

TITLE OF REPORT: STANDARDS MATTERS REPORT

REPORT OF: SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

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 an update on the changes to the Standards Committee's remit).

2. RECOMMENDATIONS

That the Committee

- 2.1. notes the content of the report and *makes any suggestions on future actions.*
- 2.2. notes the changes to the Standards Committee's local remit and potential changes in future following the publishing of the English Devolution White Paper¹.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council and keep the Committee abreast of changes locally and nationally.

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 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.

¹ <https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper#powers-functions-and-funding--the-devolution-framework>

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 October 2024 regarding the numbers of complaints/ summary and outcomes. Those reported below, are complaints and recommendations that have a) been concluded and/ or b) received, since the October 2024 meeting.
- 8.2 During the calendar year of January 2024 – December 2024, **19** complaints/ issues have been received, compared with 11 the previous year. One informal one has been dealt with and one formal one for this year is ongoing as below.
- 8.3 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 treated as confidential, in so far as complainant and the Councillor subject to the complaint is concerned, 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 local council Parish/Town/ Community (Clerk and Chair or alternative as appropriate) and relevant Group Leader (or alternative as appropriate). The complaints are as follows – RAG colour coding denotes those completed – Green, with ongoing Orange and outstanding Red :

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>
9/2024 Complaint from a member of the public 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. <i>However, alternate recommendations made regarding involvement with the company and role.</i> <i>Councillor refused to accept recommendations.</i> <i>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.</i> [Update since October meeting/ linked to complaint 15/2024 resignation from Company notified

		to MO 29.10.24. Register of Interest updated]
14/2024 Complaint from a member of the public regarding Parish Councillor.	Alleged misconduct by a Councillor during a meeting and allegations regarding the safety of a building.	DMO: had not been an attempt to resolve locally in the first instance and complainant was referred to the Parish concerned to consider and respond. No further action required.
15/2024 Complaint from a member of the public regarding a District Councillor.	Alleged conflict of interest of a Councillor and employment by a company.	MO: No action on the complaint as no evidence in the complaint or as a result of further enquiries that there was any apparent breach of the Councillor Code. At the point of decision, the Councillor had given notice of resignation from the company to the MO on 29.10.24. Register of Interest updated.
16/2024 Complaint from a member of the public regarding a District Councillor.	Alleged conflict with Councillor's employment. Further information requested; none received.	MO: no further action on the complaint. Insufficient information that the Councillor was in capacity or that there was a breach of the Code to proceed further.
17/2024 Complaint from a Councillor against another Town Councillor.	Alleged disclosure of confidential information in a Council meeting.	DMO: no evidence of a breach of the Code and therefore no further action.
18/2024 Complaint from a Town Councillor regarding another Councillor.	Alleged inconsistent approach towards Councillors and access to confidential meeting/attendance at a meeting held in private session and request to leave.	MO: no evidence of a breach of the Code, no further action save to the Royston Town Council Mayor and Clerk as detailed below: <i>"Whilst the action was consistent with the NALC LTN 5E legal and advisory note of 2022, and the ..Town Council's Standing Orders, it would greatly assist Councillors if the rights to receive confidential papers and attend confidential Committee and Sub-Committee meetings, was consistently applied. It would also greatly assist if information were provided to all Town Councillors regarding their rights to receive and attend such meetings, to avoid confusion and unnecessary escalation of matters to a complaint stage (either internally or to the Monitoring Officer). It is recommended that such advice be provided to Town Councillors as soon as possible by the Clerk/ or Deputy Clerk, but in</i>

		<p>any event within the next calendar month of this decision letter.</p> <p><i>Confirmation that such recommended action has been accepted / or refused (with reasons in the latter case) to the Monitoring Officer.”</i></p> <p><i>Deadline for confirmation from Council was 10.2.25. No response received.</i></p> <p><i>Further email sent 17.2.25 requesting confirmation by 19.2.25. No response received.</i></p>
19/2024 issues raised with officers of the Council from a member of the public in respect of a District Councillor.	That a Councillor had disclosed confidential information at a non-Council meeting.	MO: insufficient details of the complaint or complainant received, therefore no further action.
1/2025 complaint in respect of District Councillor.	Ongoing.	Ongoing.
2/2025 issue raised in respect of a District Councillor.	Comments at a Council meeting regarding officers.	MO: apology provided at the next meeting by the Councillor; no further action.

Complaints Handling Procedure - updated:

- 8.4 This was last updated in June 2024. As the English Devolution White Paper has been published and there are proposed changes to the regime (see below), no amendments to the Procedure are proposed at this stage.

Councillor training North Herts District Councillors

- 8.5 All District Councillors undertook training before the last meeting in October. This training was provided as an online course and is available via the Council’s Growzone training platform. It is not currently proposed to repeat that training in May or June 2025. This is because it remains current, and as the English Devolution White Paper has been published / there are proposed changes to the regime (see below), further updated training can be provided when any new Code or regime has been enacted.

Constitutional and Governance review

- 8.6 At the last meeting on 23 October 2024, the Committee made a recommendation to the Constitutional Working Group regarding the role of Standards Committee and its remit. The recommendation made by the Committee was (item 6) that:

“(3) That the Committee recommended that the working party be urged to retain and strengthen this Committee in consultation with the recommendations and comments from the Independent Person.”

8.7 The Working Group and then Full Council on 23 January, accepted this recommendation and the Constitution was amended at sections 2.6, 7.5.10, and 7.5.15 as follows, with amendments underlined:

7.5.10 to advise the Council upon the contents of and requirements for ethical codes/protocols/other procedures relating to standards of conduct throughout the Council, including existing or new, with remit to adopt or recommend adoption (where in the latter case, this is reserved to another decision making body);

New:

7.5.15 To consider annually the proposed amendments to the Council's Constitution (sections 1-18) and to make recommendations to Full Council in that regard (such consideration and recommendation is subject to 2.6.2 and 2.6.6, thereby not applying to amendments that are minor, administrative, to effect prior decision of the Council, legislative, or amendments to Officer delegations as reserved to Statutory Officers in the Constitution).

Consequential amendments to other sections in the Constitution:

2.6.1 Approval

Subject to paragraph 2.6.2 below, changes to the Constitution are for Full Council to decide after consideration of the proposals by the Monitoring Officer, on recommendation of the Standards Committee, or on recommendation of the Cabinet.

8.8 It is also worth noting (highlighted to Full Council when the matter was finally determined on 23 January 2025), that on the day after the Committee meeting had taken place, the Deputy Prime Minister announced that a review of local ethical standards arrangements would be undertaken. The English Devolution White paper was published in December (see below), with various proposals – including to the role and remit of the Standards Committee.

8.9 In the light of the amendment to section 7.5.10, a review of one of the Whistleblowing Policy/ Guidance for Managers/ and summary is presented to the Committee, under a separate report, for consideration.

National standards matters

English Devolution White paper²

8.10 The White Paper sets out proposals to cover changes to standards. At the time of preparing this report, there is ongoing consultation³ on the proposals, which closes on 26 February 2025. As detailed in the White paper, proposals include:

- **A mandatory code of conduct** – to establish a higher minimum standard of expected behaviours and ensure consistency, reflecting the government's commitment to public service and to updating the 30-year code to cover discrimination, bullying, use of social media, and other issues not featuring in the current minimum requirements.
- **A requirement for principal Local Authorities to convene formal Standards Committees** – to ensure all Local Authorities have formal, transparent processes to uphold and promote standards.

² <https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper>

³ <https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england>

- **A role for a national body to deal with the most serious cases and appeals**, as was the case under the former system with the Standards Board for England, subject to discussions with the sector.
- **Powers to suspend, including imposing premises and facilities bans** – to allow Local Authorities to enforce their own standards. The government believes that councils need the ability to address serious misconduct with powers to suspend councillors for a maximum of six months, with the option to withhold allowances where deemed appropriate.
- **Disqualification if subject to suspension more than once** – to curb the risk of “repeat offending” and empower councils to signal that poor behaviour will not be tolerated. Subject to discussions with the sector we will explore immediate disqualification in certain instances of serious misconduct.
- **Interim suspension whilst under investigation** – to reassure the public that action is being taken. This could be used in serious cases that may involve protracted investigations or the police, for example alleged fraud or assault.
- **Publication of all code breach investigation outcomes** – to enhance transparency, giving the public the opportunity to check their council’s record on maintaining good conduct.

8.11 Notification of the consultation was emailed to the Standards Committee on 18 December 2024 (Members, Reserve Members, Independent Persons and co-optees, Leader and relevant Officers). The consultation has also been promoted through Group Leaders since then, in January and February meetings, as well as discussed in the Internal Independent Persons/ Chair and Monitoring Officer & Deputy Group meeting on 17 February. The Chair of Standards Committee has indicated that he has been promoted through Group. The Monitoring Officer and Independent Person have attended various liaison meetings covering the consultation, including an invitation to participate in the Committee on Standards in Public Life discussion/ round table on 20 February. This was reported through on their Committee page on 21 February https://www.gov.uk/government/news/cspl-local-government-standards-roundtable?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=80ea5328-6ed2-401d-bec8-c005329c7f28&utm_content=daily An oral update on this can be provided at the Committee meeting.

8.12 Consultation responses will be considered by government, and then primary legislation and/ or amendment to primary and secondary legislation required to enact any changes. The timescale for this is unknown; furthermore the White Paper covers other substantial devolution proposals, which could complicate the legislative approval process. However, changes are likely to be effected to the local ethical standards regime, in some form in the medium term (2-4 year period).

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 at this stage.

10.2 There were costs consequences for external legal advice obtained on complaint 9/2024 – of £2400 plus VAT. There is likely to be external costs for complaint 1/2025.

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..

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
- 17.2 Ian Couper: Service Director: Resources.
- 17.3 Georgina Chapman: Policy & Strategy Team Leader.

18. BACKGROUND PAPERS

- 18.1 None other than those referred to/ linked above.