

STANDARDS COMMITTEE

31 MARCH 2016

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

6

TITLE OF REPORT: STANDARDS MATTERS

REPORT OF THE ACTING MONITORING OFFICER

1. SUMMARY

1.1 The report updates Members of the Committee on standards issues generally.

2. RECOMMENDATIONS

2.1 That Members note the content of the report.

2.2 That Members identify points to be considered in the review of the Planning Code of Good Practice.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

5.1 No consultation has been undertaken.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

7.1 Within its terms of reference the Standards Committee has a function of “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist to govern, Member conduct.

8. ISSUES

Sub-Committee hearing

8.1 Members will be aware that a Standards Sub-Committee recently met and found that an NHDC Councillor had breached the Council’s Code of Conduct. As the Member has

a right of appeal, which has not yet expired, it would not be appropriate to discuss the case at this meeting.

Complaint handling procedures

- 8.2 Members will be aware that the above sub-committee was the first one held since the introduction of the current standards regime brought about in July 2012 by the Localism Act. Members will also be aware that it has always been intended to review the complaints handling procedures after they were first used, in order to ensure they work as intended. The Chairman of the Standards Committee, the Independent Person, the Monitoring Officer and the Deputy Monitoring Officer will be arranging to meet to review the procedures, with any proposed changes reported to the next meeting of this Committee.

Committee on Standards in Public Life (CSPL)

- 8.3 Attached at Appendix A is the CSPL guidance on Ethical Standards for Providers of Public Services. It provides some interesting examples of different approaches which the Council might like to consider. Some of the points made are included within the Council's procurement and contract processes. The following quote is also more applicable to Standards more widely:-

"Whilst many of the requirements for high standards require action at an organisational level, high standards also require individuals to take personal responsibility - by observing high standards themselves, by demonstrating high standards to others through their own behaviour and by challenging inadequate standards when they see them."

Planning Code of Good Practice

- 8.4 Members will recall that at the Committee's meeting on 18 August 2015 a new Planning Code of Good Practice (PCGP) was discussed. The Committee discussed the draft Code, suggested some minor amendments and suggested some additions to clarify the position of Members in respect of pre-application presentations from applicants/developers; dealing with enquiries from constituents; and perceptions of bias/pre-determination. The Committee then

"RECOMMENDED TO COUNCIL: *That the proposed new Planning Code of Good Practice, as attached at Appendix A to the report, as amended, be adopted, inclusive of additional wording from the Acting Monitoring Officer to clarify the following:*

- *Pre-application presentations from applicants/developers;*
- *Dealing with enquiries from constituents; and*
- *Perceptions of bias/pre-determination.*

REASON FOR DECISION: *To ensure good governance within the Council and that the Council's Planning Code of Good Practice remains fit for purpose and is consistent with best practice."*

- 8.5 Members will recall that at the Full Council meeting on 3 September 2015 there was some debate on possible amendments to the PCGP. The below is extracted from the minutes.

"Following debate, an amendment was moved by Councillor Sal Jarvis, and seconded by Councillor S.K. Jarvis, that the wording at the end of the second bullet point of Section 7 (Site Visits/Inspections) of the Code "Requests can be made to the Development and Conservation

Manager, or at Committee if the item is on the agenda, and will be arranged if it is agreed that it is reasonable (in terms of timing and nature of the proposal).” be replaced with “Requests can be made to the Development and Conservation Manager, or at Committee if the item is on the agenda, and will be arranged at a reasonable time and date if the applicant is in agreement.”

Upon being put to the vote, the amendment was lost.

During the debate upon the item, the following comments were made by Members:

- *Amendments should be made to reflect the positive contributions that Members made in dealing with planning issues (including the possible reversal of some of the “Do’s and Don’t’s contained in the document); and*
- *A possible reference to a section on the mediation role provided by Members, especially in dealing with neighbour disputes on planning applications.”*

RESOLVED: *That the proposed new Planning Code of Good Practice, as attached at Appendix A to the report, be adopted, but at the next meeting of the Standards Committee the contributions and comments made by the Council be reviewed and incorporated into the Code.*

REASON FOR DECISION: *To ensure good governance within the Council and that the Council’s Planning Code of Good Practice remains fit for purpose and is consistent with best practice.”*

- 8.6 The current PCGP has only been in force six months. It is therefore difficult to draw any conclusions as to its effectiveness. Anecdotally there appears to still be some confusion between location visits and site visits, although this could simply be a question of Members using the wrong terminology.
- 8.7 Members are asked to consider the PCGP which is attached at Appendix B, the comments from Full Council above and make suggestions as to what, if any, changes should be considered. It may also be appropriate to consider whether to postpone any review so that more time has passed before further consideration of its effectiveness.

Complaints Update

- 8.8 The following complaints were received since the last Committee meeting:-
- A complaint about a District Councillor regarding comments made in a Committee meeting is currently being considered.
 - A potential complaint about a District Councillor’s behaviour was not pursued after the complainant decided not to pursue the matter.

Current Issues

- 8.9 The Monitoring Officer is working with one of the Parish Councils to try to resolve some ongoing issues at that Council.
- 8.10 The review of the conflicts of interest policies has resulted in minor amendments to the (renamed) Personal Conflicts of Interest Policy and the adoption of a new policy entitled Managing Organisational Conflicts in Council Roles and Duties. The Whistleblowing Policy and Anti-Bribery Policy are being considered by Finance Audit and Risk on 23 March and then Cabinet on 30 March 2016. None of these policies were required to come to the Standards Committee under the Committee’s terms of reference (as they are governance related they fall to Finance Audit and Risk/ Cabinet).

8.11 A recent SIAS audit of community halls has concluded:-

“It is recommended that the wider issue of members acting in additional outside roles be reviewed by the Council and further guidance be produced to limit the impact of potential conflicts.”

This has been agreed, with guidance to be produced, and distributed after the Annual Council meeting on 19 May 2016, when nominations are made to outside bodies.

9. LEGAL IMPLICATIONS

9.1 The terms of reference of the Standards Committee include at paragraph 7.5.1 of the Constitution “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”.

9.2 There are no specific legal implications arising from the content of this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

13. SOCIAL VALUE IMPLICATIONS

13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of ‘social value’ as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12

14. HUMAN RESOURCE IMPLICATIONS

14.1 None. The work outlined within the report is within the Monitoring Officer’s caseload.

15. APPENDICES

15.1 Appendix A – Guidance on Ethical Standards for Providers of Public Services.

15.2 Appendix B – Planning Code of Good Practice.

16. CONTACT OFFICERS

- 16.1 Anthony Roche, Acting Corporate Legal Manager and Monitoring Officer
anthony.roche@north-herts.gov.uk; ext 4588
- 16.2 Jeanette Thompson, Acting Senior Lawyer and Deputy Monitoring Officer
jeanette.thompson@north-herts.gov.uk; ext 4370.

17. BACKGROUND PAPERS

- 17.1 None.

THIS PAGE IS BLANK