

TO: GOVERNANCE & AUDIT COMMITTEE – 19 JULY 2023  
COUNCIL - 13 SEPTEMBER 2023

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**STANDARDS ANNUAL REPORT**  
**(Executive Director - Delivery - Legal)**

**1. PURPOSE OF REPORT**

- 1.1 The attached report (**APPENDIX A**) advises Council of activity within its Standards framework from 1 April 2022 to 31 March 2023

**2. RECOMMENDATIONS**

That the Council **NOTES**:

- 2.1 The Standards outputs in 2022/23 as set out in (**APPENDIX B**) of this report

**3. REASONS FOR RECOMMENDATIONS**

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

**4. SUPPORTING INFORMATION**

- 4.1 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.
- 4.2 The attached report appraises the Council of Standards related activity from 1 April 2022 to 31 March 2023.

**5 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

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

Director :Finance

- 5.2 There are no financial implications arising.

**6 STRATEGIC RISK MANAGEMENT ISSUES**

- 6.1 None.

Background Papers None.

Contact for Further Information

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## **APPENDIX A**

### **STANDARDS ANNUAL REPORT 2022/23**

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 2022 and 31 March 2023 the Monitoring Officer received 18 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 most cases where no action was taken this decision was preceded by consultation with the Independent Person before being shared with the Complainant and subject member. In accordance with a protocol adopted in 2016, the Party whip was also notified in the case of complaints against ruling Party members.

*Nb An Independent Person is a statutory role whom the Monitoring Officer may consult with prior to making a determination on whether or not to investigate a complaint. In 2022 Ms Heather Quillish was appointed to this role replacing the previous incumbent, Dr Louis Lee.*

#### **Previous years data**

<b>Year</b>	<b>No. of Complaints</b>	<b>Upheld</b>
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
2019/20	7	1
2020/21	9	2
2021/22	0	0
2022/23	18	0

6. Whilst there was a sharp rise in complaints during 2022/23, thirteen of the eighteen complaints originated from two complainants consequent to largely contained sets of facts. In one series of complaints the complainant sought to highlight perceived breaches of procedure relating to a planning application. In another instance the complainant was a former town councillor whose concerns largely centred around what he considered to be a conspiracy of councillors to ignore his correspondence. In all cases no breaches of the Code were established. The overall figures were therefore consistent in large part to those of previous years. The fact that none were ultimately upheld reflects a continuing overall cultural adherence to the Code within both the Borough and Parish/Town Councils.
7. 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.
8. 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.”*
9. The LGA published a model Code in late December 2020 and it was for individual authorities to determine whether to adopt it. A Code of Conduct Panel was convened by the Authority for this purpose and recommended that its existing Code did not require any significant amendments. Such minor amendments as were recommended by the Panel were subsequently approved by Council and have been incorporated.

**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	27 July 2022	Resident	Borough	Using council resources improperly	No action as no evidence of breach
2	30 September 2022	Resident	Borough	Violating planning protocol/bias & predetermination	No action as no evidence of breach
3	30 September 2022	Resident	Borough	Violating planning protocol/bias & predetermination	No action as no evidence of breach
4	30 September 2022	Resident	Borough	Violating planning protocol/bias & predetermination	No action as no evidence of breach
5	30 September 2022	Resident	Borough	Bias & Pretermination	No action as no evidence of breach
6	1 November 2022	Resident	Borough	Bringing the Council or the office of councillor into disrepute	No action as no evidence of breach
7	8 December 2022	Resident	Borough	Failing to make decision on merit	No action as no evidence of breach
8	30 December 2022	Resident	Borough	Failing to treat others with respect	No action as no evidence of breach
9	3 January 2023	Resident	Borough	Bringing the Council/office of Councillor into disrepute	No action as no evidence of breach

10	3 January 2023	Resident	Borough	Bringing the Council/office of Councillor into disrepute	No action as no evidence of breach
11	18 January 2023	Resident	Borough	Improperly using their position to secure an advantage for themselves and/or others or to disadvantage another person/ Bringing the Council or the office of the Councillor into disrepute	No action as no evidence of breach
12	16 February 2023	Resident	Borough	Bringing the Council or the office of councillor into disrepute	Informal resolution
13	21 March 2023	Resident	Borough	Bringing the council or the office of councillor into disrepute	No action as no evidence of breach
14	21 March 2023	Resident	Borough	Bringing the council or the office of councillor into disrepute	No action as no evidence of breach

15	21 March 2023	Resident	Borough	Failing to make a decision on merit	No action as no evidence of breach
16	21 March 2023	Resident	Borough	Discriminating against me/other persons	No action as no evidence of breach
17	21 March 2023	Resident	Borough	Discriminating against me/other persons	No decision taken as Councillor lost seat at local election before Monitoring Officer's enquiries completed.
18	23 March 2023	Resident	Borough	Failing to treat others with respect	Informal apology suggested but no longer a councillor

**NB;**

**Complaints 2-5 and 8-11 arose pursuant to a single planning application and were submitted by two associated residents against several members of the planning committee**

**Complaints 13-17 were submitted by the same resident against 5 separate councillors**

**Therefore 13 of the 18 complaints originated from two complainants and this will have impacted on the overall figures for 2022/23.**