



STANDARDS COMMITTEE

ANNUAL REPORT 2023/24

FOREWORD

Councillor Ruth Brown
Chair the Standards Committee 2023-24

I am pleased to present this Annual Report which provides a summary of activities in 2023/24 of the Standards work and work of the Committee.

The Committee was able to review and recommended changes relating to the Member Planning Code of Good Practice – to provide clear direction on how Councillors should involve themselves in the District's planning and development control. We know that complaint handling is important, to all those involved in the process – so I am gratified that the Committee, Chair, Vice Chair and Officers (and Independent Persons) has continued to look to improve its practices and enhance public confidence by responding to representations and considering best practice – most recently by updating the Councillor Complaints Handling Procedure. While specific numbers of complaints do not always correspond to the work involved, its essential to deal with these fairly and proportionately and note that the complaint numbers have significantly fallen over time.

Going forward, I am sure that the Committee will continue to promote and maintain high Councillor standards, whilst noting the individual responsibility that all Councillors (including Parish, Town, and Community Councillors) have for ensuring they act appropriately.

I would like to thank our Independent Persons Nicholas Moss OBE and the Reserve Independent Persons Peter Chapman and John Richardson, the Parish Councillor co-optees, for their assistance to the Council during this period. I would also like to thank the Monitoring Officer and Deputy for their work during this time.

I recommend that Council receives this report.

Cllr Alistair Willoughby
Chair of Standards Committee 2024-25

As Chair this year, I am delighted with the progress we made last year in promoting local ethical standards.

Our commitment to transparency, integrity, and accountability has strengthened the way we deal with Councillor actions and complaints. Looking ahead, I eagerly anticipate collaborating with the Committee to address ethical matters, enhance public trust, to uphold the highest standards for our residents.

1. Introduction

- 1.1 This report covers the civic year 2023/24. During that year, the Committee met twice, on 1 November and 27 March. During the meetings, the Committee considered local and national standards issues, complaints, training, the Complaints Handling Procedure, and the Planning Code of Good Conduct.

2. Role of the Standards Committee

- 2.1 The Standards Committee's terms of reference are set out in section 7 of the Council's Constitution [\[click here for website page\]](#). As such the main Committee is an overseeing body in relation to general ethical and standards matters. Specific complaints are largely dealt with by the Monitoring Officer and Deputy in conjunction with the Independent Person (IP) and Reserve Independent Persons (ResIPs). If a complaint progresses to a hearing stage, then a Sub Committee of the main Committee would consider this under the adopted Procedure.

3. Members of the Committee

- 3.1 The Committee should have up to 14 members comprising of 12 District Councillors and a maximum of 4 non-voting co-opted Parish, Town & Community Council members. In 2023/24, the membership was:

| | |
|-----------------------|------------|
| Councillor Ruth Brown | Chair |
| Councillor Ian Albert | Vice-Chair |

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|--------------------------------|------------------|
| Councillor Raj Bhakar | Committee Member |
| Councillor Clare Billing | Committee Member |
| Councillor Cathy Brownjohn | Committee Member |
| Councillor Val Bryant | Committee Member |
| Councillor Juan Cowell | Committee Member |
| Councillor Dominic Griffiths | Committee Member |
| Councillor Gerald Morris | Committee Member |
| Councillor Ralph Muncer | Committee Member |
| Councillor Sean Prendergast | Committee Member |
| Councillor Richard Thake | Committee Member |
| Councillor Alistair Willoughby | Committee Member |

Co-opted, non-voting, Members:-

Parish Councillor Rebecca Elliott (St Ippolyts)
Parish Councillor Martin Griffin (Graveley Parish Council)

- 3.2 The Committee meetings are also attended by the IP and ResIPs, who attend in an advisory (non-voting) role.

| | |
|-------------------|-------|
| Nicholas Moss OBE | IP |
| Peter Chapman | ResIP |
| John Richardson | ResIP |

4. Monitoring Officer/Support to the Committee

- 4.1 Jeanette Thompson is the Council's Monitoring Officer and Service Director Legal & Community. The Monitoring Officer is a statutory role that:-

- Supports the Standards Committee and the IP and ResIPs
- Maintains systems and processes for dealing with allegations of breaches of the Code of Conduct for Members
- Investigates and reports to the Standards Committee on allegations of breaches of the Code of Conduct for Members
- Has rights of access to any information from Members and/or officers in connection with a standards complaint
- Maintains registers of Councillors' interests
- Acts a point of contact for advice and/or queries by elected members
- Maintains and updates the Constitution.
- Together with other statutory officers, contributes to the promotion and maintenance of high standards of conduct within the Council and advises on various issues, including administrative and governance issues

4.2 During the report period in question, there were 2 Deputies (up to October 2023) and then one, Isabelle Alajooz, providing further support, together with 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”. Where internal resource is limited, or there are potential conflict situations, support can be obtained externally.

5. Complaints

5.1. Changes to the Standards regime were introduced in July 2012 following the Localism Act 2011. Although it was no longer a statutory requirement to have a Standards Committee, Full Council approved the retention of a Committee to deal with the post investigation hearing of complaints and adopted a new Councillor Code of Conduct and a Procedure for dealing with standards complaints. Each Parish, Town & Community Council also adopted a Code of Conduct and the District Council has the responsibility for dealing with any Code of Conduct complaints about Parish, Town & Community Councillors.

5.2. This Council has reviewed its Code on a number of occasions since, most recently adopting the Local Government Association model (with minor local adjustments) in 2021. This version can be found in section 17 of the Constitution [[click here](#)]. This version was then adopted by most local Councils within the North Herts district, providing a degree of consistency across our area.

5.3. There is a statutory requirement to have arrangements in place to deal with Complaints for District and Parish, Town, or Community Councillors. The Procedure for handling Standards Complaints was first adopted by Full Council in July 2012 and has been amended by the Standards Committee, often yearly (in the light of experience of dealing with complaints/ lessons learnt). It was reviewed in March 2023, and most recently a report was taken in March 2024 to the Standards Committee [[click here](#)]. The Procedure was subsequently considered/ reviewed by the Chair, Vice Chair, IP, and ResIPs, Monitoring Officer and Deputy, in the light of The Local Government & Social Care Ombudsman Code published in February 2024 (applicable from April 2024), its website covering complaint handling, and Local Government Association’s Guidance on Member Model Code of Conduct Complaints Handling, other

representations made, before an updated version being approved on 25 June [\[click here Delegated Decision\]](#). The updated Procedure can be found on the relevant Councillor Complaints page: <https://www.north-herts.gov.uk/complain-about-councillor>. The Delegated Decision sets out the matters considered and the rationale for any of the amendments made.

- 5.4 In terms of complaints received, these are recorded by calendar, as opposed to civic year. During 2023 the Council received 11 complaints, and to date 7. Summaries of these complaints can be found in the Standards Matters reports to the Committee from November and March [[1 November 2023 report click here](#) & [27 March 2024 report click here](#)]. At the point of preparing this Annual report, none are outstanding. Whilst the numbers appear to be low, that does not necessarily reflect the time associated with the complaints, and whilst most are dealt with in-house, one was referred out for external consideration/decision.

6. Independent Persons

- 6.1 The Council is required to appoint an Independent Person and should have at least another as a reserve to provide support in terms of conflicts, or as a nominated contact for Councillors subject to a complaint. Nicholas Moss OBE is the IP and Peter Chapman and John Richardson the ResIPs for the year in question. They were appointed by Full Council on 24 September 2020, for a term of up to 4 years (at 2 year / a review and extension for a further 2 years). Their term currently expires on 23 September 2024. Their role has been and continues to be, to provide independent input into the standards process, as required by the Localism Act 2011. An IP is consulted on complaints received and prior to a decision being reached.

- 6.2 Mr Moss OBE, as the primary IP, has provided the following comments, regarding the past Standards year:

“In the past year I have continued to attend each meeting of Standards Committee and other regular meetings involving the chair of the Standards Committee and the Monitoring Officer. I have been reassured by those discussions that Members appreciate the importance of the code of conduct: common sense principles to guide them in their role and to set out for the public the standard of conduct they can expect from their elected representatives.

As set out elsewhere in this report there have been relatively few complaints, given the substantial numbers of District and parish Members for which this authority has complaints responsibility. That said, there have been incidents at both levels indicating that some Members’ grasp of their responsibilities towards declarations of interest has not been as clear as it might be. There were no instances of lapses so serious that they have led to criminal proceedings. Nevertheless, those that have arisen suggest that this is an aspect of the code that would benefit from further study, via the new on-line training video.

I have noted also instances of Members complaining about other Members. I have wondered if they were prompted by political considerations rather than as well-founded matters of conduct. I have wondered, too, if the public might ask themselves the same question.

Conversely, I have offered my views on complaints from members of the public asserting that councillors had breached the code when, in fact, the complaints had been prompted by their dissatisfaction with a properly-made Council decision. Redress for the former is through the complaints process. For the latter it is through the ballot box.

Of course, the unfettered right of a member of the public to make a complaint is fundamental but I am pleased that the complaints procedure makes clear that distinction. The clarification reflects the fact that the code is not intended to hobble members as they carry out the duties for which they were elected.

I have contributed also to a number of reviews of instruments related to Member conduct, most recently the Planning Code of Good Practice. Again, I am encouraged the Council has adopted an updated version in an area of its responsibilities that can be particularly contentious. At the time of writing, the current edition of the complaints procedure is under review and I am confident that the revised version will reflect considerations that have come to officers' attention since the last review. I have been pleased to contribute to that process, also.

I understand that, as part of the Council's imminent governance review, it will contemplate the future of the Standards Committee. I hope that any changes that might be proposed will not give a mistaken impression to the public that it serves that the Council's commitment to promoting and to maintaining high standards has been diluted.

Nicholas Moss
Independent Person
June 17th 2024"

- 6.3 The Chair, Vice Chair and Monitoring Officer are currently undertaking a recruitment exercise for the IP and ResIPs and any recommendations they make following this will be brought to Full Council for approval on 19 September 2024.

7. Parish, Town, and Community Councils

- 7.1 The Monitoring Officer provides advice and support to the Parish, Town, and Community Councils in the district and this includes the Standards complaints dealt with in 2023/24 referred to in the reports. This covers advice, where relevant, on standards and complaint matters, although with resources or requests made, this may not be to the level that some of the local Councils desire. That said, the Council provided general Code of Conduct training on line, during the 2023 period, liaised with Hertfordshire Association of Parish & Town Councils to provide additional support and attempts to assist, where resources allowed. In respect of 2024 training/ other requirements, see below.

8. Training and Development

- 8.1 During 2023, post-election Code of Conduct training was provided in a live on line session to District and Parish, Town, and Community Councillors, with a recorded version of this available on the Council's Growzone resource for District Councillors.
- 8.2 As part of the agreed Standards Committee approach for 2024, a new recorded on line version was made available – prepared by the Monitoring Officer and Deputy and this was delivered with the assistance of AI, with an online test at the end of the session.
- 8.3 Councillors will note that as part of the March 2024 meeting, the Standards Committee recommended that all Parish, Town, or Community Councillors undertake training within 2 months of election or co-option. This was confirmed to the local Councils and the resource made available on the Council's YouTube (and confirmed to the Councils) on 17 June.

- 8.4 Standards Committee also recommended to full Council that mandatory training, be undertaken by all District Councillors (newly or re-elected) within 2 months of election (or provision of the online resource). At its meeting on 18 April 2024, Full Council resolved:

RESOLVED: That all District Councillors 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.

- 8.5 This is a presentation and test format. Both elements must be completed to meet the mandatory requirement, and this is monitored through the Council's learning and development team. This was made available and confirmed to District Councillors on 30 May.
- 8.6 At the point of preparing this report, only 10 of the 51 District Councillors have undertaken the training, therefore any Councillor who has not done so, should access and complete both elements of the mandatory training **before 30 July**.

9. Other Areas of Work

- 9.1 The Monitoring Officer, with the assistance of the Monitoring Officer's PA, Penny Copestake, has tried to ensure that all new Councillors have submitted their Register of Interests within the statutory period. District Councillors are obliged to do this via the on-line form and should have done so within 28 days of election. Failure to do so is a potential criminal offence. Those re-elected should confirm that their interests remain the same or update them within the same period. The requirement to make such a disclosure is statutory and Code based. This means that the deadline for this to be undertaken was **by 31 May**. Since the election various emails/ calls have been made to encourage completion/ information. At the point of preparing this report 5 District Councillors have not done confirmed their interests.
- 9.2 There are also a number of other election/ Local Councillor related activities that are undertaken, including receipt of declaration of acceptance of office and Registers of Interest received from local Councillors (in any given period 200 – 300), with the requirement to update paper based forms and return these to the Monitoring Officer within 28 days. Such information is then made available on the Council's website via the relevant local Council page.
- 9.3 The Monitoring Officer maintains a regular dialogue with the Council's other Statutory officers to consider and review governance arrangements. The Monitoring Officer also maintains regular dialogue around Governance with her equivalents across Hertfordshire and the wider region through the Public Law Partnership (which she Chaired from 2023- 2024) and Eastern region of Lawyers in Legal Government.
- 9.4 The Monitoring Officer has published a number of briefing/advice notes in the Members Information Service in 2023/24 including on the issues of Pre-Election Restricted Periods.

10. Lessons Learned

- 10.1 The learning from dealing with the complaints made since 2023/24, has been incorporated into the revised Procedure for handling Standards Complaints.

These, as indicated, have been summarised in the Delegated Decision of 25 June (see above). In summary, these centred around informal resolution of complaints, the perceived need for greater guidance / transparency relating to those – including specific concerns raised over the nature and time for apologies. Whilst complaints dealt with under informal resolution remain confidential (because no decision of breach of the code has been reached) it is believed that the additional information within the amended Complaints Handling Procedure shall assist those making complaints, those subject to them and those handling them.

11. The Year Ahead

- 11.1 The Committee is scheduled to meet twice during 2024/25 and will receive updates on Standards Matters.
- 11.2 Council will note that there is no specific legal requirement to retain a Standards Committee, although North Herts has retained one since the legislative changes come into force in 2012. It is still important to keep that role and remit of the Committee (link at 2.1) under review and as such it shall be reviewed as part of the Constitutional & Governance Working Group for 2024/25. This could include consideration of the format of the Committee and whether this remains a 'stand-alone' decision / or recommending body.

12. Recommendation

- 12.1 That Council receives this report on the work on standards matters and notes the issues being reviewed in 2024/25.