

To: Council  
15 September 2021

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**Standards Annual Report  
Executive Director – Delivery: Legal Services**

**1 Purpose of Report**

- 1.1 The attached report (**APPENDIX A**) advises Council of activity within its Standards framework from 1 April 2020 to 31 March 2021

**2 Recommendation**

- 2.1 **That the Standards outputs in 2020/21 as set out in (APPENDIX B) of this report be noted.**

**3 Reasons for Recommendation**

- 3.1 To keep Council apprised on an annual basis of activity relating to its Standards Regime

**4 Alternative Options Considered**

- 4.1 None.

**5 Supporting Information**

- 5.1 The Standards Framework comprises a number of elements including the code of conduct for Councillors, rules around disclosure of interests, procedure for dealing with complaints and sanctions for breach. Until its dissolution in November 2016 responsibility for oversight of the Standards Framework vested in the Standards Committee. Subsequently this has transferred to the Governance & Audit Committee.
- 5.2 The attached report appraises the Council of Standards related activity from 1 April 2020 to 31 March 2021.

**6 Consultation and Other Considerations**

Legal Advice

- 6.1 The Borough Solicitor is the author of this report.

Financial Advice

- 6.2 There are no financial implications arising from this report.

Equalities Impact Assessment

- 6.3 The potential for an equalities impact is considered throughout the process – it is weaved throughout the Code of Conduct and the process to respond to complaints

including consideration of how participants are involved in the investigation and hearings as appropriate.

#### Strategic Risk Management Issues

- 6.4 Complaints about elected representatives and dissatisfaction with how the Council manages the Standards Framework represents a potential reputational risk, not only for the individual concerned but for the Council. This risk is been mitigated by current process which is managed by the Borough Solicitor which provide a clear response to any concerns raised.

#### Climate Change Implications

- 6.5 The recommendations in Section 2 above are expected to have no impact on emissions of CO<sub>2</sub>.

The reasons the Council believes that this will have no impact on emissions is that it relates to concluded standards activity and future investigations will be conducted remotely were appropriate.

#### Background Papers

None

#### Contact for further information

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## STANDARDS ANNUAL REPORT 2020/21

1. The Council's Standards Committee was dissolved in 2016 and its functions incorporated into the terms of reference of the Governance and Audit Committee.

### **Complaints**

2. Under the current procedure for the handling of complaints alleging a breach of the Code of Conduct for Members, a complaint is first considered by the Monitoring Officer. The options available to the Monitoring Officer at that stage are:-
  - refer for investigation
  - refer for some other form of action ("other action")
  - determine that no further action is required. ("no action")
3. If a complaint is referred for investigation the ensuing report is considered by the statutory Independent Person and the Monitoring Officer. At that stage the options are:-
  - refer to a Code of Conduct Panel for consideration.
  - refer for resolution by some other form of action (e.g. if the investigation finds that there has been a breach and the Member agrees to apologise)
  - no further action required (investigation finds no breach which conclusion is agreed by the independent person and Monitoring Officer)
4. In the period between 1 April 2020 and 31 March 2021 the Monitoring Officer received **9** complaints alleging breaches of Codes of Conduct for Members. The grounds of each complaint and its outcome are set out in the table attached **(Appendix B)**
5. In each case where no action was taken this decision was preceded by consultation with the Independent Person (Dr Louis Lee) before being shared with the Complainant and subject member. In accordance with a protocol adopted in 2016, the Party whip was also notified. Whilst the table reflects the growing trend of relatively low level complaints it should be noted that unusually, three of the complaints were of sufficient seriousness to necessitate an investigation.
6. It should be further noted that one of the three complaints investigated, involving a Parish Councillor, resulted in a Code of Conduct Panel hearing following the outcome of an extensive investigation into alleged bullying behaviour towards an employee of the Parish Council. This is only the second occasion since the current Standards Framework was introduced in 2012 that a complaint has proceeded to a Panel Hearing. Moreover, it is the first that has resulted in an outcome of breach with the imposition of sanctions including censure as well as recommendation of code of conduct refresher training and removal from committee roles. The Councillor was subsequently the subject of a no confidence motion against him that was adopted by the Parish Council. He has subsequently been expelled from the Conservative Party and is serving as an Independent for the remainder of his term of office.

## Previous years data

Year	No. of Complaints	Upheld
2008/09	0	0
2009/10	6	2
2010/11	1	0
2011/12	2	0
2012/13	4	0
2013/14	6	0
2014/15	5	0
2015/16	2	0
2016/17	7	0
2017/18	6	0
2018/19	8	1

6. Whilst the adequacy of sanctions within the Standards regime continues to attract debate nationally there are currently no proposals flowing from the Ministry of Housing, Communities and Local Government to introduce further legislation.
7. It will be noted that one of the recommendations flowing from a report of the Committee for Standards in Public Life (CSPL) published in January 2019 was for the Local Government Association *“to create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.”*
8. The LGA’s Code drafting timetable envisaged a draft Code being released for a 6 week consultation from 16 March 2020 with a final version being published at the launch of the LGA annual Conference in Harrogate on 30 June. However, this work was delayed due to the impact of Covid 19 and the draft was in fact issued for consultation in June. A final model Code was subsequently published by the LGA in late December 2020. It is for individual Authorities to determine whether to adopt it. Whilst the Governance & Audit Committee considered the Council’s existing Code in June 2019 pursuant to the recommendations of the CSPL and determined that no changes were necessary this determination will need be reviewed in the light of the publication of the Model Code. A Code of Conduct Panel will be convened for this purpose with its recommendations being referred to the Governance and Audit Committee within the next 6 months.

**Councillors are reminded of their duties both in respect of the rules relating to the registration and disclosure of Interests set out in the Code of Conduct and their behavioural obligations under the Code.**

## Appendix B

	<b>Date of Complaint</b>	<b>Status of Complainant</b>	<b>Borough or Parish Councillor</b>	<b>Grounds of Complaint</b>	<b>Outcome</b>
1	2 April 2020	Resident	Borough	Failing to treat complainant with respect	<b>Code breach- informal resolution (apology)</b>
2	31 August 2020	Resident	Borough	Failing to make decision on merit  Failing to declare DPI or AI  Improperly using his position to secure an advantage for himself or others or to disadvantage another person	<b>No further action as no evidence of breach</b>
3	11 September 2020	Employee	Parish	Bringing the council or the office of councillor into disrepute  Failing to treat complainant with respect  Bullying complainant  Discriminating against complainant on grounds of gender	<b>Investigated and breach established by Code of Conduct Panel. Various sanctions imposed</b>

4	28 September 2020	Parish Councillor	Parish	Improperly using Council resources  Improperly using position to secure and advantage for themselves	<b>Complaint investigated- No breach found. No further action</b>
5	12 October 2020	Resident	Borough	Failing to treat complainant with respect,	<b>Informal resolution to potential breach of Code</b>
6	3 November 2020	Resident	Borough	Bringing the Council or office of Councillor into disrepute	<b>No breach- No further action</b>
7	26 January 2021	Resident	Borough	Bringing the Council or office of Councillor into disrepute	<b>Not acting in official capacity. No further action</b>
8.	12 March 2021	Resident	Borough	By discriminating against me and/or others  By failing to make a decision on merit  By improperly using their position to secure an advantage for themselves and/or others or to disadvantage another person	<b>No breach found. No further action</b>

9.	20 March 2021	Resident	Borough	By bringing the council or the office of councillor into disrepute  By compromising or acting in a way likely to compromise the impartiality of those working for or on behalf of the council	<b>No breach found. No further action</b>
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