

**HERTFORDSHIRE COUNTY COUNCIL**  
**STANDARDS COMMITTEE**  
**MONDAY, 27 FEBRUARY 2017 AT 2.00PM**

Agenda Item No.

**3**

**STANDARDS UPDATE**

*Report of the Chief Legal Officer*

Author: Kathryn Pettitt, Chief Legal Officer (Tel. 01992 555527)

**1. Purpose of Report**

1.1 To provide an update to Members on standards issues generally.

**2. Recommendation**

2.1 Members are asked to note the report and for their views on any matters mentioned in the Report.

**3. Summary and Background**  
***Complaints Update***

3.1 A report was brought to the Committee in June 2015 updating Members on the complaints that had been received by the Chief Legal Officer during the period 1 July 2012 to 31 March 2015. This report provides an update on the number of complaints received by the Chief Legal Officer from 1 April 2015 to 31 December 2016. For comparison purposes, however, the figures in paragraph 3.2 below include the numbers only of complaints received from July 2012 to March 2015.

3.2 The number of formal complaints that have been made to the Chief Legal Officer since the new Code of Conduct for Members was introduced in July 2012 are as follows:

July 2012 – March 2013	3
April 2013 – March 2014	2
April 2014 – March 2015	4
April 2015 – March 2016	9
April 2016 – December 2016	2

3.3 Of the 11 complaints which have been received in the period April 2015 to December 2016:

- Six related to alleged delay in responding to email correspondence
- One related to a member failing to return papers to a constituent
- Two concerned a decision made by an outside body; two members of the County Council being on the body which made the decision
- One alleged that the member had misled the member of the public in relation to a highways matter
- One related to remarks on a social media website

3.4 In all cases, following consultation with the Independent Person, the Chief Legal Officer (as Monitoring Officer) informed the complainant that the complaint did not amount to a breach of the Council's Code of Conduct.

3.5 In three cases the complainants appealed the decision of the Monitoring Officer not to investigate the complaint. The appeals were considered by the Chief Executive in consultation with the Group Leaders and were dismissed. One of the complainants then complained to the Local Government Ombudsman about how the complaint had been considered alleging that it was incorrect to conclude that the member was not acting in their capacity as a member in relation to the circumstances of the complaint. The complainant also alleged that the Monitoring Officer should not have informed the member of the complainant's identity. The Local Government Ombudsman did not uphold the complaint and concluded that it had been dealt with appropriately.

3.6 Whilst none of the complaints made were considered to amount to a breach of the Council's Code of Conduct it will be noted that many of the complaints relate to communication issues. This is similar to the nature of the complaints for previous years.

#### ***Protocol with Hertfordshire Police in relation to DPI offences***

3.7 For the last few years there has been a Protocol in place between Hertfordshire Constabulary and the Hertfordshire Monitoring Officers for the referral of potential Disclosable Pecuniary Interest offences under the Localism Act 2011. The Protocol is currently being reviewed and there are likely to be some minor amendments to clarify when a police referral is made and the process for dealing with referrals.

#### ***Reminder to Declare Interests***

3.8 The Agenda front sheet for member meetings is to be revised as from May 2017 to include a reminder to members to make any appropriate declaration of interests. This should aid members in considering before each meeting that they attend whether there are any Disclosable

Pecuniary Interests or Declarable Interests which might affect their participation in any item before the meeting or which they need to declare.

### ***Member Training***

- 3.9 As part of the member induction process after the election in May 2017 the Chief Legal Officer will offer training to all members on the Members Code of Conduct and standards issues. The Committee's views are sought as to any areas which they consider would be helpful to include in the training.

## **4. Financial Implications**

- 4.1 None arising from this report.

### **Background Information**

None