

**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 concluded or received since the last report was presented, as well as any other relevant issues that have arisen between Committee meetings on relevant local (e.g. training provided/ undertaken, and consultation on changes to the Standards Committee).

**2. RECOMMENDATIONS**

**That the Committee**

- 2.1. notes the content of the report and makes any suggestions on future actions.
- 2.2. notes the potential changes to the Standards Committee and survey responses detailed in paragraph 8.11-8.19.

*The Committee may separately wish to make any recommendations to the Working Group detailed, regarding the proposal/ alternative as per paragraph 8.19.*

**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 and concluded, 11/2023 was reported through to the March 2024 meeting; however, for completeness is included as the training was completed post that meeting. Since January 2024, 16 have been received/ considered; of those, 3 are ongoing, in so far as the Council’s decision making is concerned. Those reported below, are complaints those received this year.
- 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). Decision outcomes are, however, reported through to the Parish (Clerk and Chair or alternative as appropriate) and relevant Group Leader. 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>
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. <b>Completed by Councillor with MO and IP in April.</b>
1/2024 Complaint against a District Councillor	Alleged treatment of Members and the way the business of two Committee was conducted in January 2024.	DMO: no further action as no apparent breach of the Code of Conduct.
2/2024 Complaint against a District Councillor	Similar to 1/2024 separate complainant.	DMO: no further action as no apparent breach of the Code of Conduct.

3/2024 Complaint against a Parish Councillor.	Alleged failure to provide information with an agenda and at the meeting.	MO: Referred for external assessment by Hoey Ainscough Associates. Decision: no further action, as no obvious breach of the Code, or relates to Council service, policy or decision.
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.
5/2024 Anonymous complaint regarding District Councillor.	Nature of the allegation referred to Police.	DMO: referral to Police. Their decision - no evidence or intelligence regarding the allegation. It did not meet the threshold of recording a crime.
6/2024 Complaint against District Councillor.	Use of business cards during campaigning, potential breach of the Pre-Election Restriction Period ['PERP'] guidance/ code implications.	MO: contacted the Councillor and reminded of the guidance issued.
7/2024 Complaint against a Parish Councillor	Concerning the comments made on a Facebook page.	DMO: Parish Councillor not acting in capacity as a Councillor when the comments were made. No further action recommended by DMO ( <b><i>albeit that an apology had been offered</i></b> ).
8/ 2024 Complaint regarding 3 District Councillors.	Lack of response/engagement from Cllrs. Alleged comments at Councillor surgery from a Councillor to the complainant. Also complaints against other people unrelated to NHDC.	MO: complaints regarding failure to respond to correspondence - did not meet the complaints criteria. Some also outside of the 3 months' time limit*. No jurisdiction on non-North Herts District Councillors. Complainant sought effective reassessment (section 5.3.1 of Procedure) with evidence. No further action, as no obvious breach of the Code. Note: <b><i>*North Herts Council's Councillor Complaints page was, however, updated to highlight the general 3 months complaint limit from the Procedure.</i></b>

9/2024 Complaint regarding District Councillor	Allegation that Councillor had not disclosed a Disclosable Pecuniary Interest (DPI) in an external company and alleged misuse of position for improper advantage or disadvantage.	MO: Initial assessment Complaint not upheld as DPI registered within 28 days, and no evidence at this stage of misuse of position. <b>However, alternate recommendations made regarding involvement with the company and role. Councillor refused to accept recommendations. Reassessment section 5.3.1, external legal advice obtained; amended recommendation made to stand down from the external position within 7 days. Recommendation not acted upon, although potential stand down in 6-8 weeks.</b>
10/2024 Complaint issue regarding District Councillor.	Allegation that Councillor had not disclosed a Disclosable Pecuniary Interest (DPI) in an external company.	MO: Initial assessment Complaint not upheld as DPI registered within 28 days. <b>However, alternate recommendations made regarding involvement with the company and role. Councillor acted upon one recommendations.</b>
11/2024 Complaint issue regarding District Councillor	Allegations relating to Council Tax.	MO: External agency referral and investigation. Mistake identified. No case to answer, therefore, matter closed.
12/2024 Complaint regarding Town Councillor	Register of Interests Form /not declaring an interest in meetings.	DMO: No further action as no apparent breach of the code.
13/2024 Complaint regarding District Councillor	Potential breach of the PERP guidance/code implications through publicity.	MO: <b>internal officer mistake. Publicity removed.</b>
14/2024 Complaint regarding Parish Councillor	Ongoing.	DMO.

15/2024 Complaint regarding District Councillor	Ongoing. At point of finalising report clarification sought – formal acknowledgement and notification will be provided.	MO.
16/2024 Complaint regarding District Councillor	Being clarified.	MO.

### Complaints Handling Procedure - updated:

- 8.3 At the Committee’s meeting on 27 March 2024, the Complaints Handling Procedure was reviewed and a recommendation approved that this would be updated by the Monitoring Officer in consultation with the Chair, Vice Chair – following the publication of the Local Government & Social Care Ombudsman Code.
- 8.4 The Independent Person and Reserves were also invited to comment on the revised draft. The amended Procedure was approved on 25 June 2024 taking account of the LGO Code, other matters raised during the previous year and representations received. The Delegated Decision covering the approval and matters addressed can be found [HERE](#). It was circulated to all Councillors via the Member Information Service on 28 June 2024. The Procedure is available on the Councillor complaints page: [CLICK HERE](#) .

### Councillor training – recommendation 2.2 North Herts District Councillors

- 8.5 As indicated at the last Committee meeting, new on line training was in the process of being prepared; it would be accessible remotely, at any time that a Councillor wished to undertake it. Following the debate, the Committee made a recommendation to Full 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.”***

This recommendation was accepted by Full Council at its meeting on 18 April 2024.

- 8.6 As part of that debate at Council on 18 April, questions related to why the deadline was not to be sooner and what would happen if the District Councillors did not abide by Council’s resolution. In response to these questions, the Monitoring Officer indicated that Councillors were advised to undertake such training as soon as possible; however, that 2 months was considered a reasonable time to undertake such training. *Additionally, if a Member did not complete the training, following reminders, they would be referred to the Standards Committee, which could result in a Standards Sub Committee hearing and subsequent sanctions.*
- 8.7 Councillors are reminded that under paragraph 8.1 of the Councillor Code of Conduct, a Councillor must:

***“ ...undertake Code of Conduct training provided by my local authority.”***

There are two elements to the training – one the video to watch (approximately 45 minutes) followed by a recap short quiz. Both can be undertaken within an hour. This is accessed through Council’s learning and development system, Growzone, and the system records who has undertaken both elements. *Failing to undertake both elements during the 2 month period following reminders to Councillors would amount to a potential breach of this requirement.*

The training was available on 17<sup>th</sup> May, however, there were initially issues with the quiz form and this was resolved in early June. The deadline would therefore have been by the end of July 2024/ early August.

- 8.8 It can be confirmed that a large number of email chaser and phone calls had to be sent and made by the Monitoring Officers/ Personal Assistant, as well as confirmation of issues to their relevant Group Leaders during the last 4 months to ensure compliance. All District Councillors have now completed the training.

### **Parish, Town & Community Councillors**

- 8.9 In addition to the above the Committee recommended that any Parish/ Town/ Community Councillors should complete training within 2 months of either their election or the availability of the training, whichever was the latter. This was endorsed by the Committee and the Clerks informed of this recommendation.
- 8.10 The notification / training link was provided to the Councils on 17 June. Access to the training is via YouTube with a code and is a slightly different version of the on-line training. This is not monitored through the Council's Growzone system (because a Council log in is required for this internal system), therefore the compliance cannot be monitored – although the Monitoring Officer would hope that the Clerks will monitor this.

### **Constitutional and Governance review**

- 8.11 The Monitoring Officer is currently in the process of reviewing the Council's decision making arrangements and Constitution. This also involves reviewing Committees, formatting, and remit. This is being undertaken by a Member (Group Leaders) and Officer (Monitoring Officer, Chief Finance Officer, Head of Paid Service, Democratic Services Manager and Committee, Member & Scrutiny Manager) working group, with a view that initial recommendations will be made to Full Council in November, to agree in principle and thereafter changes to be made, to come into effect in the new municipal year (at the Annual Council meeting).
- 8.12 One issue raised, is around the Standards Committee and whether it would be better suited to merge with the Audit Committee (currently called the Finance Audit and Risk Committee). There is no legal requirement to have such a Standards Committee, however, this Council chose to continue with one following changes to the regime in or around 2011. Furthermore a principal Council must have 'arrangements' in place to consider complaints against Councillors (in North Herts case, District and Local Parish, Town and Community Councillors) area, as per the requirements under the Localism Act 2011.
- 8.13 The current Committee has remit to consider ethical standards matters, promote those, review the Councillor Complaints Handling Procedure and complaints, consider appeals against the Monitoring Officer's refusal to grant a dispensation, consider any political restriction (as relevant) and, most significantly if it arises, Councillor complaints via a Sub-Committee. The membership is 12 District Councillors, up to 4 Co-opted Parish Councillors and the Independent and Reserve Independent Persons are invited to attend the meetings (they are not members of the Committee).
- 8.14 The Committee generally meets twice a year. However, the agendas can be limited, often to the Standards Matters report and one other report covering e.g., a Code or Complaints Handling Procedure Review. *Locally most within Hertfordshire have retained a Standards Committee, although not all appear to have scheduled meetings.* This is reflective of the national picture, albeit that some councils have incorporated the statutory remit of the Standards Committee within an Audit Committee that deals with audit / financial monitoring / assurances.

- 8.15 If it is combined with the audit committee, then it is possible that there would be themed meetings to include Standards/ Governance related matters. The Independent Person and Reserve Independent Persons would still be invited to attend those meetings, and there is the possibility of co-optees (albeit that a recruitment exercise is likely to be required for any revised Committee, given the differing nature of the role).
- 8.16 An email with survey was sent to the 34 Standards and Finance, Audit & Risk Committee Members (and any reserves), co-optees and Independent and Reserve Independent Persons on 19 September, for completion by 7 October.
- 8.17 8 responses were received: 4 District Councillors (full Members of the Standards Committee), one of the Parish Co-optee and the Independent Person and, the then, Reserve Independent Persons responded as follows:

District Councillor (full Member of Standards Committee)	<i>"I think that it is important to keep Standards as a distinct committee to ensure that there is a high quality of work done by a membership that cares about what they are doing. Mixing standards in with the work of FAR (as an example) would risk fewer members wanting to be involved in Standards because there are different levels of interest for getting involved with financial audit and risk vs Standards issues."</i>
District Councillor (full Member of Standards Committee)	<i>"I believe that this move would be welcome, as standards could easily be folded into FAR and save some time on another meeting."</i>
District Councillor (full Member of Standards Committee)	<i>"I think it makes sense to discontinue the Standards committee in its current form and am happy with your proposal."</i>
District Councillor (full Member of Standards Committee)	<i>"On balance I would broadly be in favour of this change.  Currently standards meetings are very short and involve a lot of Cllrs. This change would save time and money and most importantly improve efficiency.  If this were to happen, it is my understanding that there would be no need to increase the number of Cllrs who currently sit on FAR?"</i>
Parish Councillor Standards Committee co-optee	<i>"As a Parish Council representative my input is that I believe the PC reps offer a 2 way window into upholding Standards in our councils. Having representation from Parishes both helps Parish Councillors appreciate that there is a Standards process fully recognised by the Council and Parish Councillors are in turn providing transparency to a wider audience .  Given national issues currently being discussed and also noting issues recently in the news closed to home in Dacorum Council I believe it important to have as much transparency as possible and the presence of Parish Councillors is a beneficial part of the process."</i>

<p>Independent Person</p>	<ol style="list-style-type: none"> <li>1. <i>I have reminded myself of the present Standards Committee's terms of reference and note the first: ...to <b>promote and maintain high standards of conduct by Members and Co-Opted Members of the authority</b>. The words are a direct lift from s27 of the Localism Act. They are an unambiguous obligation.</i></li> <li>2. <i>As I see it, North Herts Council has delegated that major responsibility to the Standards Committee whose role then is to ensure, on behalf of the Council, that its members do, indeed, behave properly; that they observe the Nolan principles, as reflected in the adopted code of conduct.</i></li> <li>3. <i>I suggest, therefore, that the working group's review should not focus solely on rationalising the numbers of committees and their meeting frequency, relevant though such matters are in the interests of administrative efficiency. It ought to take into account, also, the significance and importance to the Council of each committee.</i></li> <li>4. <i>In that context and uniquely, in my view, the Standards Committee has a purpose that sits above the others. It is the body that sets the tone for all members' activities as elected representatives; and it oversees how a tone, thus set, is applied.</i></li> <li>5. <i>I suggest that this major responsibility would fit uneasily as an adjunct to another committee - Finance, Audit and Risk - in which location it could give the impression of being subordinate to that body. In my view its status is the opposite: its role as tone-setter eclipses other Council functions.</i></li> <li>6. <i>In my view, also, to merge it with Finance, Audit and Risk could give the electorate the understandable impression that oversight of members' adherence to their conduct obligations had become less important. Such a position would do little to promote the electorate's confidence in their local government. More than that: it would be undesirable, I suggest.</i></li> <li>7. <i>Therefore, rather than giving the impression of diluting the importance of standards by implementing the contemplated merger, the working group would do well to consider inviting the Standards Committee to review its present terms of reference to ensure that they enable it fully to fulfil its role. In particular, '<b>7.5.8 to assist Councillors and Co-Opted Members to observe the Members' Code of Conduct;</b>' would bear detailed consideration of how it might be given practical expression.</i></li> <li>8. <i>A final thought: an understandable driver for the review might be to save officers' time and Council resources. From the explanation in the invitation to comment of how a revised standards arrangements might work, I'm not convinced that it would make a substantial difference to justify the notion on that ground alone.</i></li> </ol>
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	<p>9. <i>In short, for the reasons set out above, I suggest that an amalgamation is inappropriate and that the existing Standards Committee should be retained with an enhanced brief.</i></p> <p>10. <i>I would be happy to discuss this topic with the working party if its members felt that that would be helpful.</i>"</p>
(then) Reserve Independent Person	<p><i>"The promotion and maintenance of high standards ought to be central features of good governance. Having a "standalone" Standards Committee helps to keep standards matters in the minds of elected members and of the wider body public. Councillors are busy people with full agendas so it is perhaps understandable if from time to time ethical considerations, particularly in nuanced circumstances, become somewhat blurred. Having a specific committee on which councillors themselves sit provides a regular reminder of the importance of standards. Similarly having executive members involved adds to the importance attached to standards matters. It would be a pity if any new organisational configuration meant that our standards regime lost its particular identity with the risk of becoming an afterthought.</i></p> <p><i>I have found our "inner sanctum" made up of Councillors, Mo, dep Mos, IP and RIPs particularly useful. From our annual IP meetings with Paul Hoey it is apparent that such an arrangement is not widespread. It has proved an efficient and effective way of keeping our standards regime in good health. I would hope that this would not be lost in any re-organisation."</i></p>
(then) Reserve Independent Person	<p><i>"I do want standards to be given as central a place in the structures as possible, so I have a slight hesitation about merging the committee that keeps an eye on these with another that has a different agenda. If however those of you who know a lot more than me are content that standards will retain a central place in the new structures, then that's fine by me."</i></p>

8.18 From the comments above, 3 of the 4 District Council Members who responded were predisposed towards such a merge, 1 expressing concerns against this. Noticeably there were reservations from the then Reserve Independent Persons, and the Independent Person setting out that he believed it was inappropriate. Note that these results are to be reported back to the Working Group with any recommendations going to Council (with these consultation responses), for consideration by Full Council on possible changes to arrangements (***if such a recommendation is made to change***).

8.19 The Committee, may, however, also send a recommendation to the Working Group (as invited by recommendation 2.2). This can include either the Committee's recommendation on a merge with another Committee, or an alternative to retain and potentially strengthen area of remit.

## **National standards matters**

### **Statutory Officer Code:**

8.20 This is covered in a separate report.

### **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 this report, albeit that complaint 3/2024 cost the Council £1500 plus VAT for the external referral.

10.2 There will also be costs consequences for external legal advice obtained on complaint 9/2024 – of £2400 plus VAT.

### **11. RISK IMPLICATIONS**

11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

11.2 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.

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.

12.3 There are no direct equalities implications from this report, although there may be others reported through on individual issues detailed (such are Constitutional changes) and they shall be detailed in those relevant reports.

### **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)

**18. BACKGROUND PAPERS**

18.1 None other than those referred to/ linked above.