

**STANDARDS COMMITTEE
20 OCTOBER 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: STANDARDS MATTERS

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

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

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

2. RECOMMENDATIONS

2.1. That the Committee notes the content of the report.

2.2. That the Standards Committee makes any recommendations for further ethical standards and / or training provision to Councillors, to the Monitoring Officer, that it deems appropriate.

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 and Vice Chair are kept informed of Monitoring Officer and standards matters on a monthly basis. The Monitoring Officer also holds quarterly meetings with the Independent Person, Reserve Independent Person ('IPs') and the Chair and Vice Chair of Committee.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on an Executive 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 "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. RELEVANT CONSIDERATIONS

Committee on Standards in Public Life (CSPL) **Local Government Ethical Standards**

- 8.1. Members will be aware that the CSPL published a report with 26 recommendations on ethical standards in local government on 30 January 2019, as reported to the February 2019 Committee¹.
- 8.2. The most recent updates/ developments in respect of these recommendations are:
 - 8.2.1. In June the local government association launched a consultation on a new draft model code. The consultation on the draft ran for 10 weeks from 8 June until 17 August. Members are aware that the NHDC consultation responses were collated and circulated to the Standards Committee for agreement. The final responses to the consultation to the draft code were uploaded on 4 August. A number of consultation events took place with the LGA online and these were attended by Members, Officers and the Independent and Reserve Independent person. As to future developments on this, it was stated that the feedback from the consultation was to be fed into a final draft, which will be reviewed by the LGA Executive Advisory Board before being presented to the next LGA General Assembly - which was due to be held this autumn. It is not however evident from the agenda for that Advisory Board meeting of 30 September that this was considered at that virtual meeting, and at this stage the next scheduled meeting on the website appears to be in July 2021. Enquiries have been made and an oral update shall be provided *if available* at the meeting on 20th.
 - 8.2.2. On 6 July the Chair of the CSPL, Lord Evans wrote to the Right Honourable Robert Jenrick², Secretary of State for Housing Communities and Local Government. The Chair asked when the CSPL would receive a government response to the Committee's recommendations and said he had not received a reply to a letter he wrote in October 2019 to Luke Hall MP, then responsible Minister. Recognising the challenges of the times, Lord Evans said at this time of crisis, demonstrable high standards are as important as ever to help maintain trust between government and the public. As yet there appears to be no published response to this letter.
 - 8.2.3. The Chair also wrote to local government in July³ regarding the 15 best practice recommendations, acknowledging that there had been unexpected and unprecedented pressures on local authorities, but nevertheless encouraging authorities to implement these. Members will be aware from the report of February 2019⁴, that this Council had most of the good practice recommendations in place. At that meeting the Standards Committee made recommendations to the Monitoring Officer to update the Complaints Handling Procedure (with the Chair and Independent Persons) in respect of good practice recommendations 6 and 8 – to include a public interest test in the complaints handling criteria and consultation with the Independent Person on complaints *prior* to any investigation. The latter good practice recommendation on the Independent Person, was current practice, however, was then set out in the Procedure. The only outstanding recommendation (no.3) was an annual review

¹ <https://democracy.north-herts.gov.uk/ie/ListDocuments.aspx?CId=154&MId=2023&Ver=4>

² [Letter from Lord Evans to Robert Jenrick MP](#)

³ [Local government ethical standards: letter to local authorities](#)

⁴ [STANDARDS MATTERS & RECOMMENDATION ON BEST PRACTICE CHANGES](#)

of the Code of Conduct. The NHDC Code was last updated and adopted on 4 May 2018. Members therefore took the view in February 2019 (and subsequently in October 2019) that the Council would await the outcome of the Government's response to the recommendations (one of which was a new model code). There has (as indicated above) been a consultation on a new model code and therefore advisable that the Standards Committee/ Council awaits the outcome of the consultation on the draft to consider whether that LGA version should be adopted.

- 8.3 Other national Standards developments, is an ongoing review / consultation by CSPL on electoral regulation. The scope of the inquiry – in terms of principles and values that should underpin the regulation of donations and campaign expenditure by candidates, political parties and non-party campaigners in election and referendum campaigns. It will also examine the Electoral Commission's remit as a regulator of election finance and associated electoral law; examine the enforcement regime for election finance offences committed by candidates, parties and non-party campaigners. It will also consider whether the Electoral Commission should play a role in criminal prosecutions for breaches of election finance laws and or whether its civil sanction regime should be expanded to cover the enforcement of candidate finance laws. The CSPL has received evidence on this and shall no doubt be reporting in due course.
- 8.4 The CSPL also announced on 22 September that it would be conducting a Standards Matter 2 landscape review of institutions, processes and structures in place to support high standards of conduct. This review will consider: how well ethical standards are upheld in public life in the UK; strength of the UK's arrangements for regulating and promoting ethical standards; adequacy and continuing relevance of the Seven Principles of Public Life; and Identify examples of best practice.

NHDC
North Hertfordshire complaints/ issues update

- 8.5 Further to the report that was presented to Full Council in July 2020⁵, the complaints / updates on complaints is as follows:

Complaint about: Parish/ Town or District Councillor	Summary of complaint	Action
1/2020 complaint against District Councillor	<p>Allegation that the Councillor had posted critical and character damaging comments on social media about the complainant, and in doing so this was in breach of the Code of Conduct.</p> <p>This was referred for investigation, which was undertaken by an external Investigator. The Investigator found that there had not been a breach of the code of conduct.</p>	No further action is required or to be undertaken.
2 & 3/ 2020	Already reported and concluded in July report.	Both no case to answer.
4/2020 complaint against three District Councillors	Ongoing consideration: allegations relating to declarations and use of public money.	Ongoing.

⁵ [ANNUAL REPORT OF THE STANDARDS COMMITTEE](#)

5/2020 complaint against District Councillor	Ongoing consideration: allegation regarding abusive language used to the complainant.	Ongoing.
6/2020 complaint against District Councillor	Ongoing consideration: allegation regarding abusive language used to the complainant.	Ongoing.

8.6 As reported in July, there are ongoing issues at Great Ashby Community Council, involving a variety of Council related issues. However, no further formal complaints regarding Councillors have been received, since 2019, albeit that a complaint was made to the Local Government Ombudsman (LGO) in July 2020 regarding NHDC's handling of the complaints last year. The LGO's decision was to close the complaint in August following their initial enquiries.

Member training

8.7 Due to the coronavirus and cancellation of the elections, no training was provided in May/ June 2020. The next Code of Conduct training is anticipated to take place in May/ June 2021 (on our NHDC Code or the new Code if adopted) as part of the Induction. *Question for the Standards Committee* is whether additional training should be commissioned on a specific area. One area identified by Members during the model code consultation in June/ July was the need for training on the use of social media. Members can consider and instruct the Monitoring Officer to make arrangements to offer such training if considered appropriate.

Recruitment of further Reserve Independent Person and co-option of further Parish Council representatives to Standards Committee

8.8 As outlined in the Annual Report, the intention was to recruit a further Reserve Independent Person, and the appointment of John Richardson was approved by Full Council on 24 September, as was the appointment of two new co-optees to the Standards Committee - Cllr Martin Griffin from Graveley Parish Council and Cllr Rebecca Elliott from St Ippolyts Parish Council. No doubt their contributions to the work of the Committee will be much appreciated.

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.

14. ENVIRONMENTAL IMPLICATIONS

14.1 There are no financial implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 None. The work outlined within the report is within the caseload of the Monitoring Officer and the legal team.

16. APPENDICES

16.1 None.

17. CONTACT OFFICERS

17.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):
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18. BACKGROUND PAPERS

18.1 None other than those referred to/ linked above.