



STANDARDS COMMITTEE

ANNUAL REPORT 2016/17

To be considered at the Council Meeting on 18 May 2017

FOREWORD

I am pleased to present this Annual Report which is the first written report of this type, following annual oral reports since changes to the Standards regime were introduced in 2012. The report provides a summary of activities in 2016/17.

I would like to thank our Independent Persons Nicholas Moss and Peter Chapman for their work in assisting the Monitoring Officer and Deputy Monitoring Officer.

Going forward, the Committee will continue to promote and maintain high standards of conduct by Members whilst noting the individual responsibility that all Councillors (including Parish Councillors) have for ensuring they act appropriately at all times.

I recommend that Council receives this report on Standards Committee activities in 2016/17.

**Councillor Mike Rice
Chairman of the Standards Committee
May 2017**

1. Introduction

- 1.1 This is the first written Annual Report of the Standards Committee and covers the civic year 2016/17. During that year the Committee met twice, on 12 October 2016 and 21 February 2017.
- 1.2 Changes to the Standards regime were introduced in July 2012 following the Localism Act 2011. Although it was no longer a statutory requirement to have a Standards Committee, Full Council approved the retention of a Committee to deal with complaints and adopted a new Members' Code of Conduct and a procedure for dealing with standards complaints. Each Parish Council also adopted a Code of Conduct and the District Council has the responsibility for dealing with any Code of Conduct complaints about Parish Councillors.
- 1.3 The current NHDC Member Code of Conduct was adopted in July 2013 and the complaints handling procedures were updated by the Standards Committee at its October 2016 meeting.
- 1.4 The Council appointed an Independent Person, Nicholas Moss and a Reserve Independent Person, Peter Chapman, in July 2012. Their role is to provide independent input into the standards process, as required by the Localism Act 2011.

2. Role of the Standards Committee

- 2.1 The responsibilities of the Committee, as set out in section 7.5 of the Council's Constitution, are:
 - 1 to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority;
 - 2 to advise and assist Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Parish Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct;
 - 3 to conduct hearings on behalf of the Parish Council;
 - 4 to advise the Council on the adoption or revision of the Members' Code of Conduct;
 - 5 to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria;
 - 6 to receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;
 - 7 to advise, train or arrange to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
 - 8 to assist Councillors and Co-Opted Members to observe the Members' Code of Conduct;

- 9 to hear and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- 10 to advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
- 11 to review and approve the Council's arrangements for dealing with complaints about Member conduct (subject to: minor amendments delegated to the Monitoring Officer in consultation with the Independent Person);
- 12 to inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- 13 to hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to s33 of the Localism Act 2011;
- 14 to deal with applications for exemption from political restriction or to consider whether to include a post within the list of politically restricted posts.

3. Members of the Committee

- 3.1 The Committee has 14 members comprising twelve District Councillors and 2 non-voting co-opted Parish Council members. In 2016/17, the membership was:

- Councillor Mike Rice (Chairman)
- Councillor Alan Millard (Vice Chairman)
- Councillor Judi Billing
- Councillor Julian Cunningham
- Councillor Jane Gray
- Councillor Steve Hemingway
- Councillor David Levett
- Councillor Bernard Lovewell
- Councillor Ian Mantle
- Councillor Michael Muir
- Councillor Frank Radcliffe
- Councillor Terry Tyler

(In addition there is a pool of seven substitutes that could be used if a District Councillor was unable to attend and these were Councillors Clare Billing, Steve Jarvis, Ben Lewis, Sandra Lunn, Paul Marment, Harry Spencer-Smith and Michael Weeks).

Co-opted, non-voting, Members:-

- Parish Councillor Helena Gregory (Codicote)
- Parish Councillor Robert Logan (Great Ashby)

- 3.2 The Committee meetings are also attended by the Independent Person and Reserve Independent Person, who attend in an advisory (non-voting) role.

4. Monitoring Officer/Support to the Committee

- 4.1 Anthony Roche is the Council's Monitoring Officer and Corporate Legal Manager. The Monitoring Officer is a statutory role that:-
- Supports the Standards Committee and the Independent Persons
 - Contributes to the promotion and maintenance of high standards of conduct within the Council
 - Maintains systems and processes for dealing with allegations of breaches of the Code of Conduct for Members
 - Investigates and reports to the Standards Committee on allegations of breaches of the Code of Conduct for Members
 - Has rights of access to any information from Members and/or officers in connection with a standards complaint
 - Establishes and maintains registers of members' interests, gifts and hospitality
 - Acts a point of contact for advice and/or queries by elected members
 - Maintains and updates the Constitution
 - Advises on various issues, including administrative and governance issues
- 4.2 Further support to the Committee is provided by Jeanette Thompson (Deputy Monitoring Officer) and the Committee Services team.
- 4.3 The Council is required by the Local Government and Housing Act 1989 Act to provide the Monitoring Officer with "such staff, accommodation and other resources as are, in their opinion, sufficient to allow those duties to be performed". The Monitoring Officer has confirmed that he has the necessary resources to meet the requirements of the role, with the support of the members of the legal team.

5. Complaints

- 5.1 The Procedure for handling Standards Complaints adopted by Full Council in July 2012 and amended by the Standards Committee in October 2016 sets out how the Council will deal with complaints alleging a breach of the Members' Code of Conduct. The Procedure sought to be more flexible than the previous statutory scheme and able to deal with complaints quicker and be less resource intensive. This involved the Monitoring Officer, in consultation with the Independent Person, taking steps to assess whether there was a prima facie case to answer and/or whether an informal resolution was appropriate, with only the more serious matters referred to the Standards Committee.
- 5.2 During 2016/17 six complaints were received, three relating to District Councillors and three relating to Parish Councillors. Two of these remain outstanding, one as we await confirmation of whether the complainant is pursuing the matter and one which is currently being considered.
- 5.3 Of the four completed complaints, the subject matters and outcomes were:-
- A complaint about a District Councillor regarding comments made in a Committee meeting, which the Monitoring Officer in consultation with the

Independent Person concluded that there was not a prima facie case to answer;

- A potential complaint about District Councillors failing to respond to correspondence was not pursued.
- A potential complaint about a Parish Councillor's behaviour was not pursued after the complainant decided not to pursue the matter.
- A complaint about a Parish Councillor's behaviour was not pursued as the Deputy Monitoring Officer in consultation with the Independent Person concluded that there was not a prima facie case to answer.

5.4 Members will be aware that Full Council on 24 November 2016 passed a Motion of Censure concerning a former Councillor following the findings of the Standards Sub-Committee in the previous civic year 2015/16.

5.5 During the year a review was undertaken by the Monitoring Officer, Deputy Monitoring Officer, Chairman of Standards and the Independent Persons of the procedure for handling standards complaints. A revised Procedure was considered and adopted by the Standards Committee at its meeting on 12 October 2016. The revised Procedure incorporates lessons learned from dealing with complaints over the first four years of the post-Localism Act standards regime and provides greater clarity of the process for the complainant and Member who is the subject of the complaint. The revised Procedure will be kept under review to ensure that it is working as intended.

5.6 Additionally at its October meeting the Standards Committee approved the adoption of a new Guide to the NHDC Code of Conduct. This provides a guide for Members as they carry out their role and provides a source of reference when considering any alleged breaches. The Guide provides an explanation of what is meant by the various sections of the Code of Conduct and provides examples of what behaviour could be considered unacceptable. The Guide will be taken into account during any assessment, investigation and determination of Code of Conduct complaints, including those relating to Parish Councillors. The Guide is on the NHDC website on the same page as the Code of Conduct.

6. Independent Persons

6.1 The two Independent Persons, Nicholas Moss and Peter Chapman, provide invaluable assistance to the Monitoring Officer and Deputy Monitoring Officer in dealing with Standards complaints. An Independent Person is involved in each complaint and consulted at each stage of the process.

6.2 In the event that either Nicholas Moss or Peter Chapman is unavailable the Council approved a reciprocal arrangement with Broxbourne Borough Council to use their Independent Person.

6.3 Nicholas Moss has also been appointed as Independent Person by East Hertfordshire District Council and his experiences with that authority will also help to inform his work with this Council.

7. Parish, Town and Community Councils

- 7.1 The Monitoring Officer provides advice and support to the many Parish, Town and Community Councils in the district and this included the Standards complaints dealt with in 2016/17 referred to above. At the time of writing one Parish Council complaint is still being considered, the complaint having been recently lodged on 19 April 2017.

8. Training and Development

- 8.1 As part of February 2017 meeting, the Committee received detailed training on the Members' Code of Conduct and the Standards regime. Each element of the Code of Conduct was illustrated with real life examples of conduct reported elsewhere. At its March 2016 meeting, in the previous civic year, the Committee had looked at and discussed various scenarios, again based on real life examples seen at other authorities.
- 8.2 It is intended that there will be regular training for the Standards Committee on Standards related issues as part of their meeting agendas. There is also a training session for all Members on Wednesday 24 May 2017, which includes standards issues.

9. Other Areas of Work

- 9.1 The Monitoring Officer, with the assistance of the Monitoring Officer Technical Support Officer, has ensured that all new Councillors had submitted their Register of Interests form relating to Disclosable Pecuniary Interests and that existing Councillors had reviewed and updated their interests. All Members are reminded of the need to update their Register of Interests within 28 days of election or any changes. Failure to do so could be an offence under the Localism Act 2011.
- 9.2 The Monitoring Officer maintains a regular dialogue with the Council's other Statutory officers to consider and review governance arrangements. The Monitoring Officer also maintains regular dialogue around Governance with his equivalents across Hertfordshire and the wider region through the Public Law Partnership and Eastern region of Lawyers in Legal Government.
- 9.3 The Monitoring Officer has published a number of briefing/advice notes in the Members Information Service in 2016/17 including on the issues of Pre-Election Restricted Period, Declarations of Interest, Social Media guidelines and Part 2 reports and confidentiality.

10. Lessons Learned

- 10.1 The learning from dealing with the complaints made since July 2012 has been incorporated into the revised procedures for handling Standards Complaints that was adopted by the Standards Committee in October 2016. The learning will also be applied to the forthcoming review of the Member Code of Conduct.

11. The Year Ahead

- 11.1 The Committee is scheduled to meet twice during 2017/18 and will receive updates on Standards Matters and include reports on a Review of the Code of Conduct and Register of Interests. Additionally the Committee will be updated on a review of the Protocol with Hertfordshire Constabulary for the reporting of DPI offences. Meetings of the Standards Sub-Committees would be arranged as and when required to deal with complaints.

12. Recommendation

- 12.1 That Council receives this report on the work of the Standards Committee in 2016/17 and notes the issues being reviewed by the Committee in 2017/18.