



**AGENDA ITEM:
SUMMARY**

Report for:	Standards Committee
Date of meeting:	9th December 2021
PART:	I
If Part II, reason:	

Title of report:	Standards Committee
Contact:	Mark Brookes (Assistant Director – Corporate and Contracted Services) Directline: 01442 228236, internal extension: 2236 Mark.brookes@dacorum.gov.uk
Purpose of report:	To consider recommending adoption of a new Members Code of Conduct. To provide Members with an update on complaints received in the last two years.
Recommendation	<ol style="list-style-type: none"> 1. That the Committee consider the annexed Members Code of Conduct and decide whether to recommend adoption to Council. 2. That the Committee note the standards complaints received in the last two years.
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving all of its corporate priorities.
Implications: 'Value For Money Implications'	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against Members are minimised as far as possible and any

	complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Assistant Director, Corporate and Contracted Services in his capacity as Monitoring Officer.
Consultees:	Portfolio Holder's Group
Background papers:	Local Government Ethical Standards report published by the Committee on Standards in Public Life

CODE OF COUNCILLOR CONDUCT

1. Executive Summary

- 1.2 The Government's Advisory Committee to the Prime Minister, the Committee on Standards in Public Life (CfSPL) published a report in January 2019 entitled 'Local Government Ethical Standards'. This report contained a number of recommendations made by the CfSPL and identified points of best practice to improve ethical standards in local government.
- 1.3 However, the majority of proposed changes required primary legislation, which would be subject to parliamentary timetabling but also to secondary legislation and revisions to the Local Government Transparency Code. The primary legislation has not been forthcoming to date, due to other priorities faced by government.
- 1.4 One key recommendation of the CfSPL report was that the Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.5 After extensive consultation with key stakeholder groups, the LGA's board on the 3rd December 2020, agreed a Model Code of Councillor Conduct with a recommendation for adoption for all local authorities.
- 1.6 In March 2021 Standards Committee considered adoption of the model code and agreed to recommend that Council adopt the code with minor amendments relating to member training. A copy of the version which Members approved in March is attached as Appendix 1.
- 1.7 A report was prepared for Portfolio Holders in September to brief members on the new code prior to it being reported to Cabinet. The

feedback from the group was that they prefer the drafting in the existing Code of Conduct in relation to declarations of interest and believed that a change to establish principles, which Members understand, could be unnecessarily confusing. The Portfolio Holders have requested that Standards Committee reconsider this element of the new code and requested that the Monitoring Officer creates a hybrid code where the current declaration of interest provisions are retained, but utilise the new behaviour provisions from the model code.

- 1.8 The Monitoring Officer has therefore developed a new hybrid code, which is attached for consideration (Appendix 2) and recommends the Standards Committee to positively consider the Council adopting this new Code of Conduct and to make appropriate recommendations to the Council.

2. The New Members Code of Conduct

- 2.1 This is a voluntary code and there is no legal requirement to adopt it. If the Council adopts this new code, it will replace the current Code of Conduct for Members.
- 2.2 The main concern that Portfolio Holders had in relation to the drafting in the code which was presented to them and considered by Standards in March was that it included new terms of “Other Registerable Interests” and Non-Registerable Interests”. These provisions are set out in paragraphs 6 and 7 (see Appendix 1) and would have effectively replaced what are termed as Personal and Prejudicial interests in the Council’s current code. Members felt that Personal and Prejudicial was a term, which members had become familiar with and changing those key terms could have been detrimental to their understanding of their requirements to declare interests.
- 2.3 The Monitoring Officer has taken on board these comments and amended the code to retain the existing provisions relating to declarations of interest, but kept all the other behaviours and expected standards from the LGA code. This new hybrid version is set out in Appendix 2 and is now recommended for approval.

3. Standards Complaints update

- 3.1 Members will be aware that there have been no formal complaints referred to the Standards Committee in its current term. This should be seen as a positive in terms of Members general standard of behaviour and compliance with the Code of Conduct.
- 3.2 Members should however note that there have been standards complaints during this period, but none have met the Council’s standards assessment criteria and required further investigation, or

have been able to be dealt with on an informal basis with advice or guidance to the member concerned.

- 3.3 The current procedure when a complaint is received is that the Monitoring Officer or Deputy Monitoring Officer will consider the complaint in consultation with the Council's Independent Person. The complaint is assessed against the assessment criteria as set out in the Standards Complaints Procedure and a decision is made whether the complaints merits no further action, merits further investigation or should be referred to the Standards Committee.
- 3.4 The intention of the procedure is to filter out less serious complaints and the Monitoring Officer, in consultation with the Independent Person has discretion to seek to resolve the complaint informally without a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action proposed by the Council.
- 3.5 Over the last two years there have been 7 complaints which have been resolved without a formal referral to the Standards Committee. A summary of the complaints received is set out below.

Date received	Borough/Town or Parish Councillor	Summary of complaint	Outcome
10/12/19	Borough Council	Abuse of position as a councillor	The matter related to the councillor's private life and not his role as a councillor so could not be investigated.
21/08/20	Borough & Town Council	Being biased in planning decision and supporting objectors	No evidence that this was a breach of the code of conduct. Councillors were trying to assist constituents with the planning process.
22/12/20	Borough	Using influence as a councillor to rally support against a planning allocation. Using DBC	No evidence of breach but councillor advised not to use DBC letterhead in correspondence

		letterhead to write a letter to residents	with constituents
28/03/21	Borough	Councillor improperly helping one neighbour who was involved in a neighbour dispute with the complainant	No evidence of breach of the code. Councillor was trying to assist to resolve the complaint and was not unfair or bias to either party in her dealings.
08/06/21	Borough	Borough Councillor failing to treat a Parish Councillor with respect	The complaint was over a year old and there was limited evidence to substantiate the complaint but the Borough Councillor acknowledged that a different approach to the issue could have been taken and offered an apology to the complainant which was accepted.
19/07/21	Borough	Incorrect use of planning powers to call-in a planning application	No breach found – councillor had complied with correct procedures
10/08/21	Borough	Failing to respond to a letter from constituent	councillor apologised for the delay and responded to letter