

Standards Committee – 21 March 2023

Minutes of the meeting of the **Standards Committee** held on **21 March 2023** when there were present:-

Chairman: Cllr Mrs J E McPherson

Cllr D S Efde
Cllr G W Myers

Cllr Mrs D P Squires-Coleman
Cllr C M Stanley

INDEPENDENT PERSONS (INVITEES NON-VOTING)

Mr P Scott
Mr S Shadbolt

PARISH MEMBERS (CO-OPTED NON-VOTING)

Cllr Mrs D A Constable

Cllr Miss A Marriott

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs J R Lumley, T D Knight and M G Wilkinson

SUBSTITUTES

Cllr R P Constable - for Cllr Mrs J R Lumley

OFFICERS PRESENT

A Hunkin - Interim Director of People & Governance
S Worthington - Principal Democratic & Corporate Services Officer

75 MINUTES

The Minutes of the meeting held on 28 June 2022 were approved as a correct record and signed by the Chairman.

76 DECLARATIONS OF INTEREST

Cllr C M Stanley declared a non-pecuniary interest in item 6 of the agenda relating to local investigations and determinations for the period April 2022 to March 2023 by virtue of membership of Rayleigh Town Council.

77 LOCAL INVESTIGATIONS AND DETERMINATIONS – APRIL 2022 TO MARCH 2023

The Committee considered the report of the Interim Director of People & Governance providing a summary of complaints and queries received in relation to Members' behaviour under the Code of Conduct. 13 complaints were set out in the report; however, the Monitoring Officer had received 14 complaints with one having come in on 16 March; of those complaints 5 were complete, 1 wasn't a Code of Conduct complaint as it related to the Clerk of a

Parish Council, 3 concerned one Parish Council, which was being investigated further, thanks for which were extended to the Independent Member, Mr Shadbolt. This left 5 complaints, including the one received recently; 2 of these would be concluded by the end of this week and the remaining 3 were currently still under investigation. The Monitoring Officer advised that these would also be concluded by the end of this municipal year.

The Chairman emphasised that the information provided to the Committee was redacted; the identity of those who were the subjects of the complaints was not known to them.

In response to a Member question relating to item 6 – SC0095 – set out on page 6.6 of the report as to who determines that no further action should be taken, the Interim Director of People & Governance advised that if the matter was straightforward then often the Monitoring Officer would deal with the matter and would contact the relevant parties and let them know that there was no case to take further. Generally the Monitoring Officer would seek to work with an Independent Member to gain an independent view from them but ultimately it was for the Monitoring Officer to determine.

Responding to a supplementary question as to whether there was a set time by which complaints should be resolved, the Interim Director advised that there was no statutory deadline for this; however, the Monitoring Officer endeavoured to comply with guidance set out in the Constitution. Complaints were acknowledged within 5 working days, then an investigation was carried out. If it was clear that this would take some time or it wasn't possible to make progress then it was important that the complainant was kept informed. The aim was to complete investigations as soon as practicable. The Interim Director further advised, in response to a question around whether complainants were notified when no further action was to be taken, that the system used for logging and monitoring complaints listed all complaints by date received, dates of acknowledgement, and dates and details of any actions taken and conclusion of cases and also the dates when parties are informed of decisions.

Responding to a Member question relating to item 4 – SC0093, set out on page 6.5, as to whether it was stipulated to Parish Councillors that they should adhere to the Code of Conduct, the Interim Director advised that the Council adopted the Local Government Association's Model Code of Conduct in July, which then took effect from 1 August 2022. Each Parish Council has its own Code of Conduct; however, the District Council encourages the Parish Councils to adopt the Model Code of Conduct for the sake of consistency across the District and because it sets out best practice and included a focus on bullying and harassment. It was for individual Parish Councils to determine whether or not to adopt the Model Code.

In response to an additional question relating to item 5 – SC0094 – set out on page 6.5, as to whether District Councillors would be contacted when no breaches of the Code were found to have taken place, the Interim Director advised that the majority of such investigations started with an informal

conversation with the District Councillors involved. This gave an opportunity to provide the Councillors with details of the process, support that was available to them, including from an Independent Member. If the matter was straightforward involving no breach of the Code, the Monitoring Officer would then simply write to the District Councillor. If no breach was found, but the case was more borderline, then the Monitoring Officer would either telephone the District Councillor again or organise a face to face meeting.

In response to a further Member query relating to the District Council asking Parish Councils to adopt the Model Code of Conduct, the Interim Director reiterated that the Parish Councils were encouraged to do so by the District Council. In addition, there was the Essex Association of Local Councils (EALC), which would also be working with the parish councils on Code of Conduct matters.

The Member expressed concern that the EALC had stated that it would not involve itself with Code of Conduct matters as there was nothing it could do and asked whether the District Council would therefore enforce the Model Code of Conduct on the parish councils. In response the Interim Director reiterated that the District Council could only encourage the parish councils to adopt the Code but was not empowered to force them to do so; it was for each individual parish council to determine whether or not to adopt the Model Code.

Cllr Miss A Marriott advised that she would be attending an EALC meeting on 23 March and would raise this issue there. She further advised that there was a civility and respect pledge that parish councils could sign up to; some of the parish councils within the district had already done so. She queried whether District Councillors had to undertake Code of Conduct training and what was being done to encourage Parish Councillors to undertake this training. She commented that as Chairman of the Rochford Hundred Association of Local Councils (RHALC) she could encourage those Parish Councillors who attended RHALC meetings to undertake the training.

In response, the Interim Director advised that Code of Conduct training was not mandatory for District Councillors although they were encouraged to attend this training. There would be Code of Conduct training in the new municipal year following the local elections and District Councillors would be encouraged to attend this and this would be followed up on in cases of those that did not sign up for the training although it was not like, for example, planning training where those Members who did not attend planning training could not sit on the Development Committee. In the case of parish councils, the Monitoring Officer could encourage parish councils to adopt the Model Code of Conduct and to attend associated training; however, he would discuss this with the EALC to ensure clarity around his role and that of the EALC. If a parish council has a Code of Conduct and parish councillors attend Code of Conduct training then in theory the Monitoring Officer should receive less complaints.

The Chairman observed that RDC's Code of Conduct training was open to Parish Councillors from those parish councils that had adopted the Model

Code of Conduct.

In response to a Member question as to whether it might be possible to make Code of Conduct training mandatory for parish councils, the Interim Director advised that the District Council had no authority to do so. Each parish council had its own Constitution and standing orders; the District Council could only encourage parish councils to adopt the Model Code.

A Member observed that many of the complaints related to respect and queried whether there was therefore a case for holding training on bullying and harassment to which Parish Councillors could also be invited. The Chairman commented that last year she tried to introduce a civility in politics pledge to the District Council which unfortunately was not supported by Council Members. She could try to raise this again at Council, including the issue around training.

Mr Shadbolt emphasised the importance of there being one Code of Conduct that applied to the District Council and to all parish councils within the District. He also highlighted that all Chairmen of Committees at District and Parish level should receive chairmanship training. The Chairman emphasised that the Model Code of Conduct was not very different from the previous Code of Conduct; it still centred on the Nolan principles but introduced more clarity around the definition of bullying. Chairmanship training was not mandatory for District or Parish Councillors; however, Councillors would continue to be encouraged to attend such training. The Interim Director reiterated that the District Council was seeking to promote good governance and would advise the parish councils although it had no statutory responsibility to do so. If the right standing orders and training programme were in place then issues often didn't escalate into standards complaints. The Chairman advised that the parish councils were sent details of relevant training each year that their Parish Councillors could attend.

In response to a Member question relating to item 8 – SC0096 – set out on page 6.7 of the report and the gap between the complaint being received and acknowledged, it was noted that this arose in the interim period between the former Monitoring Officer leaving the Council and the current Monitoring Officer taking up post. It was further emphasised that the system had been further refined so that complaints would be acknowledged in a timely manner in the event of the Monitoring Officer being absent.

In response to a Member question about Code of Conduct training, it was confirmed that details of the training was sent out to the Parish Clerks each year and they were made aware that Parish Councillors could attend the Code of Conduct training if the Parish Council had signed up to the District Council's Code of Conduct.

Resolved

That the summary of complaints and determinations for the period April 2022 to March 2023 be received. (IDPG)

The meeting closed at 7.57 pm.

Chairman

Date

CONFIRMED

If you would like these minutes in large print, Braille or another language please contact 01702 318111.