

Rother District Council

Report to	-	Council
Date	-	31 July 2023
Report of the	-	Audit and Standards Committee
Subject	-	Annual Report to Council – Ethical Standards Matters

Recommendation: It be **RESOLVED:** That the Annual Report of the Audit and Standards Committee on Ethical Standards Matters be received.

Introduction

1. As a new requirement in the Constitution, this report brings forward a summary of the ethical standards matters that have been considered by the Audit and Standards Committee during the preceding 12 months.
2. The Audit and Standards Committee usually considers standards related matters at its meetings held in June and December each year.
3. The Members appointed to the Committee during 2022/23 were: Councillors Drayson (Chair), Thomas (Vice-Chair), Barnes, Mrs Barnes, Courtel, Harmer (ex-officio as Chair of Council), Mrs Kirby-Green, Langlands and Madeley.
4. The Council's two Independent Persons (IPs), namely Mrs Rose Durban and Mr Bob Brown, appointed in accordance with the Localism Act to support the Council's Standards regime and the two Parish and Town Council representatives, namely Mrs Wendy Miers (Dallington Parish Council) and Keith Robertson (Catsfield Parish Council) also form part of the Committee when discussing standards related matters.

New Code of Conduct

5. Following consideration of the Government's response to the Committee on Standards in Public Life's (CSPL) review of ethical standards, the Audit and Standards Committee considered again whether the Council should adopt the Local Government Association's (LGA) model Code of Conduct (CoC). In the interim, it was recommended to Council and agreed in December 2022 that the scope of complaints be widened to specifically mention social media communications, posts, statements and comments.
6. Following a review, the Committee decided to recommend to Council that the LGA's model CoC should be adopted, and this was duly approved by Council at the meeting held on 24 May 2023.
7. It is hoped that Members will find the new CoC, which includes references to social media, easier to understand, as well as being easier for officers to interpret and provide guidance and advice on Code matters.
8. Whilst the Government has agreed to look at several issues because of the CSPL's review recommendations, overall, it is unlikely that there will be fundamental changes to the current decentralised approach and available sanctions for Members who have been found to have breached the CoC for the foreseeable future. The lack of meaningful sanctions that can be applied by a

Hearing Panel following an investigation against Councillors who have been found to have breached the CoC remains disappointing, with the only recourse being through public disclosure and the ballot box.

Elected Member Complaints

9. The Committee receives a summary report of the number and type of complaints that have been processed at each meeting, together with the outcome; the table below sets out the number, type and nature of complaints received in the 2022/23 civic year. A database of complaints will be established to enable a more detailed analysis in future years.

	District Councillors	Parish / Town Councillors
Number of Complaints	11	13
Initial Assessment:		
Dismissed	3	1
Local Resolution	6	10
Referred for Investigation	*2	2
Outcome of Investigation:		
Dismissed		1
In Breach – resulting in:		
Local Hearing		
Local Resolution		
Other (resignation)		1

*final reports still awaited.

10. The complaints received covered a range of behaviours including disclosure of confidential information, bullying and harassment, lack of respect, misuse of position, non-declaration of interests and bias and disrepute. Not all complaints were resolved to the satisfaction of the complainant nor Subject Member. In two cases, an IP facilitated meeting was held between the parties to come to agreed resolutions. Only one such meeting was successful. One IP has also been consulted for their views by an external consultant undertaking an initial assessment into a complaint.
11. In monitoring the complaints, the Committee considers whether there are any emerging patterns and whether there are any specific training needs that can be met to address the common issues.

Member Training

12. During 2022 several training sessions were held. In May 2022, Bexhill on Sea Town Council received training on their Code of Conduct (LGA model); this session was well attended and received.

13. The MO and Deputy MO provided two on-line training sessions based on the Local Government Association's (LGA) Model Code of Conduct with the Parish and Town Council across the district in November last year. Despite only 8% attendance, feedback indicated that attendees found the session to be useful and informative.

Officer / IP Training

14. The Monitoring Officer and Deputy Monitoring Officer have attended a number training events during 2022/23 including attendance at two remote training sessions on the CoC; disrespect; declarations; sanctions; and working with parish and town councils (P&TCs).
15. The IPs have also attended a remote conference in June 2022 as well as an in-person session on 19 April 2023 in London.

Review of the Arrangements for Handling Complaints Against Elected Members

16. In December 2022, the Committee considered and agreed several amendments to the Council's Arrangement for Dealing with Member Complaints, and consequential amendments to the Investigations and Hearings Procedures.
17. The amendments clarify the role of the Independent Persons (IPs) in complaint handling in light of experience and advice received from leading consultants in the field of ethics and standards and knowledge gained at training events.
18. It has now been made clear in our procedures that a discussion with an IP will only be offered to a Subject Member (SM) (the Councillor against whom a complaint has been made) if the complaint against them is referred for an investigation and not at the initial assessment stage. It has also been made clear that the role of the IP is not to provide legal advice or to represent the SMs and that only one IP will be used throughout each case.

Independent Persons Comments

19. The IPs have reviewed this report and are satisfied that the content is an accurate representation of the ethical issues the Council has covered in the last 12-month period.

Conclusion

20. The production of this annual report is a new requirement in the Constitution. It will be considered and approved by the Audit and Standards Committee in June and presented to full Council in July each year.
21. Full Council is asked to consider the contents within the report and make any observations and recommendations as it sees fit.

Councillor Brian Drayson
Chair, Audit and Standards Committee