

COUNCIL
9 July 2020

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: ANNUAL REPORT OF THE STANDARDS COMMITTEE

REPORT OF MONITORING OFFICER

THE CHAIR OF THE STANDARDS COMMITTEE, CLLR JUDI BILLING

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

- 1.1 To consider the Annual report in relation to ethical standards in the preceding civic year. Members should also note the ongoing national consultation on a new Model Code and participate if possible¹.

2. RECOMMENDATIONS

- 2.1. That Council receives and notes the Annual Report.

3. REASONS FOR RECOMMENDATIONS

- 3.1 In line with recommended good governance practice to report the work of Standards Committee to the full Membership, to promote and maintain high standards of conduct and to demonstrate a strong commitment to ethical values.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has taken place with the Chair and Vice Chair on this report; and where relevant/ applicable with the Standards Committee as part of their deliberations on the topics detailed. Group Leaders are also kept informed of any relevant developments as part of their monthly Service Director briefings. Quarterly meetings are also scheduled between the Monitoring Officer, Deputies, Chair, Vice Chair with the Independent Persons to discuss standards matters.

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.

¹ <https://www.local.gov.uk/code-conduct-consultation-2020>

7. BACKGROUND

- 7.1 The current standards regime was introduced in July 2012 following the introduction of the Localism Act 2011 ('the Act'). There is a legal duty under section 27 of the Act to promote and maintain high standards of conduct. The Standards Committee has the responsibility under the Council's Constitution to promote and maintain high standards of conduct. Since 2017 a written Annual Report has been presented to the membership, with an address by the Chair of the Standards Committee for the relevant civic year. This is in line with best practice recommendations.

8. RELEVANT CONSIDERATIONS

- 8.1 The following outlines standards matters, work of the Standards Committee and Monitoring Officer / Deputies during the civic year 2019-20.

Complaints:

- 8.2 The Procedure for handling Councillor Complaints was last reviewed and amended in May 2019, following the Committee on Standards in Public Life (CSPL) report on Local Government Ethical Standards and Standard Committee instructing resolution to that effect. This included updated criteria for considering complaints.
- 8.3 The following 10 formal complaints have been received since the last Annual Report in May 2019. All were considered by the Monitoring Officer or Deputies with an Independent Person before a decision was reached on initial assessment:

	<i>Complainant:</i> Councillor, employee or public	<i>Complaint against:</i> District or Parish Councillor - and which Parish, Town or Community Council	<i>Allegation summary</i>	<i>Outcome</i>
7/2019	Public	District Councillor	Unsubstantiated allegations regarding the Councillor alleged conduct in the street/ vehicle.	No case to answer as confirmed by the police.
10/2019	Public	District Councillor	Alleged conduct of bias when acting as ward councillor at Council meeting.	No case to answer.
11/2019	Employee	District & Pirton Parish Councillor	Alleged disrespectful conduct towards officer at a Council meeting.	No case to answer for both.
13/2019	Community Councillor	Great Ashby Community Councillor	Alleged Cllr was insensitive and offensive during a GACC meeting.	No case to answer.
14/2019	Community Councillor	Great Ashby Community Councillor	Allegations that Councillor not behaving in a neighbourly way. Allegations also against the Councillor's wife.	No case to answer.
15/2019	Great Ashby Community Councillor	Great Ashby Community Councillor	Linked to previous complaints and involvement.	No case to answer.
16/2019	Community Councillor	Great Ashby Community Councillor	Councillor allegedly harassed another Councillor (similar to 13/2019).	No case to answer.

[redacted]				Ongoing.
2/2020	District Councillor	District Councillor	Alleged discriminatory Tweet during a council meeting.	No case to answer.
3/2020	Clerk	District Councillor	Allegations inappropriate comments on Facebook.	No case to answer.

8.4 Complaints are also made informally to the Monitoring officer by Councillors or employees – this covers situations where the individuals do not wish to pursue something formally and, as per agreement, are dealt with by raising them with the relevant Group Leader. These are not reported above, at the request of the Standards Committee (February 2019); however, represent the missing references in 2019. Since the last report there have been 5 dealt with in this way.

8.5 Otherwise, whilst the Council has not received any further formal complaints since March 2020, the Council’s Monitoring Officer in-box is copied into various exchanges for Great Ashby Community Council, including allegations: sent to the auditors, alleged defamation, policy decisions, spending and whistleblowing – none of which fall within the remit of the NHDC Monitoring Officer. The relevant Community Councillor has been informed of the Monitoring Officer’s remit. This is, however, highlighted in terms of resource implications for this Council given the apparent expectation of intervention and involvement where no remit or resource is available.

Planning Code of Good Conduct (PCGC):

8.6 Following the elections in May 2019 the new administration set a priority for reviewing the Planning Code of Good Conduct. The Standards Committee considered this at their meeting in October and following this / further liaison with the Chair and Vice Chair, recommendations on amendments were made to Council and approved in January 2020. This was to clarify the role of Ward Advocate/ Councillor.

National standards matters:

8.7 Members will recall that the Committee in Standards in Public Life (CSPL) made 26 recommendations on ethical standards in local government on 30 January 2019, as reported to the February 2019 Committee². Brexit, EU transition and now the pandemic have dominated the political landscape and therefore no formal response has materialised from the Government. The CSPL, however, decided to liaise with the Local Government Association (‘LGA’) and various other organisations with a view to preparing a draft new model code for Councillors. The LGA commenced a consultation on 8 June³ and this will run for 10 weeks until Monday 17 August. Members can participate individually by clicking on the link below, although a response will be prepared with the Standards Committee membership for submission on behalf of the Council.

The Year Ahead:

8.8 Once the code of conduct consultation has been reported by the LGA, the NHDC Code and procedures will be reviewed and amendments considered by Standards Committee and recommended if applicable/ relevant. This could be used to facilitate some wider work in the District, time and resources allowing.

² <https://democracy.north-herts.gov.uk/ie/ListDocuments.aspx?CId=154&MId=2023&Ver=4>

³ <https://www.local.gov.uk/code-conduct-consultation-2020>

- 8.9 The Council will also look to recruit to another Independent Person (IP) position – with a view (in the absence of the Government implementing the recommendations regarding IPs) to success arrangements. Enquiries regarding a Hertfordshire bank of IPs has not been productive. The Monitoring Officer shall therefore be looking to recruit another IP with the Chair and / or Vice Chair (and potentially existing IPs) in the next few months. The aim would be to have a recommendation for Full Council for November.

9. LEGAL IMPLICATIONS

- 9.1 Although it is not specifically referred to in the Constitution, Full Council has routinely received an Annual Report on standards issues. There is no legal requirement to have an Annual Report; however, it is considered good practice to do so.

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.
- 12.2 The Councillor Code of Conduct clearly states that it is a requirement for all Councillors to carry out their duties with reference to the principles set out under the Equality Act. The Standards Committee role is to promote this. There are no other implications to this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 None.

16. APPENDICES

- 16.1 None.

17. CONTACT OFFICERS

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

18. BACKGROUND PAPERS

18.1 Other than those identified within the Report, none.