



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Monitoring Officers Report regarding a complaint	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Standards Committee	



Is this an Executive Decision:	[NO]	Is this a Key Decision:	[NO]
Is this in the Forward Plan:	[NO]	Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:	[NO] N/A

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature



EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to: Standards Committee

Date/time: 1st September 2022, 18:30

Location: Coltman VC Room

REPORT TITLE: Monitoring Officer's Report regarding a complaint

PORTFOLIO: Monitoring Officer

HEAD OF SERVICE: Monitoring Officer

CONTACT OFFICER: John Teasdale **Ext. No.** x1267

WARD(S) AFFECTED: None

1. Purpose of the Report

- 1.1. To advise members of the Committee of the findings of an investigation report regarding a complaint about the conduct of Councillor Deneice Florence-Jukes (a Member of East Staffordshire Borough Council) and to enable them to consider the complaint and determine whether or not Councillor Florence-Jukes has acted in breach of the Council's Code of Conduct for Councillors.

2. Background

- 2.1. The Standards Committee is required to consider all complaints where a member of a Council in the Borough is alleged to have breached their respective Code of Conduct for Members. Such a complaint was received in respect of Councillor Florence-Jukes.

2.2. The complaint was considered by the Monitoring Officer at the time that the complaint was received who (in consultation with the Independent Person) decided to refer the complaint for investigation.

2.3. The Monitoring Officer at the time appointed an independent investigator (“the Investigator”) to carry out the investigation into the complaint. The Investigator also considered complaints made by Councillor Florence-Jukes against other Councillors, but these elements of the investigation are not for consideration by the Standards Committee.

2.4. A significant length of time has passed since the complaint was first received by the then Monitoring Officer following the Annual General Meeting on 26th April 2021. There is a combination of reasons which have contributed to the delay in concluding the report, but it should be noted that following receipt of the final investigation report, attempts were made to resolve this matter by Summary Resolution. However and after a period of prolonged discussion, no resolution could be found to the satisfaction of all parties. The matter was subsequently referred to the Standards Committee for their consideration; the purpose of this report.

2.5. The first hearing date for this matter was 12th July 2022 but was subsequently rescheduled to 1st September 2022 following confirmation by Councillor Florence-Jukes that the July date was not suitable.

3. Contribution to Corporate Priorities

3.1. Maintaining appropriate standards of Member conduct contributes indirectly to all Corporate Priorities.

4. Report

4.1. A complaint was received about the conduct of Councillor Florence-Jukes, a Member of East Staffordshire Borough Council. This was submitted by Councillor Wileman following the conduct of Councillor Florence-Jukes at the Annual General Meeting on 26th April 2021. A copy of the complaint is attached at Appendix 1. Following consideration by the Monitoring Officer at the time, the complaint was then investigated by Mrs Olwen Brown of Anthony Collins LLP, a consultant. Her report is attached at Appendix 2 for consideration by the Standards Committee. The appendices are separately attached at Appendix 2a.

4.2. Following the investigation, it was found that Councillor Florence-Jukes failed to comply with the Code of Conduct for Councillors. The Investigator’s findings were as follows:

- a) There is sufficient evidence to make a finding that the Code of Conduct applies to Councillor Florence-Jukes actions at the Annual Meeting in April 2021;
- b) There is sufficient evidence to make a finding that by her actions as complained of by Councillor Wileman, Councillor Florence-Jukes was in breach of the Code of Conduct; in particular of paragraph 3.1 (Councillor's must treat others with respect) and the Nolan principles of honesty and leadership.

4.3. The complaint is within the jurisdiction of the Standards Committee.

4.4. The Committee is required to determine the complaint but may also need to consider any preliminary matters immediately before the start of the hearing. If applicable, the legal advisor will notify the Committee of this at the appropriate time.

4.5. Prior to determining the complaint the Committee must first consider whether there has been a breach of the Code of Conduct following a consideration of the investigation report. If so, they should then consider what, if any, sanction to impose on the Councillor.

4.6. The relevant sanctions open to the Committee are:

- 4.6.1. Publish its findings in respect of the Councillor's conduct;
- 4.6.2. Report its findings to the Council for information;
- 4.6.3. Recommend to the Councillor's political group leader that they be removed from any or all Committees or Sub-Committees of the Council;
- 4.6.4. Instruct the Monitoring Officer to arrange training for the Councillor &/or other councillors;
- 4.6.5. Remove the Councillor from all outside appointments to which they have been appointed or nominated by the Council;
- 4.6.6. Withdraw facilities provided to the Councillor by the Council, such as a computer, website and/or email and internet access; or
- 4.6.7. Exclude the Councillor from the Council's offices or other premises, with the exception of meeting rooms which are necessary for attending Council, Committee and Sub-Committee meetings.

4.6 The Council has no power to suspend or disqualify the Councillor nor to withdraw the

Councillor's allowance.

5. Financial Considerations

This section has been approved by the following member of the Financial Management Unit: Anya Murray

5.1. There are no financial issues arising from this Report.

6. Risk Assessment and Management

6.1. The main risks to this Report and the Council achieving its objectives are as follows.

6.2. Positive (Opportunities/Benefits):

6.2.1.1. Being seen to enforce the Code of Conduct appropriately will have a positive effect on future conduct of members and will improve the confidence of the public in the Council.

6.3. Negative (Threats)

6.3.1.1. Failure to enforce the Code of Conduct appropriately will have an adverse effect on future conduct of members and will adversely affect the confidence of the public in the Council.

6.4. The risk of Members breaching the Code of Conduct is not referred to in the Risk Register.

7. Legal Considerations

This section has been approved by the following member of the Legal Team: John Teasdale

7.1. The main legal issues arising from this Report are as follows.

7.2. The Committee is required to determine all complaints referred to them where a member of a Council in the Borough is alleged to have breached their respective Code of Conduct for Members under the provisions of the Localism Act 2011.

8. Equalities and Health

8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

9. **Data Protection Implications – Data Protection Impact Assessment (DPIA)**

9.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

9.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

10. **Human Rights**

10.1. The main Human Rights issues arising from this Report are as follows.

10.2. The Member about whom the complaint has been made has the right to a fair hearing. The Standards Committee Hearings Procedures fulfil this role.

11. **Sustainability** (including climate change and change adaptation measures)

11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

11.2. Please detail any positive/negative aspects:

11.2.1. Positive (Opportunities/Benefits)

None.

11.2.2. Negative (threats)

None.

12. Recommendation(s)

12.1. That the Committee should consider the investigation report and representations made to them at the hearing and decide:

12.1.1.1. whether they consider that there has been a breach of the Code of Conduct; and if so,

12.1.1.2. what sanction/s, if any, to impose on Councillor Florence-Jukes

13. Background Papers

13.1. None.

14. Appendices

14.1. The complaint against Councillor Florence-Jukes (Appendix 1)

14.2. Investigator's report (Appendix 2)

14.3. Appendices to the Investigator's report (Appendix 2a)

14.4. Code of Conduct for Councillors (at the time of the complaint) (Appendix 3)

14.5. Standards Committee Complaints Procedures (Appendix 4)