

Allerdale Borough Council

Council – 7 December 2022

Standards Hearings Panel

Portfolio holder	Councillor Marion Fitzgerald
Report from	Jill Morgan, Senior Manager: Legal and Information Governance (Deputy Monitoring Officer)
Wards affected	All
Is this a key decision	No

1.0 The reason for the decision

- 1.1 To report to Council the findings of the Standards Hearings Panel in respect of a complaint concerning a breach of the Code of Conduct for Members.

2.0 Recommendations

- 2.1 To note the report.

3.0 Background and Introduction

- 3.1 This report relates to a complaint received against Allerdale Borough Council Member Iain Greaney.

- 3.2 The complaint alleged that Cllr Greaney had breached the Council's Code of Conduct which is contained within the 'Arrangements for dealing with standards allegations under the Localism Act 2011' ('the Arrangements').

- 3.3 The Standards Committee referred the matter for external investigation.

- 3.4 On 10 October 2022 the complaints concerning the conduct of Cllr Greaney were heard by the Standards Hearings Panel. In accordance with the Hearings Procedure contained in the Council's Arrangements, the Panel heard a comprehensive summary of the investigation report from the Investigating Officer and had before it the full report and all the evidence. The panel heard from Cllr Greaney and also viewed additional evidence provided by Cllr Greaney on the day.

The Panel concluded that Cllr Greaney had breached the Code of Conduct for Members.

4.0 Content (to include alternative options considered)

4.1 The Standards Hearings Panel imposed the following sanctions:

- a formal letter would be sent to Cllr Greaney
- the Standards Hearings Panel would report its findings to the Council for information
- the Standards Hearings Panel will recommend to Cllr Greaney's Group Leader and to Council that he be removed from Overview and Scrutiny Committee.
- the Standards Hearings Panel will instruct the Monitoring Officer to arrange one to one training for Cllr Greaney in respect of the Code of Conduct and the relevant policies and procedures of the Council referred to in the Investigating Officer's report.

4.2 The Standards Hearings Panel's findings are included in the Annex to this report in the form of a Decision Notice, which has also been published on the Council's website.

4.3 Update about the sanctions

Since the Standards Hearing, the following actions/outcomes of the sanction should be noted:

1. A formal letter will be sent to Cllr Greaney after the Council meeting of 7 December 2022.
2. This report satisfies the second sanction, of reporting to Council
3. As at the date of this report, Cllr Scott, the Leader of the Independent Group has been advised of the Standards Hearings Panel's recommendation for Cllr Greaney to be removed from Overview and Scrutiny Committee. Cllr Scott has advised that he does not wish to remove Cllr Greaney from the Overview and Scrutiny Committee at this time as he would find it difficult to find a replacement immediately and he raised concerns about political proportionality. Council should note that this sanction is a recommendation to Cllr Greaney's group leader and the Hearing panel/Council has no power to remove Cllr Greaney itself.
4. The Monitoring Officer has been advised of the outcome of the Standards Hearings Panel and will arrange one to one training for Cllr Greaney in line with the decision.

5.0 Delivery arrangements

5.1 Not applicable.

6.0 Implications and Impact

6.1 Contribution to Council Strategy Priorities, Outputs and Outcomes

Not applicable.

6.2 Finance/Resource implications

Not applicable.

6.3 Legal and governance implications

6.3.1 *Localism Act Part 1, Chapter 7, sections 26-37*

Section 27(1) sets out a duty upon the Council to promote and maintain high standards of conduct among its members. In discharging this duty, the Council is required to adopt a Code dealing with the conduct that is expected of members and co-opted members of the Council under section 27(2). Section 28(1) provides that the Council must secure that its Code of Conduct is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Section 28(4) provides that any failure to comply with the Council's Code of Conduct is to be dealt with in accordance with Arrangements which it is required to adopt under subsection (6). Such Arrangements must provide for the Council to appoint at least one Independent Person whose views (a) must be sought by the Council before it takes a decision on any allegation which it has decided shall be investigated; (b) may be sought by the Council at any other stage, and (c) may be sought by a councillor or co-opted member against whom an allegation has been made.

Section 28(11) provides that if a Council finds that a member of the authority has failed to comply with its Code of Conduct (whether or not the finding is made following an investigation under Arrangements put in place under subsection (6)) it may have regard to the failure in deciding:

(a) whether to take action in relation to the member; and

(b) what action to take.

Whilst Section 28(11) provides that the Council can decide whether to take action and what action to take in response to a finding that a councillor has failed to comply with the Code of Conduct, no statutory sanctions currently exist under the Localism Act 2011. All statutory sanctions, e.g. to suspend a councillor which previously existed under the Local Government Act 2000 have been repealed. Sanctions are now limited to that which can be imposed under common law or by agreement with the member concerned.

6.4 Risk analysis

Not applicable.

6.5 Increasing satisfaction and service

High ethical standards at a local level helping to demonstrate accountability and developing greater local trust.

6.6 Equality impacts

None.

6.7 Health and Safety impacts

None.

6.8 Health, wellbeing and community safety impacts

None.

6.9 Environmental/sustainability impacts

None

Appendices attached to this report

Appendix number	Title of appendix
1	Decision notice of Standards Hearings Panel 10 October 2022
2	Minutes from Standards Hearings Panel 10 October 2022

Background documents available

Name of background document	Where it is available
There are no background papers as defined by section 100D(5) of the Local Government Act 1972	N/A

Report author(s) and contact officer(s):

Jill Morgan

Senior Manager: Legal and Information Governance (Deputy Monitoring Officer)

jill.morgan@allerdale.gov.uk

01900 516715