



Report of Helen Lynch, Head of Legal and Democratic Service 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 on 3 March 2021.

Recommendations

- 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 13 March 2020, as part of the annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Code of Conduct Complaints and Reports

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

Oxfordshire County Council – Councillor Walker (23 March 2021)

- 6 Text On 19 October 2020, the Councillor who was also a Cabinet Member for Highways Improvement, endorsed an offensive tweet during the course of an exchange on social media about cycling. The tweet resulted in 11 complaints from the public.
- 7 The interim Monitoring officer considered 11 complaints from the public to determine whether the Members Code of Conduct had been breached and if so what remedy was appropriate.
- 8 The Interim Monitoring Officer took advice from a two-person Members' Advisory Panel in accordance with the local procedure for complaint handling. The Advisory Panel confirmed their view that a breach of the Code had occurred. It was recommended that the Leader be asked remove the Councillor from the Cabinet and that Full Council be informed of the outcome of the matter.
- 9 Taking into account the views of the Independent Person and the advise of the Advisory Panel the Interim Monitoring Officer determined:
 - (a) The actions of the Councillor in endorsing the tweet were a breach of the Members' Code of Conduct;
 - (b) The breach was rendered particularly serious given the status as Cabinet Member for Highways and that the Councillor had previously been found in breach of the Code for a misuse of social media;
 - (c) That the Leader of the Council be recommended to remove the Councillor from the Cabinet with effect from 1 January 2021; and that Full Council receive note of the Panel's view.
- 10 Following the issuing of the Decision Notice the Councillor resigned from the Cabinet.

Arun District Council – Councillor Wild of Felpham Parish Council (21 October 2020 reported February 2021)

- 11 The District Council considered three complaints made against the Councillor of Felpham Parish Council. The complaint related to the to the actions of the Councillor at a site visit at an allotment. The Councillor inferred to plot holders that the Parish Council had approved a policy regarding the trapping of grey squirrels. The complaints also alleged that the Councillor had suggested that a plot holder would be imprisoned if they took a particular action to deal with the infestation of grey squirrels.
- 12 The complainants believed that the Councillor was in breach of the Parish Council's Code of Conduct on the basis of her actions whilst acting as a Councillor. The Councillor suggested that a policy was in place however a policy had not been considered by the Parish Council and this was considered to be a misrepresentation of the Parish Council.
- 13 It was found that the Councillor had breached a number of parts of the code. Firstly, for allowing other pressures to deter her from pursuing constituents' casework, the interests of the Parish, or the good governance of the authority in a proper manner. It was found that the concerns over wildlife became more prominent in this matter meaning the Councillor was not considering all sides of the issue and led to the Councillor mis-representing the Parish Council.
- 14 The Councillor in admitting that a policy had not been agreed but allowed the public present at the site visit to believe that a policy had been agreed without consultation was considered a breach of the code. The member failed to contribute to making the authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions.
- 15 It was also found that the Councillor had failed to behave in accordance with all of the Council's legal obligations, alongside any requirements contained within the authority's policies, protocols and procedures, including on the use of the authority's resources. The Councillor had accused the Parish Council and the contractor of breaking the law without knowing the facts and allowing the public to believe that a policy had been agreed.
- 16 Finally, it was considered that the Councillor had failed to treat people with respect by referring to imprisonment penalties and allowing the conversation to become unpleasant and unprofessional.
- 17 The sanctions imposed for the breaches were:

- (a) to publish the findings in respect of the Councillors conduct.
- (b) for the Clerk to the Council to report the findings to the Parish Council for information.
- (c) to recommend suitable training for the Subject Member on the Code of Conduct.
- (d) to recommend the Parish Council seek a written apology and requests that the Councillor issues a written apology to the complainants.
- (e) to recommend removal from the Allotments and Space Committee until apologies have been issued and suitable training received.

Background papers

- None

Other useful documents

- https://mycouncil.oxfordshire.gov.uk/documents/s55357/CC_MAR_2321R02%20-%20Members%20Code%20of%20Conduct.pdf
- <https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n16623.pdf&ver=17192>

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Appendix 1: Implications

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.