

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 with as well as any other relevant issues that have arisen between Committee meetings on relevant national issues.

**2. RECOMMENDATIONS**

**That the Committee**

- 2.1. notes the content of the report and makes any suggestions on future actions.
- 2.2. delegates to the Monitoring Officer, in consultation with the Chair, Vice Chair any appropriate amendments to the Complaints Handling Procedure – following the publication of the Local Government & Social Care Ombudsman Code (as detailed in 8.3-8.5).
- 2.3. recommends that any Parish, Town and Community Councillors who have been newly elected/ or not undertaken training on the Code of Conduct during the last 12 months, undertakes Code of Conduct training, as supplied by the Council / or LGA within [2] months of their election or co-options, whichever is the later date.

***Recommends to Full Council:***

- 2.4. that all District Councillors should undertake post, all-out election training on the Code of Conduct within [2] months of their election (or availability of the training) whichever is the later date.

**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 November 2023 regarding the numbers of complaints/ summary and outcomes. During the calendar year of January 2023 – December 2023, 11 complaints/ issues been received, 1 after the last meeting. Since January 2024, 4 have been received; of those, 1 is ongoing in so far as the Council’s decision making is concerned. Those reported below, are complaints that have concluded and/ or been received since the November 2023 meeting.
- 8.2 As per normal practice a summary of the complaints and decisions are provided since the last meeting. 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:

<b>Complaint about: Parish/ Town or District Councillor</b>	<b>Basic summary of complaint</b>	<b>Action</b> <i>NB Independent Person/ R Independent Person involved in all stages of these complaints.</i>
9/2023 complaint against District Councillor.	Alleged lack of respect towards another District Councillor at a council meeting	DMO: did not meet threshold for breach of the Code, therefore, decision: warrants no further action.
10/2023 complaint against District Councillor ongoing.	Alleged comments and behaviour at Planning Control Committee were disrespectful towards an officer.	MO: did not meet the threshold for breach of the Code, therefore decision: warrants no further action.
11/2023 Complaint issue regarding District Councillor	Decision made and potential conflict.	MO: decision informal action. Training to be provided to Councillor within 2 months; rectification of Register of Interests. Latter complete and training arranged for April.

1/2024 Complaint against District Councillor	Treatment of Members and the way the business of the Committee was conducted.	DMO: no apparent breach of the Code, therefore decision no further action.
2/2024 Complaint against District Councillor	See 1/2024.	DMO: no apparent breach of the Code, therefore decision no further action.
3/2024 Complaint against a Parish Councillor – ongoing.	Ongoing.	MO.
4/2024 Complaint against a District Councillor – ongoing.	Alleged unsatisfactory behaviour of Councillor (and officer) at a meeting.	DMO: no further action as out of time in relation to the Councillor complaint. Officer complaint referred internally.

### Complaints Handling Procedure – recommendation 2.2:

8.3 In terms of the Complaints Handling Procedure, as the Committee is aware, this was last reviewed in March 2023 and there was an intention to review and present this at this meeting. It was understood, following the November 2023 Standards Committee meeting, that there was an ongoing consultation on a joint Complaints Code launched by the Local Government and Social Care Ombudsman (LGSCO), and that officers would wait until the outcome of that - to see if any areas applied to Councillor complaints and/ or would be appropriate to incorporate during any review.

8.4 The post consultation Code has recently been published in February<sup>1</sup> 2024 and whilst the LGO state on their website that the Code applies from April 2024, they have also set out<sup>2</sup>:

*“The Code was launched in February 2024. Local councils are encouraged to adopt the Code as soon as they are able to do so. **We intend to start considering the Code as part of our processes from April 2026 at the earliest.** This gives local councils the opportunity to adopt the Code successfully into working practices. During the first two years we will be working with a number of pilot councils to understand the impact of the Code and provide further guidance to the sector...”*

8.5 The Committee should note that the Code and its recommendations will obviously be considered and incorporated into the Council’s overall complaints processes *if appropriate* i.e. “3 C’s” (although the Council’s Customer Services Manager has previously indicated that the Council’s Policy was already compliant with the proposed Code).

8.6 Otherwise, from preliminary consideration, the Councillor Complaints Handling Procedure, also appears to be largely consistent with the Code. However, at this stage, given the recent publication there has been insufficient time to consider how and/or to what extent any amendments can or should be applied to Councillor complaint handling. It is therefore recommended that work will continue after this meeting with the Chair, Vice Chair, Independent Person, and Reserve Independent Persons, with any appropriate amendments being incorporated and notified to the Committee. The formal recommendation 2.2 covers this point.

<sup>1</sup> [Local Government & Social Care Ombudsman Complaint Handling Code April 2024](#)

<sup>2</sup> [Source: LG&SCO Complaint Handling Code](#)

## **Councillor training & IP training – recommendation 2.3 -2.4**

- 8.7 As indicated at the last Committee meeting, the formatting and approach to training is being reviewed. The aim being to provide an interactive, pre-recorded Code of Conduct session for all Councillors as part of the induction – rather than ‘live’ sessions. The Deputy Monitoring Officer will be looking at putting together a format and this will hopefully be available post-election *on Growzone for District Councillors* to complete. It is also anticipated at this time that this could be made available to local Councils via YouTube – however, this is still being assessed. The Committee should note that the Local Government Association (LGA) is also commissioning training and that this could, subject to their permission, be made available to local Councils once produced. The current LGA commissioning timetable for this, is that the materials will be returned to the LGA by the supplier by 7 June, although it is unclear when this will be made available to the wider LGA membership. For that reason internal options are being explored for District Councillors.
- 8.8 As the Committee is aware, the Council will be undergoing all out elections in May 2024, and it is therefore recommended that training is compulsory for all District Councillors and (as appropriate) for any Parish/ Town/ Community Councillors to complete within 2 months of either their election or the availability of the training, whichever is the latter. The two issues are covered in the recommendations detailed in 2.3-2.4.
- 8.9 The IPs will attend the annual IPs training in April 2024. This was a good opportunity to be updated on national issues and share good practice.

### **National standards matters**

#### **Planning Code of Good Conduct:**

- 8.10 This is covered in a separate report.

#### **The Future of Councillor-Officer/ Protocol for Member/ Officer Working Arrangements:**

- 8.11 At the tail end of 2023, the Association for Public Service Excellence, ‘APSE’ produced an interesting analysis of the changing dynamics behind the working relationships of Councillors and Officers. APSE denoted that:

*“The traditional role of political leaders setting direction and policy, with senior local government officers presenting the operational solutions to implementation, has, in many cases, transformed into much more nuanced, and on occasions, strained relationships. Whilst there remains an overriding respect for each other’s roles, the confines of resource limitations, and regulatory duties, which govern how that political vision can be turned into a legitimate reality, can test the parameters of this traditional arrangement.”*

- 8.12 The value in any such report is to recognise that traditional Member/ Officer relations have and are changing. The Committee is therefore invited to consider the APSE’s report and recommendations, and whether it believes that the Council would benefit from further work in this area. This could include a review of the Protocol for Member/ Officer Working Arrangements in the light of this. The recommendations can be found at pages 6-7 of the report [[CLICK HERE](#)].

- *Firstly, political leaders should strive to communicate to officers a clear strategic direction and priorities.*
- *Secondly, officers and members should meet regularly to discuss officer-member relations and the values and expected behaviours of each party.*

- *Thirdly, and in tandem with the recommendations above, councillors should subscribe to a 'no surprises' policy with officers informing councillors of potential challenges and 'pinch points' in any decisions.*
- *Fourthly, councils should review their inductions programmes for new members and officers, evaluating how far such programmes effectively communicate the expected values and behaviours of officer and elected member.*
- *Fifthly, authorities should also take stock of the formal and informal channels through which officers and members come into contact.*
- *Finally, local authorities should review and re-assess formal governance mechanisms, for whilst the craft or astuteness of officers and elected members is central to everyday working, it is formal governance procedures that ensure the legitimacy of decision-making and the foundations for effective relations over time.*

These are further expanded under the conclusions and recommendations on pages 21-23.

## **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**

16.1 None.

**17. CONTACT OFFICERS**

17.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer): [Jeanette.thompson@north-herts.gov.uk](mailto:Jeanette.thompson@north-herts.gov.uk)

17.2 Isabelle Alajooz, Legal Manager (& Deputy Monitoring Officer): [Isabelle.alajooz@north-herts.gov.uk](mailto:Isabelle.alajooz@north-herts.gov.uk)

**18. BACKGROUND PAPERS**

17.1 None other than those referred to/ linked above.