

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON WEDNESDAY, 27TH MARCH, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Ruth Brown (Chair), Ian Albert (Vice-Chair), Clare Billing, Val Bryant, Juan Cowell, Dominic Griffiths, Ralph Muncer, Sean Prendergast, Richard Thake and Alistair Willoughby*

Parish Councillor Rebecca Elliott and Parish Councillor Martin Griffin, non-voting advisory role.

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

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

In Attendance: *Isabelle Alajooz (Legal Manager and Deputy Monitoring Officer), Callum Reeve (Democratic Services Apprentice), Jeanette Thompson (Service Director - Legal and Community) and Sjanel Wickenden (Committee, Member and Scrutiny Officer)*

Also Present: *There were 2 members of the public, including registered speakers present.*

41 APOLOGIES FOR ABSENCE

Audio recording: 1 minute 7 seconds

Apologies for absence were received from Councillor Raj Bhakar, Councillor Gerald Morris and Reserve Independent Person John Richardson.

Councillor Cathy Brownjohn was absent.

42 MINUTES - 1 NOVEMBER 2023

Audio Recording: 1 minute 33 seconds

Councillor Ruth Brown as Chair proposed and Councillor Ralph Muncer seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 1 November 2023 be approved as a true record of the proceedings and be signed by the Chair.

43 NOTIFICATION OF OTHER BUSINESS

Audio recording: 2 minutes 14 seconds

There was no other business notified.

44 CHAIR'S ANNOUNCEMENTS

Audio recording: 2 minutes 17 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be 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 that section 4.8.23(a) of the Constitution did not apply to this meeting.

45 PUBLIC PARTICIPATION

Audio recording: 2 minutes 58 seconds

The Chair confirmed that the registered speaker was in attendance.

The Chair invited Mr David Cook to address the Committee regarding the Standards Matters Report. Mr Cook thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He had circulated documents to Members with his ideas.
- The purpose of this Committee was to inspire confidence in governance arrangements, and he had provided some ideas that could enhance and improve these arrangements and to stimulate thoughts for the future.
- The governance arrangements were at the heart of the code of conduct policy and provided Councillors a clear understanding of the expectations.
- There were references to Chairman throughout the policy document and these should have been changed to Chair.
- It would be useful for an appendix to be attached to the Council report with information regarding how apologies should be handled, especially as this was the most likely outcome of a complaint.
- The appendix should include a timeline for apologies and highlight that all apologies should be sincere.
- There should be clear consequences if an apology deadline was missed.
- The Minutes of the meeting of the Committee in March 2023 said the recipient of an apology would be consulted. However, this was not reflected in the policy and there were concerns that this was unclear.
- It was unclear in the policy what was deemed an acceptable apology, whose judgement decided if an apology was acceptable and could Officers offer assistance.
- The Policy was unclear on whether an apology was still sincere after, missed deadlines, ongoing negotiations and when it was not accepted.
- The Policy should inspire confidence regarding the expectations following a complaint, these expectations were still unclear for all parties.

The following Members asked points of clarification:

- Councillor Ralph Muncer
- Councillor Richard Thake
- Councillor Val Bryant

In response to points of clarification, Mr Cook advised that:

- Previously he was a Chief Executive of a Local Authority and was recruited to work at the Improvement and Development Agency as well as being a concerned citizen.
- The policy was unclear on how many times it was acceptable to miss an apology deadline. A recipient should be given a clear timescale and if these deadlines were missed the matter should be escalated.
- There were differences when a complaint was handled by the Committee to those handled as informal resolutions.
- The biggest deterrent to complaints was public knowledge. Currently the Committee received an abridge report for any complaints that were handled informally.
- The policy lacked clarity as to whether the level of experience of a Councillor or the duration over which the complaint related to should be considered, and this needed to be more transparent.
- Should a vexatious complaint be upheld then the likelihood was that the complaints were not vexatious. No one should be discouraged from submitting any complaint.

The Chair clarified that all complaints were reviewed by the Independent Person, and a judgement was made regarding formal or informal action. Informal complaints were held in confidence as stated in 8.2 of the policy, however there were some exceptions.

The Chair thanked Mr Cook for his presentation.

46 STANDARD MATTERS REPORT

Audio recording: 20 minutes 17 seconds

The Chair invited the Deputy Monitoring Officer to present the report entitled 'Standard Matters Report' including that:

- The recommendations contained in this report were in place to ensure good governance within the Local Authority.
- The complaints received since the last meeting were summarised at 8.1 and 8.2 of the report.
- The Complaint Handling Procedure was detailed at 8.3 of the report and related to recommendation 2.2.
- The Complaint Handling Procedure was largely consistent with the Code published at the end of February 2024 however, work was ongoing to incorporate any appropriate amendments.
- The details concerning recommendations 2.3 and 2.4 were highlighted at 8.7 to 8.9 of the report and related to the compulsory training for District Councillors after the May 2024 election, and where appropriate, training for Town and Parish Councillors.
- Councillor, Officer working arrangements were detailed in paragraphs 8.11 and 8.12 of the report.
- Paragraph 8.12 summarised, the recommendations from the report of the Association for Public Service Excellence.

The following Members took part in debate:

- Councillor Ralph Muncer
- Councillor Ruth Brown
- Councillor Ian Albert
- Councillor Richard Thake
- Councillor Dominic Griffiths

Points raised in debate included:

- The Member-Officer Protocol should be continually reviewed.
- Members and Officers were two distinct roles but with the aim to deliver vital services to residents in North Herts and it was important that the distinction between the two was recognised.
- The Member-Officer Protocol was very important and training would be provided after the election which would be beneficial to Members in understanding the relationship to maximise benefits to residents.
- Mr Cook gave a valuable and informative presentation, consideration should be given to his suggestions.
- There was always room for improvements.
- The details of the formal and informal channels stated in paragraph 8.12 was unclear.
- Online training did not allow Members to ask points of clarification.
- Interactions during face-to-face training increased learning.
- Questions could be sent to Officers and new Members could buddy up with existing Members.
- GrowZone logged when training had been completed and required questions to be completed before moving to the next training section.

In response to points raised in debate, the Deputy Monitoring Officer advised that:

- There was a full link in the report that expanded on the summary at paragraph 8.12 of the report.
- The Code of Conduct training would be interactive and would explain the salient parts of the constitution.

In response to points raised in debate, the Monitoring Officer advised that recommendation 2.3 required Members to confirm and approve that, 2 months was viable for the completion of the 1-hour training course for Councillors.

Councillor Ruth Brown proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED: That the Committee

- (1) Noted the content of the report and made suggestions on future actions.
- (2) Delegated 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).
- (3) Recommended 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.

RECOMMENDED TO COUNCIL: 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.

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

47 MEMBERS PLANNING CODE OF GOOD CONDUCT

Audio recording: 40 minutes

The Monitoring Officer presented the report entitled 'Members Planning Code of Good Conduct' and highlighted the following that:

- This was due to have been reviewed in 2023 but at that time the Lawyers for Local Government (LLG) had instigated a review. Their review had now been completed. The previous Code had been endorsed by the supreme court.
- LLG had made some minor amendments relating to social media that would strengthen the code.
- The Planning Code of Conduct at North Herts Council was last amended in 2020.
- The recommended code was based on the LLG model with some minor localised amendments and adopted some Local Government Association (LLG) model items.
- There had previously been a summary at the back of the code, this had now been moved to the beginning of the code.
- Amendments to the Code of Conduct had been included as tracked changes.
- There was a typographical error on page 20 with an additional 'e' in the tracked word registerable.
- There was a typographical error on page 22, it should read 'your wish to speak' at the second bullet point instead of you wish to speak.
- There was a typographical error on page 26 with a missing 'it' in section 11 Planning Enforcement.
- The code was robust and would assist Members.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Ralph Muncer
- Councillor Val Bryant
- Councillor Richard Thake
- Councillor Alistair Willoughby
- Independent Person Nicholas Moss
- Reserve Independent Person Peter Chapman

In response to questions, the Monitoring Officer stated that:

- The last bullet point of the summary should read as 'attend other specialist training if offered' rather than if made. Otherwise, there were no actual changes to the summary, other than its position in the Code.
- Members on the Planning Control Committee were made aware of the code through planning training and Code of Conduct training, and it was essential that Members understood interests and any conflicts.
- New Members can contact the Monitoring Officer, Deputy Monitoring Officer and Committee Services for advice on procedures.

In response to questions, the Chair stated that:

- References under point 7, bullet point 6 should be to "Ward Member", not "Division", and the Code could be updated to reflect this.
- Newly elected Members would have support from their own party as well as Officers, the Monitoring Officers and Committee Services.
- This year there would be in person training from the Planning Advisory Service (PAS) that would be mandatory for all Planning Control Committee Members.

Wednesday, 27th March, 2024

- There would be more in-depth and detailed training provided throughout the next 4 years including on Masterplanning.
- There would be basic training yearly to highlight any planning changes that had occurred throughout the year.
- The Planning training would take place on 6 June 2024.
- All Members considered planning matters and the training would assist in their knowledge of planning considerations.
- Parish Councils were statutory consultees for planning applications, work would be ongoing regarding their understanding of the planning system and the consideration for Section 106 (s106) payments.
- Parish Councils were able to make requests and proposals for s106 payments in their parishes.
- Newly elected Members would be informed to contact Planning Officers directly for advice and to build their own planning knowledge.

Councillor Ruth Brown proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED: That the Committee reviewed the new model Members Planning Code of Good Practice.

RECOMMENDED TO COUNCIL: The adoption of new Code (Appendix A to this report) as the Appendix 1 to Section 8 of the Constitution replacement, with proposed appropriate amendments.

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

The meeting closed at 8.34 pm

Chair