
**Report of Helen Bradley, Director 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 7 March 2024.

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 contents of the report.

Background

- 4 As agreed by the Committee on 10 June 2023, as part of the Annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Police launch investigation over “incident” at Arun District Council planning committee

- 5 The police are investigating an incident which involved a member of the public approaching a councillor of Arun District Council at a planning committee on 20 March 2024 and allegedly making ‘verbal threats’ towards them.
- 6 The incident is said to be “*related to plans to build a 47-home development on land north-east of Kingston Lane, East Preston.*” The planning application which was approved during the meeting is said to be controversial and has been opposed by Kingston Parish Council who believe that the application conflicts with the Kingston parish Neighbourhood Plan, the district council’s local plan and certain policies in the National Planning Policy Framework.
- 7 In response to the incident, the Council has stated that it does not tolerate threatening behaviour or language towards Councillors, Officers or Members of the public or them being made to feel unsafe or in fear. This case is another example of the abuse and intimidation, which is increasingly faced by Councillors and Officers. The proposed Zero Tolerance of Abuse Policy, which the Committee has asked to be prepared, will set out the County Council’s position in relation to such incidents and how it will respond to them.

The Government rejects Thurrock Council’s request for a public inquiry

- 8 At the Standards Committee meeting in December 2023, it was reported that a second commissioner’s report was issued on Thurrock Council following the Council issuing of a Section 114 notice in December 2022. The second commissioner’s report followed a ‘Best Value Inspection’ by Essex County Council which referred to a “*dereliction in political and managerial leadership*”.
- 9 Since the second commissioner’s report, Councillors of Thurrock Council unanimously voted for a public inquiry into the Council’s finances following the Council receiving a petition of 1,500 signatures.
- 10 The minister for local government stated that notwithstanding the strength of feeling in the local community regarding the Council’s financial

and commercial risks, the government have rejected the request for an inquiry.

- 11 It is understood that the government do not consider that an inquiry would provide anything additional or further understanding to the best value inspection, the Commissioners intervention and the on-going investigation by the Financial Reporting Council.

External auditors have called for improved member-officer relations at Teignbridge District Council for second year running

- 12 In April 2024, Teignbridge Council considered their annual audit report from Grant Thornton.
- 13 The report highlighted that member-officer relations still needed to be improved, a recommendation which had been made from the previous year. It also noted that there was too much officer time being taken up trying to *“manage relationships and responding to last minute requests or changes of plan”*.
- 14 Grant Thornton also considered the procedures for investigating code of conduct complaints following their previous year’s recommendation to the Council to review them. The auditors acknowledged that Teignbridge had adopted a procedure in March 2022, and it was therefore reported that there was no evidence of a departure from the key regulatory and statutory requirements or professional standards. Members may recall that it was reported to the Committee in March 2023 that the Ombudsman for Local Government and Social Care found that an investigation conducted by Teignbridge District Council into an alleged Member Code of Conduct complaint was flawed.

Consultation on the Code of Practice on Good Governance for Statutory Officers

- 15 In March 2024, Lawyers in Local Government (LLG), the Chartered Institute of Public Finance Accounting (CIPFA) and Solace produced a draft ‘Code of Practice on Good Governance for Local Authority Statutory Officers’ for consultation.
- 16 The Chief Executive, the Chief Financial Officers and Monitoring Officer are three statutory officers of a local authority and are often referred to as ‘the Golden Triangle’. The draft Code confirms that like other public office holders, the Nolan Principles apply to these roles. It also sets out the expectations of these officers as well what is required for the statutory officers to work effectively together and deliver good governance.
- 17 It is expected that the Code will be launched in early June 2024. A copy of the Code will be presented to a future meeting of the Committee.

Investigation finds Monitoring Officer was undermined and bullied by former council leader

- 18 The former council leader of South Tyneside Metropolitan Borough Council Iain Malcolm has been found to have undermined and bullied the council's monitoring officer along with the Corporate Director, Business and Resources (s151 officer).
- 19 The two officers submitted a code of conduct complaint against the former leader alleging that he exhibited controlling and bullying behaviour. The complaints resulted in an investigation by an external investigator at Anthony Collins Solicitors.
- 20 The officers concerned, complained that the former Member's behaviour towards them was hostile, threatening and aggressive. The Member is alleged to have said , *"I am telling you what to do. When I give an instruction to Officers, I will not be undermined"* in a manner which the officers considered to be aggressive and intimidating. The incidents are alleged to have occurred during meetings held in 2020.
- 21 The former leader categorically denied the allegations of bullying and intimidation however, accepted that he could have handled the conversation with the complainants on 6th July 2020 better and that he can unintentionally raise his voice, due to having a severe hearing impairment.
- 22 The investigating officers report concluded that the Member had breached the code of conduct by failing to treat the complainants with respect and through conduct that amounted to bullying.
- 23 The investigation report was referred to a Standards Committee hearing which took place on 20 March 2024. The Committee accepted that the delay in bringing the complaints to a hearing were outside of the control of either the Member, the complainants or the Council.
- 24 Whilst the Committee noted that there were mitigating factors for the former leader's behaviour, including extensive evidence of abuse which he was facing from a number of sources, the Committee found that in no way excused the behaviour of the Subject Member.
- 25 As the former leader was no longer a serving Councillor the Committee recognised it had no power or authority to impose any sanctions and therefore did not recommend any. However, the Committee considered that the breaches found were serious and would have wanted an equally serious response in terms of sanctions.

Background papers

[Police launch investigation over “incident” at planning committee \(localgovernmentlawyer.co.uk\)](#)

[Government rejects Thurrock Council public inquiry \(bbc.co.uk/news\)](#)

[Government rejects Thurrocks bid for public inquiry into financial collapse \(LGCplus.com\)](#)

[Auditors call for improved member-officer relations at council for second year running \(localgovernmentlawyer.co.uk\)](#)

[Teignbridge District Council Full Council Meeting 23 April 2024 \(democracy.teignbridge.gov.uk\)](#)

[Consultation on the Code of Practice on Good Governance for Statutory Officers \(LLG.org.uk\)](#)

[Monitoring officer was undermined and bullied by former council leader, investigation finds \(localgovernmentlawyer.co.uk\)](#)

[South Tyneside Standards Committee 20/03/2024 \(southtyneside.gov.uk\)](#)

Other useful documents

None.

Author(s)

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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.