

**Committee and Date**

Council
30th March 2023

Item

Public



Report of Chairman of Standards Committee

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Responsible Member:	Chairman of Standards Committee – Councillor David Evans		

1. Synopsis

This report seeks to appraise members of the way in which allegations that Unitary/Town/Parish Councillors have failed to comply with their code of conduct were dealt with in 2022.

2. Executive Summary

- 2.1. Shropshire Council is required by the Localism Act 2012 to have arrangements in place to receive and, where appropriate, investigate allegations that members of Shropshire Council or the Town/Parish Councils in Shropshire have failed to comply with their code of conduct.
- 2.2. Upon receipt of an allegation that a member has failed to comply with the Code of Conduct the Monitoring Officer has delegated authority to determine the next steps. A meeting of the Standards Sub Committee can be called to consider the next steps if the Monitoring Officer considers that it would not be appropriate for him to make that determination, perhaps because of the seniority of the member complained about or the seriousness of the allegations.
- 2.3. The initial steps include taking no action or referring the matter for an investigation or other action short of an investigation.
- 2.4. If the matter is referred for an investigation an officer will be appointed to undertake that investigation and to report back to the Monitoring Officer.

- 2.5. Where an investigation concludes that there has been a failure to comply with the Code of Conduct of Shropshire Council, the matter will be referred to the Standards Sub Committee with a recommended sanction (following consultation with one of the Independent People appointed in accordance with the Localism Act 2011 by Shropshire Council) for a final determination.
- 2.6. Where an investigation concludes that there has been a failure to comply with the Code of Conduct of a Town or Parish Council in Shropshire , the matter will be referred to the relevant Town or Parish Council with a recommended sanction (following consultation with one of the Independent People appointed in accordance with the Localism Act 2011 by Shropshire Council) for a final determination.

3. Recommendations

- 3.1. That the report be considered and debated.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. The recommendations in this report, if approved, will have no impact on Children and Vulnerable Adults, Risk Management, Human Rights, Equalities, Community, and other Consultation. High ethical conduct assists to promote confidence in the Council in its delivery of the Shropshire Plan

5. Financial Implications

- 5.1. There are no financial implications associated with this report.

6. Climate Change Appraisal

- 6.1. The proposals will have no impact on climate change.

7. Background

- 7.1. Throughout 2022 a total of 27 allegations were received. One was referred for an investigation but this was not completed as the Councillor who was the subject of the allegations resigned before its conclusion. There was no further action taken in respect of any others.
- 7.2 12 of the allegations related to Shropshire Councillors. The remainder were about Town and Parish Councillors in Shropshire.
- 7.3 The initial determination was made by the Monitoring Officer in 23 of the allegations received. The Standards Sub Committee considered the remaining 4.

7.4 A very brief summary of the alleged misconduct and the initial determination follows in respect of a small selection of the allegations:

- Allowed verbal attack on Officer in Council meeting - Councillor resigned prior to initial determination
- Rude and aggressive during visit – apology offered
- Rude at a meeting of the parish council – behaviour not likely to amount to a failure to comply with the code of conduct
- Failed to respond to plea for help – apology offered and assistance provided
- Threatened another with Blackmail – conduct clearly not undertaken in official capacity so code of conduct not relevant. As the allegation might amount to a criminal offence, the complainant was advised to consider a referral to the Police.
- Abusive neighbour – conduct clearly not undertaken in official capacity so code of conduct not relevant.
- Aggressive, abusive & bullying – No action as apology received
- Accused the complainant of bullying him – no evidence of failure to comply with the code of conduct.
- Intimidating and Bullying email - no evidence of failure to comply with the code of conduct.

It should be noted that this is a summary of the allegation and does not represent the initial determination of the Monitoring Officer or Standards Sub Committee.

7.5 Many complaints relate to comments that have been posted on Social Media. In such circumstances it is very difficult to conclude, even on the balance of probabilities, that a Councillor is acting in an official capacity, particularly where the comments have been posted from their own personal social media account.

7.6 Although only one complaint was referred for investigation, most involve an initial exchange with the member complained of and this often leads to an apology. Given that an investigation itself might not lead to much more than an apology even if a breach of the Code is established this is considered a proportionate approach.

7.7 Complaints are often received which allege a failure to disclose pecuniary interests or the participation by a Councillor in a debate which relates to their disclosable pecuniary interests. Such allegations, if proven, could amount to a criminal offence so the Monitoring Officer is reluctant to take any action as to do so risks prejudicing a future criminal investigation undertaken by the Police. In such circumstances, the complainant is advised to refer the matter to the Police for consideration.

7.8 In the event that an allegation is investigated and the investigation finds a failure to comply with the code of conduct, any sanction imposed must fall short of impeding the Councillor from representing the public that elected them. There is currently no power for any action to be taken which has the effect of suspension or removal from office.

- 7.9 Training has been provided by the Monitoring Office throughout the year for newly elected Shropshire Councillors and also for Town and Parish Councils throughout Shropshire.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Local Member: All

Appendices

None