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NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBERS, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON WEDNESDAY, 22ND MARCH, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Ruth Brown (Chair) Clare Billing, Val Bryant, Ralph Muncer, Sean Prendergast, Claire Strong, Gerald Morris, Ian Albert and Richard Thake.*

Town/Parish/Community Councillors: Parish Councillor Rebecca Elliott and Parish Councillor Martin Griffin.

Nicholas Moss OBE (Independent Person), non-voting advisory role.

John Richardson and Peter Chapman (Reserve Independent Person), non-voting advisory roles.

In Attendance:

James Lovegrove (Committee, Member and Scrutiny Manager), Jeanette Thompson (Service Director - Legal and Community) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).

Also Present:

There were 2 members of the public in attendance.

Councillor Morgan Derbyshire was also present.

28 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 33 seconds

Apologies for absence were received from Councillors Simon Bloxham, Mandi Tandi, James Denselow, Raj Bhakar and David Levett.

Having given due notice Councillor Gerald Morris substituted for Simon Bloxham and Councillor Richard Thake substituted for Mandi Tandi. It was also noted that, having given due notice, Councillor Ian Albert would be attending as substitute for the Labour Group vacancy on the Committee.

29 MINUTES - 22 JUNE 2022

Audio Recording – 2 minutes and 14 seconds

Councillor Ruth Brown, as Chair, proposed and Councillor Claire Strong seconded and following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 22 June 2022 be approved as a true record of the proceedings and be signed by the Chair.

30 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 58 seconds

There was no other business notified.

31 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 0 seconds

- (1) The Chair advised that, in accordance with Council policy this meeting would be audio recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair advised for the purpose of clarification Clause 4.8.23(a) of the Constitution does not apply to this meeting.
- (4) The Chair paid tribute to the late former Councillor Judi Billing and noted the commitment she demonstrated to standards across local politics, including Chair of this Committee.

32 PUBLIC PARTICIPATION

Audio recording – 4 minutes 55 seconds

There was no public participation at this meeting.

33 STANDARDS MATTERS REPORTS

Audio recording – 5 minutes 0 seconds

The Monitoring Officer presented the report entitled 'Standards Matters' and highlighted:

- There had been 30 complaints in 2022, 2 of these were informal and a further 20 came from the same complainant.
- This year there had been 2 complaints.
- Clarification had been requested regarding complaint 30/2022 and the information requested from the Complainant has been provided, and while the complaint was ongoing it was not pending due to lack of information requested.
- Code of conduct training for Members had been provided last year based on the Local Government Association and would be conducted again this year. There would not be a separate Parish Councillors session this year and they would instead be invited to attend the virtual session for District Councillors.
- The Independent Persons attended their annual training which included relevant updates on the Law.
- The Committee on Standards in Public Life continued to flag that there was a need to update and strengthen public standards at Local Government level.

The following Members asked questions:

- Councillor Clare Billing
- Councillor Richard Thake
- Councillor Claire Strong
- Councillor Val Bryant
- Councillor Gerald Morris

- Councillor Ralph Muncer

In response to questions the Monitoring Officer advised that:

- In respect of complaints from one complainant, it was confirmed that no further complaints had been received at this point in time.
- The Council had criteria for repeat complaints and the matter was considered under the unreasonable customer procedures and these were applied.
- In response to issues raised by Councillor Claire Strong, regarding alleged time limits provided to the Complainant, Cllr Morgan Derbyshire, on complaint 9/2022, to review the proposed apology on a few hours' notice, the Monitoring Office advised that this was the first time this had been raised, and no complaint had been received from Cllr Morgan Derbyshire regarding the proposed apology, and the Monitoring Officer would be happy to discuss this further with the Complainant outside of this meeting, but this would not have been just a few hours' notice.
- That on the Friday 2 December, a proposed apology had been received prior to the hearing of complaint 9/2022 set for 5 December. The Monitoring Officer had, in consultation with the Independent Person, decided that this addressed the complaint and accepted this according to the Procedure.
- In response to an enquiry from Councillor Ralph Muncer there is no requirement under the Complaint Handling Procedures for the Complainant to accept the apology. They are consulted. If no response is received from a Complainant, and in the 9/2022 case, bearing in mind the time constraints and potential for a hearing on the day, it was accepted having consulted the Independent Person.
- In response to an enquiry from Councillor Ralph Muncer regarding the investigation report for 9/2022, this case never went to a full hearing and any request would be considered in the light of the ICOs decisions and the information regimes.
- In response to an enquiry from Councillor Ralph Muncer final hearings for complaints, were usually public, but this would be dependent on representations made by the Councillor subject to the complaint/ their legal representatives and the Members of the Sub-Committee would consider in the light of legal advice.
- In response to an enquiry from Councillor Richard Thake on 30/2022, this would be raised with the Deputy Monitoring Officer with regards to this case.

In response to points raised the Independent Person responded that the whole process regarding complaint 9/2022 had been time consuming and careful consideration was given to the apology to ensure fairness for all parties. He did not have the papers before him, but from memory believed the notice given would have been more than a few hours. He also noted that this meeting was being held in public and the complaint was being discussed demonstrating transparency in the process.

Cllr Val Bryant, also indicated that she had been the Chair of the Standards Sub-Committee for 9/2022, and was content with the apology and her memory was that there was adequate notice provided of this.

Councillor Ruth Brown, as Chair, proposed and Councillor Clare Billing seconded and following a vote, it was:

RESOLVED: That the Committee noted the contents of the report and made suggestions on future actions.

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

34 REVIEW OF THE COMPLAINTS HANDLING PROCEDURE

Audio recording – 28 minutes 28 seconds

The Monitoring Officer presented a review of the Complaints Handling Procedure and highlighted the following.

- The Committee had requested a review of this procedure after it had been embedded.
- The Procedure had been reviewed considering the experience of handling complaints at the Council, but also in light of a Local Government Ombudsman (LGO) complaint which made the recommendations to another Council, to ensure the NHDC procedure was as robust as possible.
- These recommendations are shown and commented on at item 8.3, and elaborated on at item 8.4.
- Appendix A was the clean version where Appendix B included tracked changes to the Procedure. Appendix C is Hertfordshire Police's Protocol on Councillor complaints.

The following Members asked questions:

- Councillor Richard Thake
- Councillor Claire Strong
- Councillor Sean Prendergast
- Councillor Ian Albert
- Councillor Gerald Morris
- Councillor Ralph Muncer

In response to questions the Monitoring Officer advised that:

- Complaints against the Council can be made using the; Comments, Compliments and Complaints (3C's) Policy, by issuing Legal Proceedings or raised under the Member Officer Protocol regarding staff with their line managers or for more serious complaints under the Managing Misconduct Policy or Whistleblowing Policy for alleged illegal action and the matter will then be investigated or referred to the various bodies that the Council works with for example SAFS, SIAS and the Police.
- Item 1.1 related to Councillors Code of Conduct and not to complaints about the Council or its Officers.
- North Hertfordshire District Council is the correct legal entity of the Council, but corporately it had adopted North Herts Council.
- The time scale of 4 months, was in relation to the investigation element of the complaint and not the whole procedure length.
- Following investigation Members would be expected to attend a daytime hearing, and this can often cause delays to ensure all parties can attend.
- 21 days was 21 calendar days not working days.
- In respect of complaint 9/2022 and the apology issue raised, there is an implied expectation when a hearing is imminent with pending legal costs that all parties be open to communication. In relation to complaint 9/2022 the parties were due to attend the Final Hearing on 5 December and notice was given of the apology to the Complainant, Cllr Morgan Derbyshire on 2 December at around 1500 for a response by 900 on 5 December, which was considered an appropriate amount of time in the specific circumstances.
- When an e-form is completed, the complainant would receive an automatic reply from the system followed by a more formal reply.
- Complaints received by e-mails would be considered, but they rely on the correct address being entered and the person being in the office, and it was better to use the e-form.

In response to points raised the Independent Person suggested that for clarification, the word 'stage' be added to Investigation element of Section 6 to clarify the 4 months period and that days be clarified as 'calendar days'.

Councillor Ralph Muncer proposed that the Council be addressed as 'North Hertfordshire District Council' instead of 'North Herts Council' throughout the document entitled 'Councillor

Complaints Handling Procedure' attached as Appendix A to the report. This was seconded by Councillor Gerald Morris and following a vote, the amendment was agreed.

Councillor Claire Strong proposed that the word 'stage' be inserted in Section 6 of the document entitled 'Councillor Complaints Handling Procedure' attached as Appendix A to the report. This was seconded by Councillor Ian Albert and following a vote, the amendment was agreed.

Councillor Claire Strong proposed that where it is referenced 'days' this be amended to calendar days except in cases where working days is already specified in the document entitled 'Councillor Complaints Handling Procedure' attached as Appendix A to the report. This was seconded by Councillor Ian Albert and following a vote, the amendment was agreed.

Councillor Ruth Brown as Chair, proposed and Councillor Claire Strong seconded, and following a vote, it was:

RESOLVED:

- (1) That the Standard Committee considered and adopted the updated Councillor Complaints Handling Procedure at Appendix A, amended as follows: that references to 'NHC' be updated to 'North Hertfordshire District Council', that references to 'days' be updated to 'calendar days' except in cases where working days is already specified, and that 'stage' be added to the investigation part of the process in Section 6 of the procedure.

Councillor Claire Strong, proposed and Councillor Gerald Morris seconded, and following a vote, it was:

RESOLVED:

- (1) That the Standard Committee considered and adopted the updated Councillor Complaints Handling Procedure at Appendix A, amended.
- (2) That the Standards Committee delegated to the Service Director: Legal & Community the authority to make any consequential amendments to the Procedure, in consultation with the Chair of Standards Committee, Independent Person and Reserve Independent Persons.
- (3) That the Committee noted the updated Protocol recently signed with the Hertfordshire Constabulary regarding referrals/ complaints relating to Disclosable Pecuniary Interests (Appendix C).

REASON FOR THE DECISIONS: To ensure an updated Procedure is in place and to maintain effective arrangements within the Council.

The meeting closed at 8.31 pm

Chair

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