

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MEETING HELD IN THE LOWER HALL, ICKNIELD CENTRE, ICKNIELD WAY,
LETCWORTH GARDEN CITY ON TUESDAY, 10TH OCTOBER, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor Mike Rice (Chairman), Councillor Steve Hemingway (Vice-Chairman), Clare Billing (substitute), Judi Billing, Paul Clark (substitute), Julian Cunningham, Jane Gray, David Levett, Bernard Lovewell and Ian Mantle.*

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:

Anthony Roche (Corporate Legal Manager and Monitoring Officer), Jeanette Thompson (Senior Lawyer and Deputy Monitoring Officer), James Ellis (Advisory and Litigation Lawyer) and Kiren Kalirai (PA to the Monitoring Officer).

Also Present:

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from District Councillors Michael Muir, Frank Radcliffe and Terry Tyler and Parish Councillor Robert Logan. Councillor Clare Billing was substituting for Councillor Radcliffe and Councillor Paul Clark was substituting for Councillor Tyler.

2 MINUTES

RESOLVED: That the Minutes of the Meeting of the Committee held on 12 February 2017 be approved as a true record of the proceedings and be signed by the Chairman.

3 NOTIFICATION OF OTHER BUSINESS

No other items were presented for consideration.

4 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;
- (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; and
- (3) The Chairman advised that this would be Anthony Roche's last meeting of the Committee following his recent appointment to the post of Deputy Chief Executive. As a consequence, Jeanette Thompson would become acting Monitoring Officer and Corporate Legal Manager. The Chairman congratulated Anthony on his appointment, and Anthony thanked Committee Members for their support over the years.

5 PUBLIC PARTICIPATION

There was no public participation.

6 STANDARDS MATTERS

The Monitoring Officer presented a report in respect of standards issues generally. The following appendix was submitted with the report:

Appendix A – DCLG Consultation Paper: Consultation on updating disqualification criteria for local authority members.

The Monitoring Officer advised that three complaints (two relating to Parish Councillors and one relating to a District Councillor) had been received since the last meeting of the Committee and none had been pursued.

The Monitoring Officer stated that, on 24 May 2017, training was offered to all Members on standards, finance and governance generally. Unfortunately, the date had proven to be difficult for some Members, due to diary clashes, and only seven Members had attended. Those who had attended engaged with the sessions and the training was generally well received. It was hoped to re-run the session at a convenient point in the civic calendar.

The Monitoring Officer commented that the Committee on Standards in Public Life (CSPL) would be undertaking a review of local government standards during 2017/18. The review would be based around a consultation to be launched in early 2018, with the findings and recommendations to be published later in 2018.

The Monitoring Officer advised that the review of the Protocol with Hertfordshire Police in relation of Disclosable Pecuniary Interests (DPI) offences had not yet been completed, but was hoped to conclude in the near future. The agreed changes would be reported to the next meeting of the Committee.

The Monitoring Officer explained that the Department of Communities and Local Government (DCLG) was currently consulting on proposals to update the criteria that barred individuals from becoming or being a local councillor or directly-elected mayor. Currently, individuals could not stand for, or hold, office as a local authority member if they had, within the previous five years or since their election, been convicted of an offence that carried a prison sentence of at least three months without a fine and whether suspended or not. The consultation paper is attached at Appendix A to the report.

The Monitoring Officer stated that the Government was proposing to amend the disqualification criteria so that anyone convicted of a serious crime, regardless of whether it came with a custodial sentence, would not be able to serve as a councillor. Individuals would be banned from standing for office if they were subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (being on the sex offenders register);
- a civil injunction granted under s.1 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act); or
- a Criminal Behaviour Order made under s.22 of the 2014 Act.

The new rules would apply to councillors and mayors in parish, district, county and unitary councils, London boroughs, combined authorities and the Greater London Assembly. The proposed changes would not be retrospective. The closing date for comments on the disqualification criteria was 8 December 2017.

The Committee considered the six questions set out in the consultation paper, and commented as follows:

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Yes.

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

No, the individual should be prohibited from standing for election or holding office.

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

The majority of Committee Members agreed with the prohibition regarding Civil Injunctions, although it would be helpful to have greater guidance and the process needed to be better explained. All Committee Members agreed with the Criminal Behaviour Order prohibition.

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

No. Those individuals subject to Community Protection Notices should also be prohibited from standing for election or holding office. However, there should be no such prohibition for those subject to Dispersal Powers, Public Space Protection Orders and Closure Powers.

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

No equalities concerns were raised.

Q6. Do you have any further views about the proposals set out in this consultation paper?

- There was inconsistency with other types of offences, specifically dishonesty offences;
- Having clear timescales as to the length of time that was applied for various offences, particularly in relation to offences committed as a child;
- How was the regime expected to be monitored and enforced?;
- The three month in prison rule needed to be updated;
- Non-custodial sentences were not reflected in the legislation, but should be;
- The Standards regime should be re-strengthened to provide for more meaningful sanctions regarding breaches of the Code of Conduct ie. suspension/removal from office; and
- The Standards Board for England should be re-instated.

RESOLVED:

- (1) That the contents of the report be noted; and

- (2) That the Committee's comments outlined in the preamble to this Minute above form the substance of NHDC's response to the DCLG Consultation Paper on updating disqualification criteria for local authority members.

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

7 CODE OF CONDUCT AND REGISTRATION OF INTERESTS REVIEW

The Deputy Monitoring Officer presented a report requesting the Committee to review the proposed amendments to NHDC's Councillors' Code of Conduct and Register of Interests process and form. The following appendices were submitted with the report:

Appendix A - Clean version of the Code of Conduct with tracked changes accepted;
Appendix B - Code with tracked changes;
Appendix C - Clean version of the Councillors Register of Interests Form with tracked changes accepted; and
Appendix D - Former notification/declarations form with tracked changes.

In respect of the Code of Conduct, the Deputy Monitoring Officer reminded the Committee that there was no mandatory Code. The relevant legislation had not changed and hence the Code had not been reviewed since 2013. The proposed revisions to the Code were set out in the table under Paragraph 8.1 of the report, with Appendix A being a clean copy version of the Code, with Appendix B containing track changes in red and sections moved from one area to another in green. The proposed revisions had been discussed with the Independent Person and Reserve Independent Person.

In relation to the proposed new Register of Interests Form, the Deputy Monitoring Officer commented that should this be approved then the implementation date would be following the next District Council Elections in May 2018. Of the amendments detailed as Paragraph 8.1, the significant proposed changes to the Code were to paragraphs:

- 3.7(e): a new obligation to attend compulsory training. This was defined as being those designated as such by a Statutory Officer with the agreement of the Group Leaders or through a decision of Council, Cabinet or Committee; or if in relation to a standards complaint, as set out in the report;
- 4.7: a requirement to register two types of Declarable Interests on the proposed Register of Interest form, namely gifts and hospitality and membership/management etc on an outside body. It was reiterated that these were existing Declarable Interests, the former had to be registered already on a form, the latter were known and it would simplify the administrative process and aid transparency; and
- 6 and 7: that had been merged, and a new Councillor Speaking Right was proposed to deal with situations where a Councillor had a Declarable Interest and wanted to speak to an item before leaving the meeting.

The Deputy Monitoring Officer, assisted by the Monitoring Officer, answered a number of Members' questions on the various documents.

The Committee made some minor amendments to both the Code of Conduct and Register of Interests Form.

RECOMMENDED TO COUNCIL:

- (1) That the amendments to the NHDC Code of Conduct (shown as tracked changes to Appendix B of the report) be approved with effect from 4 May 2018, and include the following further amendment to Paragraph 2.2(e):

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Addition of the words “in respect of a criminal offence”, so that it reads “in respect of any criminal offence of which you have been convicted or for which you have accepted an out of court disposal in respect of a criminal offence during your term of office”;

- (2) That the Monitoring Officer be authorised to make any consequential amendments to the Constitution to incorporate the new Councillor Speaking Right; and
- (3) That the amended Councillor’s Register of Interest form (attached at Appendix C to the report) be adopted and be completed by Councillors from 4 May 2018, and include the following further amendment to Section 9:

Addition of the words “non-voting”, so that the Section reads:

“Outside bodies

Any body of which you are a member of in apposition of general control or management which:

- (i) you are appointed or nominated to by the authority; or
- (ii) exercises functions of a public nature; or
- (iii) is directed to charitable purposes; or
- (iv) includes as one of its principal purposes the influence of public opinion or policy (including any political party or trade union).

Detail: Date of appointment and position (ie. Director, Trustee, member/representative/non-voting observer.”

RESOLVED: That, subject to the approval of Recommendation to Council (1) above,

- (1) The Monitoring Officer be authorised to update the NHDC Code of Conduct Guide to reflect any adopted changes to the Code; and
- (2) That the requirement to advertise the adoption of any amended Councillor Code of Conduct be noted.

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

The meeting closed at 9.11 pm

Chairman at the meeting on
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