of the role of an elected councillor and an essential element of free speech in a democracy, to argue passionately for the things they believed in.
- 19 The Standards Committee concluded however that she had breached the Code of Conduct by failing to meet her requirement to "promote and support high standards of conduct when serving in your public post". The Councillor was required to make a written apology to read out at the next meeting of Planning Committee.
- 20 This case is interesting since it deals with the question of where the line between legitimate political speech and unacceptable behaviour should be drawn. The Standards Committee in this case considered that in making the remarks that she did, which implied that the planning decision had been made improperly, the councillor had stepped over that line.

Background papers

- None

Other useful documents

- <http://democracy.leweseastbourne.gov.uk/documents/s8667/Outcome%20of%20Code%20of%20Conduct%20Investigation%20at%20Peacehaven%20Town%20Council.pdf>
- <http://democracy.leweseastbourne.gov.uk/documents/s8668/Appendix%201%20Investigation%20Report%20by%20chi%20associates.pdf>
- http://www.coventry.gov.uk/downloads/file/28459/final_decision_notice_clr_a_-_6_november_2018
- https://wyre.moderngov.co.uk/documents/s1849/Minutes_Hearin1_ES_140318.pdf

Contact: Helen Lynch

Tel: 03000 269730

Appendix 1: Implications

Legal Implications - The Council has a duty under s.27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards Issues is expected to facilitate compliance with this duty.

Finance

None

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

None

Crime and Disorder

None.

Staffing

None

Accommodation

None

Risk

None.

Procurement

None.