

**TITLE OF REPORT: STANDARDS MATTERS**

REPORT OF THE ACTING MONITORING OFFICER

**1. SUMMARY**

1.1 The report updates Members of the Committee on standards issues generally.

**2. RECOMMENDATIONS**

2.1 That Members note the content of the report.

**3. REASONS FOR RECOMMENDATIONS**

3.1 To ensure good governance within the Council.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 None.

**5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

5.1 No consultation has been undertaken.

**6. FORWARD PLAN**

6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

**7. BACKGROUND**

7.1 Within its terms of reference the Standards Committee has a function of “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist to govern, Member conduct.

**8. ISSUES**

**Constitution Review**

8.1 The changes to the number of Standards Committee meetings and change from work programme to Standards Matters in the terms of reference of the Committee, agreed at the last meeting, were approved by Full Council and were incorporated into the latest addition of the Constitution. Members should note that the Council’s Code of Conduct was updated and now applies to Co-opted non-voting Members (as well as other Members of the Council).

### **First Localism Act Conviction**

- 8.2 On 30 March 2015 Councillor Spencer Flower gained the dubious distinction of being the first Councillor convicted under the Localism Act 2011. The conviction was for participating in a vote at a Council meeting despite having a Disclosable Pecuniary Interest, contrary to section 31 and 34 of the Localism Act. He was sentenced to a six month conditional discharge and was ordered to pay prosecution costs. Councillor Flower remains both a District and County Councillor.
- 8.3 The reports of the conviction show that the Councillor had not sought advice from the Monitoring Officer. There was also a focus on the fact that the Councillor had not sought a dispensation. The district judge indicated that the Defendant Member had failed to satisfy the court that what he did amounted to a reasonable excuse.
- 8.4 It should be noted that there was widespread publicity of the conviction and it should serve as a timely reminder for Members of the importance of declaring Disclosable Pecuniary Interests and ensuring that they do not participate in meetings where those interests may be a matter for discussion.

### **Committee on Standards in Public Life Report (CSPL)**

- 8.5 The CSPL published in March the findings of their survey of public attitudes towards conduct in public life. The Executive Summary is attached at Appendix A.

### **Sanctions**

- 8.6 As Members will be aware there are limited sanctions under the current Standards regime. The Royal Borough of Kingston considered at its Council meeting on 14 July 2015 whether to introduce a 'Councillor Recall' system in certain circumstances linked to attendance at meetings, criminal conviction and residence (where those matters are not already covered by legislation). It would be a voluntary scheme, with a petition where if 33% of the electorate of the ward voted in favour "there would be an expectation that the Councillor concerned would resign thereby triggering a by-election in which they could, of course, stand if they chose." It will be interesting to see whether other Councils follow suit and whether such an approach is enforceable.

### **Complaints Update**

- 8.7 The complaint referred to in the February Committee report as having just been received is still being investigated.
- 8.8 The following complaints were received since the last Committee meeting:-
- A complaint about a District Councillor regarding a planning matter was rejected, following initial assessment/ investigation, as there was no evidence of the matters alleged.
  - A complaint about a District Councillor regarding remarks made at a meeting was withdrawn as the complainant decided not to pursue the matter.
  - A complaint about a Parish Councillor regarding remarks made during a meeting was withdrawn as the complainant decided not to pursue the matter.

## **Current Issues**

- 8.9 As Members will be aware, they are required to complete a Register of Interests form. A number of Members write “home address” on their forms, rather than specifying the address, which leads to forms being returned and delays in details being updated. On a positive note all forms completed post the election in May were returned in a timely manner.

## **Forthcoming Policy Reviews**

- 8.10 The Monitoring Officer and Deputy Monitoring Officer are currently reviewing the following policies:-
- Organisational Conflicts of Interest.
  - Confidential Reporting Code (Whistleblowing).

Where required by the Committee’s terms of reference these will be brought to a future meeting.

## **Parish Council Representative**

- 8.11 All Parish Councils were contacted on 6 July 2015 seeking nominations by the end of July to fill the vacancy on the Standards Committee. At the time of writing this report three nominations have been received and a verbal update will be provided at the meeting.

## **9. LEGAL IMPLICATIONS**

- 9.1 The terms of reference of the Standards Committee include at paragraph 7.5.1 of the Constitution “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”.
- 9.2 There are no specific legal implications arising from the content of this report.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no capital or revenue implications arising from the content of this report.

## **11. RISK IMPLICATIONS**

- 11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010, a major piece of legislation. The Act also created a Public Sector Equality Duty, which came into force on the 5<sup>th</sup> April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

### **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at Paragraph 12.

### **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 None. The work outlined within the report is within the Monitoring Officer's caseload.

### **15. APPENDICES**

- 15.1 Appendix A – Executive Summary of Survey of public attitudes towards conduct in public life 2014.

### **16. CONTACT OFFICERS**

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### **17. BACKGROUND PAPERS**

- 17.1 None.