

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 contains a summary of the complaints received since the last report was presented as well as any other relevant issues that have arisen between Committee meetings on national standards issues and training.

2. RECOMMENDATIONS

2.1. That the Committee notes the content of the report and makes any suggestions on future actions.

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 is kept informed of Monitoring Officer and standards matters issues monthly, 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. Any relevant standards matters comments from the IPs meetings are part of the regular briefings with Group Leaders.

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

Complaints:

- 8.1 The Committee was last updated in March 2023 regarding the numbers of complaints/ summary and outcomes. During 2023, the Council has received 10 complaints of those two are ongoing in so far as the Council decision making is concerned.
- 8.2 As per normal practice a summary of the complaints and decisions against Councillors is provided since the last meeting (i.e. those listed as live at the last meeting, since concluded: (for complaints 9,25,26,27,28,29/2022; 1 & 2/2023 - [CLICK HERE](#)). This reporting below is compliant with the Committee on Standards in Public Life ('CSPL') good practice recommendations. Note, where the decision at assessment stage is informal action – the Councillors have not been named. Complaints are considered to be confidential, unless they have reached what will generally be a public stage of the Procedure (i.e. Sub-Committee hearing). The complaints are as follows:

Complaint about: Parish/ Town or District Councillor	Basic summary of complaint	Action <i>NB Independent Person/ R Independent Person involved in all stages of these complaints.</i>
30/2022 complaint against Parish Councillors, initially sent in by the Parish Council (received by them from a member of the public).	Complaint regarding conflicts of interests, bias and failure to provide information/ documentation. Clarifications provided by complainant regarding complaint during process.	DMO Decision: Informal action: training and both attended training. One to apologise. Failure to provide apology, reviewed by other DMO under section 5.11 Complaints Handling Procedure. as Cllr indicated unaware of what element of the complaint apology related to. Clarification provided to Cllr. Decision on review apology to be issued (and now issued).
3/2023 complaint against a Parish Councillor by a member of the public.	Alleged comments made by the Councillor regarding someone's resignation from the Council / other alleged behaviour.	DMO Decision: Councillor ceased to be a Councillor under the 6-month rule, the month following the complaint. No further action could be taken at that stage under the Procedure.
4/2023 complaint against Parish Councillors by member of the public.	Alleged failure to declare a pecuniary interest at a Parish meeting regarding a community body.	DMO: Referred to Police under Protocol: Decision by Police not a Disclosable Pecuniary Interest (DPI), no further Police action,

	Complainant sought review of complaint post Police, and clarified complaint.	suggested guidance to be provided if it became a DPI. MO Review of complaint post that; complaint clarified by complainant. Decision: not upheld complaint against one Cllr, other minor apparent breach – failure to declare Other Disclosable Interest – no further action given training completed following 30/2022 complaint/guidance already provided re interests, registers of interests updated.
5/2023 complaint against District Council by member of the public.	Alleged behaviour at District Council meeting.	MO Decision: warrants no further action as no evidence behaviour could have amounted to a breach of the Code.
6/2023 complaint against various Parish Councillors <i>potentially ongoing</i> .	Various matters alleged.	MO Clarification sought. No further action until or unless clarified. Potentially therefore ongoing at this stage.
7/2023 complaint against Parish Councillors by member of the public.	Clarification sought on the complaint. Clarifications summary: Amendments to Code of Conduct in meeting by Cllrs, to include ‘automatic’ dispensation amounted to interest, regarding other complaints (made by the complainant), which they could benefit from.	MO: Complainant indicated, in the context of the case/ subsequent developments, did not think anything would be served by proceeding with the complaint. Considered with R Independent Person, accepted this as a withdrawal. NB no finding on complaint. Council had (now) adopted North Herts version of Code with minor Parish amendments.
8/2023 complaint against District Council by member of the public.	T-shirt was inappropriate.	MO Decision: Not acting as a Councillor therefore no further action could be taken as not within scope of the Code.
9/2023 complaint against District Councillor ongoing.	Ongoing.	DMO.

10/2023 complaint against District Councillor ongoing.	Clarifications sought as to whether formal or informal complaint – to be dealt with informally.	MO.
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Complaints Handling Procedure:

- 8.3 In terms of the Complaints Handling Procedure, as the Committee is aware, this was last reviewed in March 2023 and there is an intention to review this and present again at the March 2024 meeting, as part of an annual review following the March 2023 amendments to it, and to see whether any amendments would be requires or advisable post consultation on a joint Complaints Code launched by the Local Government and Social Care Ombudsman (LGSCO).
- 8.4 The LGSCO and the Housing Ombudsman launched the consultation on the Code, ahead of statutory requirements under the Social Housing Regulation Act 2023. The proposed Code is aimed at overall complaints and the consultation will gather feedback and opinions from the public and stakeholders, which is to set out the standards for handling complaints about councils, care providers, and housing providers. That said, the LGA have indicated that status of the Code (subject to any further legislative changes) will be guidance based, as the LGSCO currently does not appear to have any statutory power to enforce against non-compliant providers of the proposed Code. The consultation is currently running from 28 September 2023 to 23 November 2023 [\[CLICK HERE FOR CONSULTATION\]](#)

Councillor training & IP training

- 8.5 Councillor training was provided post the elections in May 2023 virtually to District and Parish Councillors. This was recorded and undertaken by District Councillors who were required to undertake the session (either virtual or via internal District training platform - GrowZone). The former was compulsory for new District Councillors. The slides were distributed to all Parish, Town and Community Councillors post that session.
- 8.6 This was the last year of District election by thirds, and post the ‘all-out’ election in May 2024, a different recorded version will be made available to District Councillors to undertake via Growzone. Arrangements for local Parish training will be considered.
- 8.7 The IPs attended the annual IPs training in April 2023. This was a good opportunity to be updated on national issues and share good practice.

National standards matters

Planning Code of Good Conduct:

- 8.8 It was the intention to bring a report regarding the Planning Code of Good Practice (**Appendix 8 to Section 8 of the Council’s Constitution**). This, Councillors will recall/ should be made aware, was based on a national model prepared by the Lawyers in Local Government ‘LLG’, in 2014, and it has previously endorsed by the Supreme Court.
- 8.9 However, at a national governance lead meeting held on 13 October, the LLG lead governance officer indicated that it was in the process of reviewing the Planning Code and that this should be available in the next few months. The intention is therefore to review this updated version at the next Standards Committee meeting in March 2024, with any amended version being recommended for adoption to Council in April 2024.

Committee on Standards in Public Life:

- 8.10 As Councillors will see from the CSPL Blog in September, Lord Evans explores the issue of Lobbying and building a culture of openness and transparency in the Parliamentary arena:

[\[CLICK HERE\]](#). You can also find Lord Evans keynote speech on upholding standards in public life [\[CLICK HERE\]](#)] which marks the end of his five-year term as Chair of the CSPL.

Monitoring Officer Conference 2023:

- 8.11 As part of the 2023 Monitoring Officer conferences, delegates were updated about the possible changes that may arise with regards to the Standards regime (Parliamentary as well as potentially Local Government) following any change in central government administration. Any changes remain to be seen, and the extent of how these will address or be aimed at local 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 None.

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.