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**Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

**Electoral division(s) affected:**

None.

**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 (5<sup>th</sup> September 2019).

**Recommendation(s)**

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

## **Background**

- 4 As agreed by the Committee on 10 December 2018, as part of the annual Work Programme, this will be a standing agenda item with a quarterly update to the Committee.

## **Code of Conduct Complaints**

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.

## **Burnley Borough Council – Councillor H – 5<sup>th</sup> July 2019**

- 5 At a meeting on 5 July 2019 the Audit and Standards Committee considered the complaint that Councillor H had “liked” and responded to a misogynistic and abusive post about a local MP on his Borough and County Council Facebook account.
- 6 The Complainant was allowed to remain anonymous because of their concerns about how a previous complainant had been treated by the Councillor. The investigation into the complaint noted that in September 2018, the Councillor had been the subject of a standards hearing after which he was required to attend social media training but had failed to attend. The Councillor also refused to engage with the investigation subject to this complaint and did not attend the hearing. In correspondence he justified this by saying that nothing would happen as a result of the investigation.
- 7 The hearing panel convened and the Investigating Officer who had carried out an investigation into the allegations presented her report to the panel. The Councillor was invited to the hearing but declined to attend.
- 8 The hearing panel found the Councillor to have breached the Council’s Code of Conduct for Members in relation to the Leadership Principle. Members should promote and support General Principles of the Code of Conduct by leadership and by example, and should act in a way that secures or preserves public confidence.
- 9 The panel found the Councillor had behaved in a manner which could reasonably be regarded as breaching this Leadership Principle as the “liking” of the language referred to was inappropriate. The panel when considering sanctions determined that the decision notice would be published and the panel report its finding to the Council for information.

## **Falmouth Town Council – Councillor B (25<sup>th</sup> July 2019)**

- 10 On 25 July 2019 the Monitoring Officer considered a complaint from a complainant concerning the alleged conduct of a Councillor of Falmouth Town Council.
- 11 The complaint in summary is that a Certificate of Lawfulness application was under discussion at a meeting of the Town Council to which the applicant is the Complainant. The Complainant removed himself from the room when this matter was discussed. On his return to the room he had noticed that the Subject Member was no longer present.
- 12 The Complainant was advised that during discussions, the Subject Member objected to the application and raised concern. The Subject Member stated he had objections to the application and referred to previous alterations to the land in question. It should be noted that the Subject Member has, in the past, raised concerns about past activity on the Complainant's land.
- 13 When advised by the acting Chair that the application under discussion was to discuss the regulation of land use, the Subject Member continued to speak on past matters. The Subject Member in his response, is of the opinion that the Complainant is 'paving the way' for future development.
- 14 Despite being advised by the acting Chair and the Clerk several times to stop speaking, the Subject Member continued to speak over them, raising his voice, in an agitated manner.
- 15 The Clerk had advised the acting Chair that the matter should be adjourned for the situation to settle down however the matter was moved to a vote to which the Town Council did not raise any representation to the application. The Subject Member was upset by this decision and 'angrily' left the meeting stating that his name should be recorded as having voted against the decision.
- 16 The Subject Member has stated, in his response, that he is hard of hearing and consequently had to raise his voice.
- 17 The Monitoring Officer considered that there had been a personal attack on a person by a Member. The Code does allow a Member to be critical of others but this must not be done in such a way that is personal and therefore disrespectful. The Monitoring Officer considered the case of *Heesom v The Public Services Ombudsman for Wales* that;

*.....politicians are subject to wider limits of acceptable criticism and are required to have thicker skins and to have more tolerance to comment than ordinary citizens.'*

- 18 In dealing with any matters Councillors can be critical and can challenge, indeed this is intrinsic to the role of a Councillor. However, the operation of the Code draws a distinction between being critical and challenging to attacking anyone personally.
- 19 In respect of the resolution it was recommended that whilst the Subject Member had responded directly to this complaint the Monitoring Officer did not consider that the comments made outweighed the breaches found. As a result of these breaches of the Code of Conduct the recommended action was that the Subject Member writes a meaningful apology to the Clerk and the acting Chair for the manner in which he acted during the course of the meeting.

#### **Lichfield District Council - Councillor L (1 July 2019)**

- 20 The Assessment Sub-Committee met on 1 July and reviewed the complaint brought by the Complainant dated 3 February 2019 that the Councillor had not updated his register of interest form to show correct and accurate information regarding the business interests of his spouse, who was carrying out work for Lichfield City Council as Pretty Little Parlour.
- 21 The matter was referred to the Audit and Member Standards Committee who considered the investigation report dated 26 March detailing all the evidence relating to the operation of Pretty Little Parlour and services provided by the same to Lichfield City Council as well as the Register of Interests Forms submitted by the Councillor during the period.
- 22 The Investigation recorded that the Councillor admitted he had failed to register the business in his interests as, save for the services provided to the City Council, he did not believe to be operating as such at that time.
- 23 The Committee on considering the complaint agreed that a breach of the Code of Conduct for Lichfield District Council had occurred, in that the Councillor had failed to register the business of his spouse and also failed to register the existence of a contractual relationship between the City Council and Pretty Little Parlour. The Committee found that the Councillor had not understood the letter and spirit of the Code of Conduct and resolved to censure the Member and he undertook Code of Conduct training.

## Background papers

- None.

## Other useful documents

- <https://burnley.moderngov.co.uk/mgAi.aspx?ID=9785#mgDocuments>
- <https://www.cornwall.gov.uk/media/39690268/ccn002-19-20-decision-notice-councillor-bonney-falmouth-town-council.doc>
- <https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=249&MId=1601>

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council has a duty under section 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.

### **Climate Change**

None.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

None.