
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 and cases which relate to the work of the Committee since the last meeting on 10 June 2022.

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

5. As agreed by the Committee on 10 June 2022, as part of the Annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Code of Complaints Reports

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

Councillor A Khan - Coventry City Council (8 July 2022)

7. The Ethics Committee for Coventry City Council on 8 July 2022 considered four complaints submitted by three complainants in respect of Councillor Khan (the Subject Member). The allegations were as follows:
 - i. When the Police were called to the properties regarding the boundary dispute on 3 April 2021, that the Subject Member said that he knew the Superintendent/Sergeant, and he would not be arrested and no action would be taken;
 - ii. The Subject Member sought to exert influence over officers in the Council with a view to receiving preferential treatment; and
 - iii. The Subject Member used his position to seek to persuade the neighbours to sell him land, on the basis that the Subject Member could secure planning permission for them in the event that they agreed to his proposal. Alternatively that he would 'make life hell' for them in relation to planning if they did not.
8. At Stage 1 of the review process, it was decided that an investigation should take place and an Independent Investigator was appointed.
9. The Independent Investigator determined in respect of one of the complaints that the Code of Conduct had not been engaged and was thus excluded from their investigation. This left the remaining three allegations to be investigated.
10. With regards to the second allegation, on the balance of probabilities, the Investigating Officer concluded that the Subject Member had breached the Council's Code of Conduct for Elected and Co-opted Members by 'seeking to exert influence over officers in the Council with a view to receiving preferential treatment'. Allegations one and three were not upheld by the Investigating Officer.

11. The Independent Person for Coventry City Council concurred with the Investigating Officer after having sight of the report, but they were unable to be present at the Ethics Committee hearing.
12. The Investigating Officers report was presented to the Ethics Committee and listed the various reasons as to why the Investigating Officer had come to their conclusion, including that the Councillor had sent an email relating to the boundary dispute to various people from senior planning officers to the Leader of the Council. The email was sent from their Council email address and had used the phrase "Dear Colleagues". The Investigating Officer deemed that the email was intended as an instruction from the Councillor to those whom it was sent to.
13. The Committee did not agree with the conclusion of the Investigating Officer and decided that all three complaints should not be upheld. The Committee believed the email did not amount to an instruction 'but a request for clarification from a position of frustration where there had been a perceived injustice'.
14. At the Ethics Committee hearing the Subject Member was afforded the opportunity to present their case and it was noted by the Committee that this had given some context into the circumstances. It was also noted that at Coventry City Council where an issue is high profile it was standard to inform the Leader of the Council and the Chief Executive of the Council.
15. After considering the matters, the Committee stated that there was a need for guidance and clarity for Elected Members when dealing with matters that relate to their own personal interests. The Committee went on to recommend that this was to be addressed by the Officer/Member Protocol as part of the Ethics Committee Work Programme.

Councillor X - Hastings Borough Council (30 June 2022)

16. On 30 June 2022 the Monitoring Officer for Hasting Borough Council presented an update on a Standards complaint which was considered in private on 23 February 2022. Councillor X was subject to five complaints which concerned their behaviour towards Councillor Y. The hearing was held in private due to safeguarding concerns but it was the impact of the actions and statements from Councillor X towards Councillor Y and the public views and sentiment in which the Standards Committee focused on.
17. The complaints were presented in a report by the Monitoring Officer and the Committee were shown video and press articles relating to the complaint. They were then asked to consider whether five potential breaches of the Code of Conduct had taken place and to decide on the next steps.

18. The Committee decided that the Councillor was in breach of the Code of Conduct with regards to three out of the five complaints, the complaints along with the Committees reasons are listed below::

3 (1) You must treat others with respect.

Reasons for Decision: The Standards Committee stated that Councillor Y was not treated with respect by Councillor X and that Councillor X undermined Councillor Y's respect and standing in the community.

3 (2) You must not: (b) bully any person.

Reasons for Decision: The Standards Committee stated that Councillor X's behaviour through their actions and statements towards Councillor Y amounted to bullying.

6 (a) You must not use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Reasons for Decision: The Standards Committee decided that whilst Councillor X was acting in his capacity of a Councillor, they 'intended to confer a disadvantage on Councillor Y in relation to Councillor Y's standing and respect in the community'.

19. In light of the breaches, the Committee recommended that the Councillor should undertake social media and Code of Conduct training on a one-to-one basis. The Committee also considered mediation as a sanction but concluded that it was not appropriate for this case.

Northumberland County Council – s.114 Notice for unlawful expenditure and corporate governance review.

20. At its Council meeting on 8 June 2022, Northumberland County Council considered a notice issued under section 114 of the Local Government Finance Act 1988 for unlawful expenditure. The notice, which was issued by the Council's interim Executive Director for Finance and section 151 Officer, highlighted two areas of unlawful expenditure: the authority's participation in the Northumbria International Alliance (NIA) and an international allowance paid to the Chief Executive since 2017.
21. NIA traded commercially from at least 2018 to 2021 and did so otherwise than through a company with all of the related income and expenditure being recorded in the Council's accounts. This is contrary to section 4(2) Localism Act 2017.
22. The NIA was established in 2018 as an unincorporated partnership with Northumbria Healthcare NHS Foundation Trust to provide international healthcare consultancy services for commercial purposes.

23. The Chief Executive received a £40,000 allowance in connection with NIA activity, which was not properly authorised and was contrary to the Council's pay policy statements.
24. At the same meeting, the Council also considered the outcome of an independent governance review, led by Max Caller CBE. The report highlighted that the Council needs to "undergo a fundamental re-set of its philosophy, processes and relationships, starting with a clear understanding of what the Council is about, respective roles of members and officers, how decisions are formulated, taken and recorded and challenged in a robust and appropriate way."
25. The review noted that the number of Freedom of Information Requests, grievances, complaints, standards and conduct issues between Officers and Members reflected an absence of effective communication in upper levels of the organisation.
26. The review team made a number of recommendations which include the introduction of a corporate plan, which reflects the people, place and direction of travel of the elected administration and a re-draft of the Constitution to reflect a more appropriate system of delegation and proper member oversight of companies and partnership bodies.

Background papers

None

Other useful documents

- <https://www.coventry.gov.uk/meetings-1/committees/4>
- <https://hastings.moderngov.co.uk/documents/g4758/Public%20reports%20pack%2030th-Jun-2022%2018.00%20Standards%20Committee.pdf?T=10>
- [02.2 NCC Governance Review finalwatermarkcopy.pdf \(moderngov.co.uk\)](#)
- [03.1 S114 Report Final 23 05 2022.pdf \(moderngov.co.uk\)](#)

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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

Not applicable.

Consultation

Not applicable.

Equality and Diversity / Public Sector Equality Duty

Not applicable.

Climate Change

Not applicable.

Human Rights

Not applicable.

Crime and Disorder

Not applicable.

Staffing

Not applicable.

Accommodation

Not applicable.

Risk

Not applicable.

Procurement

Not applicable.