

NORTH HERTFORDSHIRE  
DISTRICT COUNCIL



# STANDARDS COMMITTEE

# ANNUAL REPORT 2017/18

**To be considered at the Council Meeting on 17 May 2018**

**NORTH HERTFORDSHIRE  
DISTRICT COUNCIL**



**FOREWORD**

**The report provides a summary of the Standards Committee's activities in 2017/18.**

**I would like to thank our Independent Persons Nicholas Moss and Peter Chapman for their work in assisting the Monitoring Officer and Deputy Monitoring Officers, in their review of complaints, Code, Procedures, Guidance and recruitment of the co-opted Community Councillor during the year.**

**Going forward, the Committee will continue to promote and maintain high standards of conduct, whilst acknowledging that it is a Councillor's duty to uphold the standards set by their authority (District, Parish, Town and Community).**

**I recommend that Council receives this report on Standards Committee activities.**

**Councillor Mike Rice  
Chairman of the Standards Committee  
May 2018**



**1. Introduction**

- 1.1 This Annual Report of the Standards Committee covers the civic year 2017/18. During that year the Committee met twice, on 10 October 2017 and 20 February 2018.
- 1.2 Members will be aware that changes were implemented to the Standards regime nearly 8 years ago in July 2012 following the enactment of the Localism Act 2011. The Council adopted its own Code of Conduct (NHDC Code) then and retained a Standards Committee to oversee Councillor conduct. Each Parish, Town and Community Council also adopted their own Codes, with the overall responsibility for dealing with Councillor complaints resting with the District Council and its Monitoring Officer.
- 1.3 The NHDC Code was reviewed in 2013 and in 2017 and amendments approved to the Code and the Register of Interests process in November 2017. This followed detailed consideration of these matters by Officers, the Independent Persons, Standards Committee and Full Council. The amended NHDC Code and Registration process applies from 4 May 2018.
- 1.4 The Council has had an Independent Person, Nicholas Moss and a Reserve Independent Person, Peter Chapman since July 2012 ('Independent Persons'). Their role is to provide independent input into the standards process, relevant policies, guidance, recruitment of Parish Councillor Co-optees and views on complaints as required by the Localism Act 2011. They also have a wider role to potentially advise on disciplinary recommendations relating to Statutory Officers under the provisions of The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015.

**2. Role of the Standards Committee**

- 2.1 The Standards Committee has oversight of the conduct and probity of Councillors. Its responsibilities are set out in Section 7.5 of the Council's Constitution and 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/ Community Councillors. The Independent Persons also attend the meetings in an advisory and non-voting capacity. In 2017/18, the membership was:

- Councillor Mike Rice (Chairman)
- Councillor Steve Hemingway (Vice-Chair)
- Councillor Judi Billing
- Councillor Julian Cunningham
- Councillor Jane Gray
- Councillor David Levett
- Councillor Bernard Lovewell
- Councillor Ian Mantle
- Councillor Paul Marment
- Councillor Michael Muir



- Councillor Frank Radcliffe
- Councillor Terry Tyler

(In addition there was a pool of six substitutes that could be used if a District Councillor was unable to attend and these were Councillors: Paul Clark; Nicola Harris; Ben Lewis; Sandra Lunn; Harry Spencer-Smith; and Michael Weeks).

Co-opted, non-voting, Members:-

- Parish Councillor Helena Gregory (Codicote)
- Parish Councillor Robert Logan (Great Ashby), who resigned on 10 October 2017. Councillor Gary Hills (Great Ashby) was appointed by Full Council as his co-opted replacement on 18 January 2018.

#### **4. Monitoring Officer/Support to the Committee**

4.1 The Council's Monitoring Officer was Anthony Roche until 23 November 2017 and following his promotion to Deputy Chief Executive, Jeanette Thompson was appointed as Acting Monitoring Officer and Corporate Legal Manager. The Monitoring Officer is a statutory position under the Local Government & Housing Act 1989 and the role is to:-

- Support the Standards Committee and the Independent Persons;
- Contribute to the promotion and maintenance of high standards of conduct within the Council;
- Maintain systems and processes for dealing with allegations of breaches of the Councillor Code of Conduct;
- Investigate, or appoint someone to investigate, allegations of breaches of the Councillor Code of Conduct and report these, where relevant to the Standards Sub-Committee;
- Maintain the Councillors' Registers of interests;
- Act as a point of contact for advice and/or queries raised by Councillors;
- Organise training for Councillors on conduct-related and decision making matters;
- Maintain, reviewing and updates the Constitution for approval by Full Council;
- Advise on various issues, including legality, administrative and governance matters;
- Keep under review various governance-related policies, such as Anti-Bribery, Whistleblowing and Conflicts of Interest;
- Consider and may investigate whistleblowing concerns.

4.2 Further support to the Committee is provided by James Ellis and Gavin Ramtohal – Deputy Monitoring Officers, the Monitoring Officer Technical Support and PA 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*”. Additional resources or referrals may be required, and the Acting Monitoring Officer has confirmed that she has the necessary resources to meet the requirements of the role and/ or confidence that resources will be provided to deal with situations, should complex or conflicting circumstances arise.

## 5. Complaints

- 5.1. The Procedure for handling Standards Complaints was amended by the Standards Committee in October 2016 – and in the main involves the Monitoring Officer, or a Deputy Monitoring Officer considering complaints in consultation with an Independent Person. This includes taking steps to assess whether there is a prima facie case to answer and/or whether an informal resolution is appropriate, with relevant complaints being investigated and then possibly referred to the Standards Committee (Sub-Committee) for determination.

- 5.2. During 2017/18 the following 7 complaints/ issues were raised concerning:

- a District Councillor and the movement of a bin and alleged disrespectful behaviour. The decision was informal action, with the proposal that a meeting be facilitated between the then Deputy Monitoring Officer, Independent Person, Councillor and complainants to mediate a resolution of the matter. This was discontinued after the complainants ceased to co-operate with the process.
- three Parish Councillors regarding comments made at a meeting and it was concluded in accordance with the adopted Assessment Criteria that the matters complained of were minor or trivial in nature.
- a Parish Council. The complainant was advised that the Monitoring Officer only has the remit to deal with complaints about conduct of Councillors.
- a District Councillor who had failed to provide a response to correspondence. The issue was dealt with informally.
- allegations about a District Councillor and a planning matter. This was re-directed through the planning service. The complainant was contacted and provided with complaint form and contact details. No complaint was subsequently received.
- a District Councillor’s Declarable Pecuniary Interest (DPI), following a FOI request. This was considered by the Acting Monitoring Officer in consultation with the Independent Person and the decision reached that there was no DPI or case to answer. When this issue continued to be raised publicly, the Councillor self-referred to the Police. The Police concurred with the conclusions reached by the Acting Monitoring Officer, confirmed there was no DPI to declare and no further action would be taken.
- the behaviour of a Parish Councillor regarding a bin, close to the complainant’s property. This was considered by a Deputy Monitoring



Officer in consultation with the Independent Person who found no case to answer under the Assessment Criteria.

**Matters considered by the Committee**

***Review of the NHDC Code of Conduct and Councillor Interest Register of Interests process***

- 5.3 This was undertaken by the Standards Committee following an Officer and Independent Persons review of the Code of Conduct, the arrangements relating to the Register of Interests and amendments recommended and approved by Full Council in November 2017 (operative from 4 May 2018).
- 5.4 The Committee was also updated on a review of the Protocol with Hertfordshire Constabulary for the reporting of potential DPI offences. This was signed by NHDC, reported back to the Committee in February 2018 and will be used to guide any appropriate referrals.

***Consultations:***

***Disqualification criteria for councillors and mayors***

- 5.5 During the civic year the Committee participated in two consultations.
- 5.6 The first was from the DCLG on proposals to update the criteria that bar individuals from becoming or being a Councillor or directly-elected Mayor. The Government consultation proposed amendments to the disqualification criteria so that anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve in such a capacity. The proposals were that individuals would be banned from standing for office if they are 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.
- 5.7 The Committee provided its response, which was relayed to the DCLG as part of the consultation (closed on 8 December 2017). As at the date of this report the Government are said to be analysing the feedback received.

***Committee on Standards in Public Life- Review of Local Government Ethical Standards: Stakeholder Consultation***

- 5.8 The consultation commenced on 29 January 2018 and runs until 18 May 2018. The terms of reference for the consultation are to review the structures, processes and practices in local government in England for:
- Maintaining codes of conduct for local Councillors;
  - Investigating alleged breaches fairly and with due process;
  - Enforcing codes and imposing sanctions for misconduct;
  - Declaring interests and managing conflicts of interest;
  - Whistleblowing;
  - Assessing whether existing structures, processes and practices are conducive to high standards of conduct in local government;



- How the above can be improved;
- Noting any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

5.9 The Standards Committee considered the proposals at their meeting in February 2018 and their feedback was relayed to the Committee on Standards in Public Life. Following the submission of this, the Acting Monitoring Officer was invited to the roundtable discussion with the Committee on 18 April. At the stage of finalising the report the consultation is ongoing and conclusions / recommendations (and any action) are unlikely until the end of 2018.

## **6. Independent Persons**

6.1 The two Independent Persons, Nicholas Moss and Peter Chapman, play an important role and provide assistance to the Monitoring Officer and Deputy Monitoring Officers in dealing with Standards complaints. An Independent Person is involved in each complaint and consulted during the process.

6.2 The Independent Persons attend regular meetings with the Monitoring Officer and Deputies, and have also been involved in reviewing the NHDC Code, the Guidance on the Code of Conduct, training for Councillors and were part of the Panel that selected and interviewed the Community Councillor appointed by Full Council on 18 January 2018.

## **7. Training and Development**

7.1. Training was offered to Members on 24 May 2017 and will be provided on Tuesday 22 May 2018 to cover Member behaviour and the amended Code of Conduct; Finance – understanding how the Council is funded and role of the Councillor in that; and Principles of good decision making – helping to make effective decisions.

## **8. Other Areas of Work**

8.1. The Monitoring Officer, with the assistance of the Monitoring Officer Technical Support Officer, has reminded all new Councillors to submit their Register of Interests forms relating to Disclosable Pecuniary Interests and existing Councillors have been reminded to review and updated their interests' forms. As the process has changed with effect from 4 May 2018, new Register of Interests forms will need to be completed by all District Councillors and scanned versions (without signature) will be loaded on to the individual Councillors pages on NHDC's website. The use of the Modern.gov system will then be considered to deliver this process, once the arrangements are fully operational. Scanned versions of Parish, Town and Community Councillors forms will be placed (again without signature) on individual Council pages.





**9. Lessons Learned**

- 9.1. During this year one of the issues that has become apparent when dealing with complaints, is expectation – that of the complainant and the Councillors involved, bearing in mind the remit of the District Council, Monitoring Officer and any meaningful sanction that would be available if a complaint was upheld. Some complaints relating to Parish Councillors linked to disputes that would fall, more appropriately, as complaints relating to the functions or actions of the Parish Council (planning applications and other decisions – for example where bins have been placed). As there is no meaningful external avenues for such complaints (such as to the Local Government Ombudsman), the next route has been to complain to the Monitoring Officer. This could only be resolved if central government review alternative Parish Council complaint avenues.
- 9.2. The aim, in the meantime, is to continue to ensure that the Council provides a forum for genuine complaints against Councillors, without encouraging unrelated, minor or vexatious complaints.

**10. The Year Ahead**

- 10.1. The Committee is scheduled to meet twice during 2018/19 and will receive updates on Standards Matters. Any Sub-Committee determination meetings will be arranged on an ad hoc basis.
- 10.2. In terms of future work for the Committee, the Member Planning Code of Good Practice (last adopted 3.9.15, and reviewed by the Committee in 2016) Appendix 3 to Section 8 Constitution is due for a review during 2018/19. If this is proposed for any significant change, then this can be reported through to the Standards Committee for consideration prior to Full Council.
- 10.3. In terms of standards matters generally, it remains to be seen whether any proposals come forward for changing Councillor disqualification criteria, and / or ethical standards. Any recommendations would, in any event, have to be supplemented with legislative changes.

**11. Recommendation**

- 12.1 That Council receives this report on the work of the Standards Committee, and general standards matters in 2017/18.