

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 also includes a compare and contrast with the Complaints Handling Procedure approved by the Committee on 19 October 2021, with the LGA version published that month. It also includes the Government's response to recommendations on Local Government Ethical Standards.

2. RECOMMENDATIONS

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

2.2. That the Committee considers the points made at 8.3-8.6 and reviews the Complaints Handling Procedure at its meeting on 23 March 2023.

2.3. That the Committee considers / notes the Government's response to the Committee on Standards in Public Life on Local Government Ethical Standards (Appendix A).

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 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.

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

- 8.1 The Committee was last updated in October 2021 regarding the numbers of complaints/ summary and outcomes, as is the practice bi-annually. By the end of 2021 the Council had received **52** complaints, 24 of those being from one person. Since the beginning of 2022 we have received **24** complaints of which 19 are from the same person. The link to the previous report can be found by clicking on the attached [[Standards matters report October 2021](#)]. Those mentioned in the previous report that had been concluded at that stage are not covered below. Only new and ongoing complaints are detailed. Once again it is worth pointing out the rates in 2021 (and indeed even now in 2022) compared with *6 in 2020 and 18 in 2019* are high.
- 8.2 As per normal practice an anonymised summary of the *formal* complaints against Councillors are provided (not informal ones). This is compliant with good practice recommendations. The complaints are as follows:

Complaint about: Parish/ Town or District Councillor	Summary of complaint	Action <i>NB Independent Person involved in all stages of these complaints.</i>
3/2021 complaint against a Great Ashby Community Councillor.	Various allegations.	No longer a Councillor so complaint suspended under the Procedure for up to 14 months in the event returns as a Parish Councillor and would then be reassessed if relevant.
20/2021 complaint against Sandon Parish Councillor	Use of social media.	No longer a Councillor so complaint suspended under Procedure for up to 14 months, in the event returns as a Parish Councillor and would then be reassessed if relevant.
27/2021 complaint against a Great Ashby Community Councillor.	Allegations on comments regarding a co-option.	No case to answer.
32/2021 complaint against a District Councillor.	Alleged circulation of confidential material and alleged breach of Data protection.	No case to answer.
33/2021 complaint against Sandon Parish Councillor	Alleged behaviour in a Council meeting.	No case to answer.
34/2021 complaint against a District Councillor	Alleged comments on Facebook re travellers community.	No case to answer, although Councillor apologised and it was recommended that this was put on Facebook.

35/2021 complaint against Sandon Parish Councillor	Alleged behaviour in a Council meeting.	No case to answer.
36/2021 complaint against Sandon Parish Councillor	Alleged behaviour in a Council meeting.	No case to answer.
37/2021 complaint against Sandon Parish Councillor	Alleged behaviour in a Council meeting.	No case to answer.
38/2021 complaint against a Great Ashby Community Councillor.	Alleged that Councillor had acted with another to harass.	No case to answer.
39/2021 complaint against a Great Ashby Community Councillor.	Alleged that Councillor had acted with another to harass.	No case to answer.
40/2021 complaint against a Great Ashby Community Councillor.	Alleged that Councillor had acted with another to harass.	No case to answer.
41/2021 complaint against a Great Ashby Community Councillor.	Alleged bullying & intimidation.	No case to answer.
42/2021 complaint against a Great Ashby Community Councillor.	Attempted to compromise the impartiality of an officer.	No case to answer.
43/2021 complaint against a Great Ashby Community Councillor.	Alleged to have misused power on the staffing committee and misleading HMRC	No case to answer.
44/2021 complaint against a Great Ashby Community Councillor.	Alleged bullying and harassment.	No case to answer.
45/2021 complaint against a Great Ashby Community Councillor.	Issues with the GACC complaints procedure/Register of Interest form not up to date	No case to answer. Form updated.
<i>New Complaints Handling Procedure – local resolution for Parish/ Town and Community before considering.</i>		
46/2021 complaint against a District Councillor.	Linked to a planning application/ customer complaint	Information requested from the complainant 3.11.22. None received, no further action.
47/2021 complaint against a District Councillor.	Linked to a planning application/ customer complaint	Information requested from the complainant 3.11.22. None received, no further action.
48/2021 complaint against a Great Ashby Community Councillor.	Not allegedly treating the complainant fairly nor with respect. Register of Interest form incorrect.	Warrants no further action. Form to be updated if required.
49/2021 complaint against a Great Ashby Community Councillor.	Alleged treatment by Councillors.	Warrants no further action.
50/2021 complaint against a Great Ashby Community Councillor.	Register of Interests form not up to date.	No longer a Councillor at time of the complaint, no further action.
51/2021 complaint against a Great Ashby Community Councillor.	Register of Interests form not up to date.	To update form (updated).

52/2021 complaint against a Great Ashby Community Councillor.	Allegedly unpleasant about the complainant and mislead the Monitoring Officer.	Warrants no further action.
2022		
1/2022 complaint against a Great Ashby Community Councillor.	Not allegedly treating the complainant fairly nor with respect.	Warrants no further action.
2/2022 complaint against a Great Ashby Community Councillor.	Not allegedly treating the complainant fairly nor with respect.	Warrants no further action.
3/2022 complaint against a Great Ashby Community Councillor.	Not allegedly treating the complainant fairly nor with respect.	Warrants no further action.
4/2022 complaint against a Great Ashby Community Councillor.	Not allegedly treating the complainant fairly nor with respect.	Warrants no further action.
5/2022 complaint against a Great Ashby Community Councillor.	Councillor and officer & the Cabal did not have the legal basis to seek to stop complainant for insisting that an order applied	Warrants no further action.
6/2022 complaint against a District Councillor.	Alleged behaviour during a meeting.	Withdrawn.
7/2022 complaint against a Great Ashby Community Councillor.	Alleged Cllr abusing position	Local resolution suggested, failure of which must produce documents and evidence related to allegations. None produced, therefore warrants no further action.
8/2022 complaint against a Great Ashby Community Councillor.	Alleged Cllr failing to treat the complainant with respect.	Local resolution suggested, failure of which must produce documents and evidence related to allegations. None produced, therefore warrants no further action.
9/2022 complaint against a District Councillor.	Ongoing.	Referred for investigation.
10/2022 complaint against a Great Ashby Community Councillor.	Alleged email response of the Councillor.	Further information requested from complainant 28.1.22. If not received, no further action.
11/2022 complaint against a Great Ashby Community Councillor.	Register of Interest Form not completed correctly and missing Disclosable Pecuniary Interests.	Failure to meet notification requirements; however, rectified following notification to the Cllr. No evidence that such failure to notify resulted in any personal benefit, therefore warranted no further action.
12/2022 complaint against a District Councillor.	Allegedly trespassed on land and taken photographs. Promoted an enforcement order to move caravan.	Further information requested, none provided. Warranted no further action.

15/2022 complaint against a Great Ashby Community Councillor.	Complaint about the way the form had been updated by a Cllr – so that it did not look like a new form and sought an apology from the Cllr about this	Warrants no further action as related to 11/2022 and a) looking to complain about where this updated information was on the form and b) seeking an apology – which not part of the 11/2022 determination therefore not appropriate in the circumstances.
16/2022 complaint against a Great Ashby Community Councillor	That Cllr not completed register of interests form accurately/ properly.	Notification requirements met at the point of the complaint (as form had been updated); any prior notification issues – no evidence that this resulted in securing personal benefit therefore warrants no further action.
17/2022 complaint against a Great Ashby Community Councillor	That Cllr not completed register of interests form accurately/ properly.	Failure to meet notification requirements; however, rectified following notification to the Cllr. No evidence that such failure to notify resulted in any personal benefit, therefore warranted no further action.
18/2022 complaint against a Great Ashby Community Councillor	Reference to conflicts with a Cllr from December 2020 and before a Councillor, cross referencing to complaints previously made (2019), claimed should have recused self from dealing with issues. Seeking comments on private neighbour issues.	This relates to conduct pre-dating being a Cllr and private matters therefore no further action.
19/2022 complaint against a Great Ashby Community Councillor	That the Cllr had made an inaccurate statement in May 2021 and behaviour is harassing, intimidating and conferring an advantage or disadvantage.	This is outside of the 3 months limit, and relates back to previous private matters, therefore no further action.
21/2022 complaint relating to a Great Ashby Community Councillor	Rejects the 3/12 complaint restrictions and complaints process.	No further action as this relates to suspended complaint 3/2021.
22/2022 complaint relating to a Great Ashby Community Councillor	Complaint linked to 3/2021.	No further action as this relates to suspended complaint 3/2021.
23/2022 complaint against a District Councillor	Alleged disclosure of confidential information and brought the authority into disrepute.	No case to answer as did not disclose information that was confidential, nor would have brought the authority in to disrepute.
24/2022 complaint against a Great Ashby Community Councillor	Complaint linked to 3/2021 and information related to that being inaccurate.	No further action as this relates to suspended complaint 3/2021. That would be covered in any subsequent investigation.

Complaints Handling Procedure – North Herts Council compared with the LGA Guidance on complaints Handling

- 8.3 As Members are aware, the Committee approved an updated Procedure on 19 October 2021 [\[CLICK HERE\]](#). The LGA had circulated Guidance on Code of Conduct Complaints Handling in October [\[CLICK HERE\]](#), after the Council had undertaken its review and loaded up the report. Unlike the Code of Conduct itself, there had been no consultation (or round table discussion) to consider the form of this.
- 8.4 At the meeting on 19 October, it was agreed that the Council would allow time to bed in the new North Herts Procedure and then if there were changes proposed to the Council's Procedure, as a result of the LGA Guidance, these would be reported back to the Committee (and it unlikely therefore that any changes would be made before this March meeting).
- 8.5 The versions have been compared in the table below (with input from the Independent Person). There are areas covered in the LGA Guidance version which could be included in the North Herts version when next reviewed. These are highlighted below in bold:

North Herts Council	LGA
22 pages and paragraphs numbered. This is a practical procedural guide to how it works.	<i>51 pages; paragraphs not numbered – so hard to find things.</i> <i>Overall, this is a more discursive account of the Procedure and its philosophy woven together.</i>
How to make a complaint.	<i>Similar.</i>
It provide that an early encouragement to seek local resolution for Parish, Town and Community Councils.	<i>Not covered.</i>
Who the Independent Person is and role.	<i>Briefly covered.</i>
How a complaint will be handled and various stages (who what when how and timelines).	<i>Similar.</i> <i>There is reference to a Councillor who is seriously ill being a basis to exclude a complaint.</i> Could add to North Herts Procedure.
Cost and time (3.6 and Appendix 1) are not factored into the Procedure. The closest is at Stage 1 criterion: , ‘... minor/trivial, not serious... ’	<i>Page 9: At Second-stage criteria.</i> <i>‘...In drawing up assessment criteria, authorities should bear in mind the importance of ensuring that complainants are confident that complaints about councillor conduct are taken seriously and dealt with appropriately. They should also consider that deciding to investigate a complaint or to take other action will cost both public money and the officers’ and councillors’ time. This is an important consideration where the matter is relatively minor.....’</i> Could add to North Herts Procedure.
How an investigation will be handled	<i>Similar although more guidance for those who investigate see North Herts*.</i>

*North Herts has templates for gathering information/ witness statements, notices and investigation report.	
What happens if there is a conclusion that there is no evidence following an investigation of a breach of the Code.	<i>Similar.</i>
What happens if the investigator concludes there is a breach – alternative action or Sub-Committee hearing (including case management hearing and final determination hearing).	<i>Similar; however, less detail.</i>
Potential outcomes following a final determination hearing.	<i>Similar.</i>
Flow chart of Procedure and assessment criteria.	<i>No flow charts.</i>
Flow chart of investigation Procedure.	<i>Ditto.</i>
Final Determination hearing Procedure.	<i>Ditto.</i>
Detailed description of the role of the Independent and Reserve Independent Persons.	<i>Not covered.</i>
Some points that North Herts may wish to include when the Procedure is next reviewed	
	<p><i>Page 22: Explains that investigations not subject to Article 6 Human Rights Act (Right to a fair trial); basic point is that investigations are not criminal.</i></p> <p>Could add to North Herts Procedure.</p>
	<p><i>Page 33: Refers to the standard of proof to find a breach on the balance of probabilities.</i></p> <p><i>This is understood by those considering the complaints, however, may be worth adding this to the Procedure.</i></p> <p>Could add to North Herts Procedure.</p>

8.6 At this time the Council's updated Procedure is still being bedded in (having only been operative for 7 months). There are a few areas that are covered in the LGA Guidance that could be included in the North Herts Procedure, as shown above; *it is not proposed changing our Procedure at this stage however*, as a further review as to effectiveness should take place after a year. Therefore it is not recommended to change the Procedure again at this stage, as the above areas could be relied upon as LGA guidance until then in any event. This of course is subject to the Committee considering that earlier changes should be made (in line with the above) following this meeting.

Member training

8.7 Member training was provided as detailed in the October 2021 meeting; all but two District Councillors have received training provided by Paul Hoey either via zoom or in a recorded version supplied to District Councillors internally via YouTube. *Those Councillors will need to undertake the training detailed in 8.9.*

8.8 Otherwise, the LGA ran a round table discussion in January 2022, on draft template training material for the Code of Conduct (attended by the Monitoring Officer). This in theory should have assisted with providing consistent material for all those that have adopted the LGA code / or version of it. That training pack was, however, fairly lengthy and had to be edited down

quite noticeably. Nevertheless an abridged version was used in the post-Election (May 2022) training detailed below.

- 8.9 Induction training was provided in two sessions in May and mandatory for all those re-elected or new Councillors (as per 8.1 of the Code). Of the District Councillors, 12 of the 17 *Councillors required* attended. These were real-time virtual/ in person sessions and one was recorded (other Councillors did attend). The recorded session will be made available to those that did not attend with a time-limit to complete, and this will include the two District Councillors from 2021. This is monitored by the L&D Officers and reported back to the Monitoring Officer.
- 8.10 Training was also provided in two sessions to local Town, Parish and Community Councillors in virtual sessions in May also. Copies of the training slides and attendees were supplied to relevant Clerks to distribute and monitor.

National standards matters

- 8.11 In their meeting from November, the Committee on Standards in Public Life (CSPL) noted that, despite regular reminders, the Department of Levelling Up, Housing and Communities (DLUHC) had not agreed to a meeting to discuss the lack of a government response to Ethical Standards in Local Government, published in 2019. It was agreed that the Chair should write to the DLUHC Secretary of State.
- 8.12 At the December meeting, the CSPL Chair is reported to be meeting with Minister Badenoch, to discuss when a government response might be expected and it was apparently confirmed that a response was in hand (no publication date was provided). The Chair had also received a letter from the DLUHC Secretary of State (in reply to the Chair's letter of 18 November) confirming the same. A link to the CSPL Report (as a reminder) can be found [HERE](#)
- 8.13 A response to the report was provided by the Minister of State for Equalities and Levelling Up Communities (Kimi Badenoch MP), and the responses to the recommendation/ whether further action is appended at A. To attempt to make is clearer, notation has been put to the side by the recommendation as to what if any further action is to be taken by Government or required by North Herts. Those highlighted yellow are for potential further consideration by 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 Appendix A DfLUH&C response to Committee on Standard in Public Life recommendations on Local Government Ethical Standards.

17. CONTACT OFFICERS

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

- 17.1 None other than those referred to/ linked above.