

20 October 2023

Our Ref Standards Committee 1 November 2023
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To: The Chair and Members of the Standards Committee of North Hertfordshire District Council

District Councillors Ruth Brown (Chair), Ian Albert (Vice-Chair), Raj Bhakar, Clare Billing, Cathy Brownjohn, Val Bryant, Juan Cowell, Dominic Griffiths, Gerald Morris, Ralph Muncer, Sean Prendergast, Richard Thake and Alistair Willoughby.

(Substitutes: Councillors Amy Allen, James Denselow, Faye S Frost, David Levett and Nigel Mason).

Parish Councillors Rebecca Elliott and Martin Griffin.

Independent Persons Nicholas Moss OBE
(Reserve – Independent Person) – advisory roles
Peter Chapman and John Richardson.

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE STANDARDS COMMITTEE

to be held in the

**COUNCIL CHAMBERS, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF**

On

WEDNESDAY, 1ST NOVEMBER, 2023 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item	Page
<p>1. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
<p>2. MINUTES - 22 MARCH 2023 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 22 March 2023.</p>	<p>(Pages 5 - 10)</p>
<p>3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>4. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda.</p> <p>Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p>5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.</p>	
<p>6. STANDARDS MATTERS REPORT The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints received since the last report was presented, as well as any other relevant issues that have arisen between Committee meetings on national standards issues and training.</p>	<p>(Pages 11 - 16)</p>

Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBERS, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON WEDNESDAY, 22ND MARCH, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Ruth Brown (Chair) Clare Billing, Val Bryant, Ralph Muncer, Sean Prendergast, Claire Strong, Gerald Morris, Ian Albert and Richard Thake.*

Town/Parish/Community Councillors: Parish Councillor Rebecca Elliott and Parish Councillor Martin Griffin.

Nicholas Moss OBE (Independent Person), non-voting advisory role.

John Richardson and Peter Chapman (Reserve Independent Person), non-voting advisory roles.

In Attendance:

James Lovegrove (Committee, Member and Scrutiny Manager), Jeanette Thompson (Service Director - Legal and Community) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).

Also Present:

There were 2 members of the public in attendance.

Councillor Morgan Derbyshire was also present.

28 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 33 seconds

Apologies for absence were received from Councillors Simon Bloxham, Mandi Tandi, James Denselow, Raj Bhakar and David Levett.

Having given due notice Councillor Gerald Morris substituted for Simon Bloxham and Councillor Richard Thake substituted for Mandi Tandi. It was also noted that, having given due notice, Councillor Ian Albert would be attending as substitute for the Labour Group vacancy on the Committee.

29 MINUTES - 22 JUNE 2022

Audio Recording – 2 minutes and 14 seconds

Councillor Ruth Brown, as Chair, proposed and Councillor Claire Strong seconded and following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 22 June 2022 be approved as a true record of the proceedings and be signed by the Chair.

30 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 58 seconds

There was no other business notified.

31 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 0 seconds

- (1) The Chair advised that, in accordance with Council policy this meeting would be audio recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair advised for the purpose of clarification Clause 4.8.23(a) of the Constitution does not apply to this meeting.
- (4) The Chair paid tribute to the late former Councillor Judi Billing and noted the commitment she demonstrated to standards across local politics, including Chair of this Committee.

32 PUBLIC PARTICIPATION

Audio recording – 4 minutes 55 seconds

There was no public participation at this meeting.

33 STANDARDS MATTERS REPORTS

Audio recording – 5 minutes 0 seconds

The Monitoring Officer presented the report entitled 'Standards Matters' and highlighted:

- There had been 30 complaints in 2022, 2 of these were informal and a further 20 came from the same complainant.
- This year there had been 2 complaints.
- Clarification had been requested regarding complaint 30/2022 and the information requested from the Complainant has been provided, and while the complaint was ongoing it was not pending due to lack of information requested.
- Code of conduct training for Members had been provided last year based on the Local Government Association and would be conducted again this year. There would not be a separate Parish Councillors session this year and they would instead be invited to attend the virtual session for District Councillors.
- The Independent Persons attended their annual training which included relevant updates on the Law.
- The Committee on Standards in Public Life continued to flag that there was a need to update and strengthen public standards at Local Government level.

The following Members asked questions:

- Councillor Clare Billing
- Councillor Richard Thake
- Councillor Claire Strong
- Councillor Val Bryant
- Councillor Gerald Morris

- Councillor Ralph Muncer

In response to questions the Monitoring Officer advised that:

- In respect of complaints from one complainant, it was confirmed that no further complaints had been received at this point in time.
- The Council had criteria for repeat complaints and the matter was considered under the unreasonable customer procedures and these were applied.
- In response to issues raised by Councillor Claire Strong, regarding alleged time limits provided to the Complainant, Cllr Morgan Derbyshire, on complaint 9/2022, to review the proposed apology on a few hours' notice, the Monitoring Office advised that this was the first time this had been raised, and no complaint had been received from Cllr Morgan Derbyshire regarding the proposed apology, and the Monitoring Officer would be happy to discuss this further with the Complainant outside of this meeting, but this would not have been just a few hours' notice.
- That on the Friday 2 December, a proposed apology had been received prior to the hearing of complaint 9/2022 set for 5 December. The Monitoring Officer had, in consultation with the Independent Person, decided that this addressed the complaint and accepted this according to the Procedure.
- In response to an enquiry from Councillor Ralph Muncer there is no requirement under the Complaint Handling Procedures for the Complainant to accept the apology. They are consulted. If no response is received from a Complainant, and in the 9/2022 case, bearing in mind the time constraints and potential for a hearing on the day, it was accepted having consulted the Independent Person.
- In response to an enquiry from Councillor Ralph Muncer regarding the investigation report for 9/2022, this case never went to a full hearing and any request would be considered in the light of the ICOs decisions and the information regimes.
- In response to an enquiry from Councillor Ralph Muncer final hearings for complaints, were usually public, but this would be dependent on representations made by the Councillor subject to the complaint/ their legal representatives and the Members of the Sub-Committee would consider in the light of legal advice.
- In response to an enquiry from Councillor Richard Thake on 30/2022, this would be raised with the Deputy Monitoring Officer with regards to this case.

In response to points raised the Independent Person responded that the whole process regarding complaint 9/2022 had been time consuming and careful consideration was given to the apology to ensure fairness for all parties. He did not have the papers before him, but from memory believed the notice given would have been more than a few hours. He also noted that this meeting was being held in public and the complaint was being discussed demonstrating transparency in the process.

Cllr Val Bryant, also indicated that she had been the Chair of the Standards Sub-Committee for 9/2022, and was content with the apology and her memory was that there was adequate notice provided of this.

Councillor Ruth Brown, as Chair, proposed and Councillor Clare Billing seconded and following a vote, it was:

RESOLVED: That the Committee noted the contents of the report and made suggestions on future actions.

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

34 REVIEW OF THE COMPLAINTS HANDLING PROCEDURE

Audio recording – 28 minutes 28 seconds

The Monitoring Officer presented a review of the Complaints Handling Procedure and highlighted the following.

- The Committee had requested a review of this procedure after it had been embedded.
- The Procedure had been reviewed considering the experience of handling complaints at the Council, but also in light of a Local Government Ombudsman (LGO) complaint which made the recommendations to another Council, to ensure the NHDC procedure was as robust as possible.
- These recommendations are shown and commented on at item 8.3, and elaborated on at item 8.4.
- Appendix A was the clean version where Appendix B included tracked changes to the Procedure. Appendix C is Hertfordshire Police's Protocol on Councillor complaints.

The following Members asked questions:

- Councillor Richard Thake
- Councillor Claire Strong
- Councillor Sean Prendergast
- Councillor Ian Albert
- Councillor Gerald Morris
- Councillor Ralph Muncer

In response to questions the Monitoring Officer advised that:

- Complaints against the Council can be made using the; Comments, Compliments and Complaints (3C's) Policy, by issuing Legal Proceedings or raised under the Member Officer Protocol regarding staff with their line managers or for more serious complaints under the Managing Misconduct Policy or Whistleblowing Policy for alleged illegal action and the matter will then be investigated or referred to the various bodies that the Council works with for example SAFS, SIAS and the Police.
- Item 1.1 related to Councillors Code of Conduct and not to complaints about the Council or its Officers.
- North Hertfordshire District Council is the correct legal entity of the Council, but corporately it had adopted North Herts Council.
- The time scale of 4 months, was in relation to the investigation element of the complaint and not the whole procedure length.
- Following investigation Members would be expected to attend a daytime hearing, and this can often cause delays to ensure all parties can attend.
- 21 days was 21 calendar days not working days.
- In respect of complaint 9/2022 and the apology issue raised, there is an implied expectation when a hearing is imminent with pending legal costs that all parties be open to communication. In relation to complaint 9/2022 the parties were due to attend the Final Hearing on 5 December and notice was given of the apology to the Complainant, Cllr Morgan Derbyshire on 2 December at around 1500 for a response by 900 on 5 December, which was considered an appropriate amount of time in the specific circumstances.
- When an e-form is completed, the complainant would receive an automatic reply from the system followed by a more formal reply.
- Complaints received by e-mails would be considered, but they rely on the correct address being entered and the person being in the office, and it was better to use the e-form.

In response to points raised the Independent Person suggested that for clarification, the word 'stage' be added to Investigation element of Section 6 to clarify the 4 months period and that days be clarified as 'calendar days'.

Councillor Ralph Muncer proposed that the Council be addressed as 'North Hertfordshire District Council' instead of 'North Herts Council' throughout the document entitled 'Councillor

Complaints Handling Procedure' attached as Appendix A to the report. This was seconded by Councillor Gerald Morris and following a vote, the amendment was agreed.

Councillor Claire Strong proposed that the word 'stage' be inserted in Section 6 of the document entitled 'Councillor Complaints Handling Procedure' attached as Appendix A to the report. This was seconded by Councillor Ian Albert and following a vote, the amendment was agreed.

Councillor Claire Strong proposed that where it is referenced 'days' this be amended to calendar days except in cases where working days is already specified in the document entitled 'Councillor Complaints Handling Procedure' attached as Appendix A to the report. This was seconded by Councillor Ian Albert and following a vote, the amendment was agreed.

Councillor Ruth Brown as Chair, proposed and Councillor Claire Strong seconded, and following a vote, it was:

RESOLVED:

- (1) That the Standard Committee considered and adopted the updated Councillor Complaints Handling Procedure at Appendix A, amended as follows: that references to 'NHC' be updated to 'North Hertfordshire District Council', that references to 'days' be updated to 'calendar days' except in cases where working days is already specified, and that 'stage' be added to the investigation part of the process in Section 6 of the procedure.

Councillor Claire Strong, proposed and Councillor Gerald Morris seconded, and following a vote, it was:

RESOLVED:

- (1) That the Standard Committee considered and adopted the updated Councillor Complaints Handling Procedure at Appendix A, amended.
- (2) That the Standards Committee delegated to the Service Director: Legal & Community the authority to make any consequential amendments to the Procedure, in consultation with the Chair of Standards Committee, Independent Person and Reserve Independent Persons.
- (3) That the Committee noted the updated Protocol recently signed with the Hertfordshire Constabulary regarding referrals/ complaints relating to Disclosable Pecuniary Interests (Appendix C).

REASON FOR THE DECISIONS: To ensure an updated Procedure is in place and to maintain effective arrangements within the Council.

The meeting closed at 8.31 pm

Chair

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TITLE OF REPORT: STANDARDS MATTERS REPORT

REPORT OF: SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: A brighter future together

1. EXECUTIVE SUMMARY

1.1 The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints received since the last report was presented as well as any other relevant issues that have arisen between Committee meetings on national standards issues and training.

2. RECOMMENDATIONS

2.1. That the Committee notes the content of the report and makes any suggestions on future actions.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Group Leaders and the Standards Committee Chair is kept informed of Monitoring Officer and standards matters issues monthly, during briefing sessions. The Monitoring Officer also holds quarterly meetings with the Independent Person, Reserve Independent Persons ('IPs') and the Chair and Vice Chair of Committee. Any relevant standards matters comments from the IPs meetings are part of the regular briefings with Group Leaders.

6. FORWARD PLAN

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

7. BACKGROUND

7.1 Within its terms of reference the Standards Committee has a function "*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 with, areas of Member conduct.

8. RELEVANT CONSIDERATIONS

Local

North Hertfordshire complaints/ issues update

Complaints:

- 8.1 The Committee was last updated in March 2023 regarding the numbers of complaints/ summary and outcomes. During 2023, the Council has received 10 complaints of those two are ongoing in so far as the Council decision making is concerned.
- 8.2 As per normal practice a summary of the complaints and decisions against Councillors is provided since the last meeting (i.e. those listed as live at the last meeting, since concluded: (for complaints 9,25,26,27,28,29/2022; 1 & 2/2023 - [CLICK HERE](#)). This reporting below is compliant with the Committee on Standards in Public Life ('CSPL') good practice recommendations. Note, where the decision at assessment stage is informal action – the Councillors have not been named. Complaints are considered to be confidential, unless they have reached what will generally be a public stage of the Procedure (i.e. Sub-Committee hearing). The complaints are as follows:

Complaint about: Parish/ Town or District Councillor	Basic summary of complaint	Action <i>NB Independent Person/ R Independent Person involved in all stages of these complaints.</i>
30/2022 complaint against Parish Councillors, initially sent in by the Parish Council (received by them from a member of the public).	Complaint regarding conflicts of interests, bias and failure to provide information/ documentation. Clarifications provided by complainant regarding complaint during process.	DMO Decision: Informal action: training and both attended training. One to apologise. Failure to provide apology, reviewed by other DMO under section 5.11 Complaints Handling Procedure. as Cllr indicated unaware of what element of the complaint apology related to. Clarification provided to Cllr. Decision on review apology to be issued (and now issued).
3/2023 complaint against a Parish Councillor by a member of the public.	Alleged comments made by the Councillor regarding someone's resignation from the Council / other alleged behaviour.	DMO Decision: Councillor ceased to be a Councillor under the 6-month rule, the month following the complaint. No further action could be taken at that stage under the Procedure.
4/2023 complaint against Parish Councillors by member of the public.	Alleged failure to declare a pecuniary interest at a Parish meeting regarding a community body.	DMO: Referred to Police under Protocol: Decision by Police not a Disclosable Pecuniary Interest (DPI), no further Police action,

	Complainant sought review of complaint post Police, and clarified complaint.	suggested guidance to be provided if it became a DPI. MO Review of complaint post that; complaint clarified by complainant. Decision: not upheld complaint against one Cllr, other minor apparent breach – failure to declare Other Disclosable Interest – no further action given training completed following 30/2022 complaint/guidance already provided re interests, registers of interests updated.
5/2023 complaint against District Council by member of the public.	Alleged behaviour at District Council meeting.	MO Decision: warrants no further action as no evidence behaviour could have amounted to a breach of the Code.
6/2023 complaint against various Parish Councillors <i>potentially ongoing</i> .	Various matters alleged.	MO Clarification sought. No further action until or unless clarified. Potentially therefore ongoing at this stage.
7/2023 complaint against Parish Councillors by member of the public.	Clarification sought on the complaint. Clarifications summary: Amendments to Code of Conduct in meeting by Cllrs, to include ‘automatic’ dispensation amounted to interest, regarding other complaints (made by the complainant), which they could benefit from.	MO: Complainant indicated, in the context of the case/ subsequent developments, did not think anything would be served by proceeding with the complaint. Considered with R Independent Person, accepted this as a withdrawal. NB no finding on complaint. Council had (now) adopted North Herts version of Code with minor Parish amendments.
8/2023 complaint against District Council by member of the public.	T-shirt was inappropriate.	MO Decision: Not acting as a Councillor therefore no further action could be taken as not within scope of the Code.
9/2023 complaint against District Councillor ongoing.	Ongoing.	DMO.

10/2023 complaint against District Councillor ongoing.	Clarifications sought as to whether formal or informal complaint – to be dealt with informally.	MO.
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Complaints Handling Procedure:

- 8.3 In terms of the Complaints Handling Procedure, as the Committee is aware, this was last reviewed in March 2023 and there is an intention to review this and present again at the March 2024 meeting, as part of an annual review following the March 2023 amendments to it, and to see whether any amendments would be requires or advisable post consultation on a joint Complaints Code launched by the Local Government and Social Care Ombudsman (LGSCO).
- 8.4 The LGSCO and the Housing Ombudsman launched the consultation on the Code, ahead of statutory requirements under the Social Housing Regulation Act 2023. The proposed Code is aimed at overall complaints and the consultation will gather feedback and opinions from the public and stakeholders, which is to set out the standards for handling complaints about councils, care providers, and housing providers. That said, the LGA have indicated that status of the Code (subject to any further legislative changes) will be guidance based, as the LGSCO currently does not appear to have any statutory power to enforce against non-compliant providers of the proposed Code. The consultation is currently running from 28 September 2023 to 23 November 2023 [\[CLICK HERE FOR CONSULTATION\]](#)

Councillor training & IP training

- 8.5 Councillor training was provided post the elections in May 2023 virtually to District and Parish Councillors. This was recorded and undertaken by District Councillors who were required to undertake the session (either virtual or via internal District training platform - GrowZone). The former was compulsory for new District Councillors. The slides were distributed to all Parish, Town and Community Councillors post that session.
- 8.6 This was the last year of District election by thirds, and post the ‘all-out’ election in May 2024, a different recorded version will be made available to District Councillors to undertake via Growzone. Arrangements for local Parish training will be considered.
- 8.7 The IPs attended the annual IPs training in April 2023. This was a good opportunity to be updated on national issues and share good practice.

National standards matters

Planning Code of Good Conduct:

- 8.8 It was the intention to bring a report regarding the Planning Code of Good Practice (**Appendix 8 to Section 8 of the Council’s Constitution**). This, Councillors will recall/ should be made aware, was based on a national model prepared by the Lawyers in Local Government ‘LLG’, in 2014, and it has previously endorsed by the Supreme Court.
- 8.9 However, at a national governance lead meeting held on 13 October, the LLG lead governance officer indicated that it was in the process of reviewing the Planning Code and that this should be available in the next few months. The intention is therefore to review this updated version at the next Standards Committee meeting in March 2024, with any amended version being recommended for adoption to Council in April 2024.

Committee on Standards in Public Life:

- 8.10 As Councillors will see from the CSPL Blog in September, Lord Evans explores the issue of Lobbying and building a culture of openness and transparency in the Parliamentary arena:

[\[CLICK HERE\]](#). You can also find Lord Evans keynote speech on upholding standards in public life [\[CLICK HERE\]](#)] which marks the end of his five-year term as Chair of the CSPL.

Monitoring Officer Conference 2023:

- 8.11 As part of the 2023 Monitoring Officer conferences, delegates were updated about the possible changes that may arise with regards to the Standards regime (Parliamentary as well as potentially Local Government) following any change in central government administration. Any changes remain to be seen, and the extent of how these will address or be aimed at local government.

9. LEGAL IMPLICATIONS

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

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 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their 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. There are no direct equalities implications from this report.

- 12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest. The review of the best practice recommendations and appropriate changes will ensure that NHDC will continue demonstrate due regard to the objectives of the Public Sector Equality duty.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement or contract.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no financial implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 None other than again highlighting the ongoing resource implications for the complaints received.

16. APPENDICES

- 15.1 None.

17. CONTACT OFFICERS

16.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):
Jeanette.thompson@north-herts.gov.uk ext. 4370

18. BACKGROUND PAPERS

17.1 None other than those referred to/ linked above.