

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MEETING HELD IN THE FOUNDATION HOUSE, ICKNIELD WAY, LETCHWORTH
GARDEN CITY ON TUESDAY, 20TH FEBRUARY, 2018 AT 7.30 PM

MINUTES

Present: *Councillors Steve Hemingway (Vice-Chairman in the Chair), Judi Billing, Julian Cunningham, David Levett, Bernard Lovewell and Michael Muir.*

Parish Councillor Helena Gregory (Co-opted non-voting Parish Council Representative).

Mr Nicholas Moss (Independent Person) and Mr Peter Chapman (Reserve Independent Person) - non-voting advisory roles.

In Attendance: *Jeanette Thompson (Acting Monitoring Officer), Gavin Ramtohal (Deputy Monitoring Officer), James Ellis (Deputy Monitoring Officer) and Ian Gourlay (Committee and Member Services Manager).*

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from District Councillors Mike Rice (Chairman), Ian Mantle, Frank Radcliffe and Terry Tyler, and Community Councillor Gary Hills (Co-opted non-voting Parish Council Representative).

9 MINUTES - 10 OCTOBER 2017

RESOLVED: That the Minutes of the meeting of the Committee held on 10 October 2017 be approved as a true record of the proceedings and signed by the Chairman.

10 NOTIFICATION OF OTHER BUSINESS

No other items were presented for consideration.

11 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman reminded Member that, in line with Council Policy, the meeting was being recorded and requested that people announce their name prior to speaking; and
- (2) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest should be declared immediately prior to the item in question.

12 PUBLIC PARTICIPATION

There was no public participation.

13 STANDARDS MATTERS

The Acting Monitoring Officer presented a report in respect of standards issues generally. The following appendices were submitted with the report:

Appendix A – Local Government Ethical Standards: Stakeholder consultation; and
Appendix B – Protocol with Hertfordshire Constabulary.

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The Acting Monitoring Officer referred to Paragraph 8.3 of the report, which detailed the situation with regard to three complaints against District Councillors received since the last meeting of the Committee.

The Acting Monitoring Officer advised that Member training on the new Councillor Code of Conduct would be arranged to take place in April and May 2018.

The Acting Monitoring Officer drew attention to the Protocol with Hertfordshire Constabulary in relation to Disclosable Pecuniary Interest offences, as set out at Appendix B to the report. The Protocol had yet to be signed by all Hertfordshire Local Authorities, and hence she would be chasing up this matter at the forthcoming Hertfordshire Heads of Legal meeting.

In respect of the Committee on Standards in Public Life's (CSPL) Review of local government ethical standards: stakeholder consultation (set out at Appendix A to the report), the Acting Monitoring Officer commented that the closing date for consultation responses was 18 May 2018. She would respond to the consultation on behalf of the Committee, but this did not preclude Members, should they so wish, from submitting individual responses.

The consultation document asked a series of questions, and the Acting Monitoring Officer went through these one by one with the Committee. The Committee's views and responses were as follows:

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.

The Committee felt that a national Code of Conduct should be re-introduced, which could be easily interpreted, as there appeared to be significant variances between the plethora of local Codes. Similarly, a national overseeing body (akin to the now defunct Standards Board for England) should also be established.

- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Members felt that the most significant gap was between the sanctions available should a breach of the Code be found following a hearing and the ultimate criminal sanction. In clearly identified situations there needed to be firmer sanctions which would be visible to complainants and Members who were the subject of those complaints.

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?

The Committee considered the NHDC Code to be clear, but that what it was based on was less clear. The multiplicity of local authority codes often confused issues, especially if a councillor was a member of different tier authorities. Even if a national Code proved impossible, then perhaps County wide Codes could be agreed to ease this confusion.

- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

The Committee felt that the requirements were appropriate, although it was pointed out that the onus was on the Authority to maintain a register of interests and for Members to declare them.

e. Are allegations of councillor misconduct investigated and decided fairly and with due process?

i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

The current published NHDC procedures and processes were considered to be robust.

ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?

The current requirement provided for sufficient objectivity and fairness. There was a perceived conflict in a situation where the Member (the subject of the complaint) could consult with the Independent Person at the same time as the Independent Person was also advising the Authority during the course of a complaint, but it was felt that the Reserve Independent Person (or vice versa should he/she be advising the Authority) could fulfil this role in future.

iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

It was felt that Monitoring Officers could be subject to conflicts of interest or undue pressure in the process of investigating Code breaches, although it was acknowledged that Deputy Monitoring Officers or Monitoring Officers from other Authorities could be utilised to undertake investigations in such circumstances.

f. Are existing sanctions for councillor misconduct sufficient?

i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

The sanctions were set out in the NHDC Standards Complaints Handling Procedure. These were felt to be sufficient: see also answer to Question b above.

ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

At least the ability for Standards Committee's to suspend Members found in breach of the Code should be added to the list of possible sanctions.

g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.

i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?

The Committee was content with the current arrangements, although NHDC had not been complacent and had reviewed its Code and other arrangements regularly, and

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the local arrangements would include (from May 2018) a register with more than just the statutory minimum of pecuniary interests.

- ii What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why

Generally satisfactory, although it was felt that some form of overarching statement should be formulated to make it explicit to the public that elected councillors were not permitted to make money from public office, nor were they permitted to use their positions for personal gain.

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

The Council had a satisfactory Whistleblowing Policy and arrangements. Any concerns raised were also summarised (with any actions) through its Annual Governance Statement. It was, however, pointed out that the public would not be expected to use the Whistleblowing Policy as this was an internal policy for the use of Council officers, contractors employed by the Council and Members. The mechanism for whistleblowing in respect of the public was covered by the Council's Complaints Policy.

- i. What steps could local authorities take to improve local government ethical standards?

No steps to improve ethical standards were mentioned, other than responding to consultations (such as this and the recent Department of Communities and Local Government one) and trusting that changes would be made.

- j. What steps could central government take to improve local government ethical standards?

See answer to Question a.

- k. What is the nature, scale, and extent of intimidation towards local councillors? What measures could be put in place to prevent and address this intimidation?

The increasing use of Social Media (especially closed groups) allowed the public to intimidate Members and post offensive material with apparent impunity. Perhaps the Crown Prosecution Service should be looking more closely at this issue, with a view to prosecuting some of the more extreme cases.

RESOLVED:

- (1) That the contents of the report be noted; and
- (2) That the Acting Monitoring Officer submit a response to the Committee on Standards in Public Life (CSPL) regarding its Review of local government ethical standards: stakeholder consultation along the lines set out in the preamble to Minute 13 above.

REASON FOR DECISION: To ensure good governance within the Council.

The meeting closed at 8.44 pm

Chairman