

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON WEDNESDAY, 23RD OCTOBER, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Alistair Willoughby (Chair), Ian Albert (Vice-Chair), Elizabeth Dennis, Emma Fernandes, Dominic Griffiths, Keith Hoskins, Caroline McDonnell, Emma Rowe and Tom Tyson.*

Parish Councillor: Rebecca Elliott Non-voting advisory roles.

Nicholas Moss OBE (Independent Person) and Patrick Hodson (Reserve Independent Person), non-voting advisory roles.

In Attendance: *Isabelle Alajooz (Legal Manager and Deputy Monitoring Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Jeanette Thompson (Service Director - Legal and Community) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)*

Also Present :

There were two members of the public present.

1 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 10 seconds

N.B. Councillor Dominic Griffiths entered the Chamber at 19:31.

Apologies for absence were received from Councillors Ruth Brown, Val Bryant and Sean Prendergast.

Apologies for absence were also received from Parish Councillor Martin Griffin and Reserve Independent Person Steve Tant.

Having given due notice Councillor Caroline McDonnell substituted for Councillor Brown and Councillor Emma Fernandes substituted for Councillor Bryant.

Councillors Vijaiya Poopalasingham and Michael Muir were absent.

2 MINUTES - 27 MARCH 2024

Audio Recording – 1 minute 43 seconds

Councillor Alistair Willoughby, as Chair, proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 27 March 2024 be approved as a true record of the proceedings and be signed by the Chair.

3 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes 5 seconds

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes 10 seconds

- (1) The Chair advised that, in accordance with Council policy this 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 for the purpose of clarification Clause 4.8.23(a) of the Constitution does not apply to this meeting.
- (4) The Chair clarified matters for the registered speakers.

5 PUBLIC PARTICIPATION

Audio recording – 5 minutes 14 seconds

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:

- It was detailed in the appendix to the Complaints Handling Procedure, in relation to a breach of the Code of Conduct for Councillors, the reasons why a complaint might not be investigated. One of these reasons was that a complaint over three months. This should be changed to three months from when there was knowledge of the incident, as it may not be apparent straight away.
- Some complaints may become apparent through a Freedom of Information request.
- Having a hard deadline of three months was not always practical especially if deceit was involved, as this may not become apparent within that timeframe. The procedure should follow the Employment Tribunals style of timing of when a person became aware of the incident. Page 18 of the appendix detailed what a good apology should look like, and he was concerned about a genuine apology and that the Monitoring Officer and designated Independent Person (IP) would potentially be advising on the apology and whether this would conflict with their impartiality. They should, in his opinion refrain from advising on the content of any apology.
- An apology was not impartial if the Monitoring Officer and IP had a hand in it.
- There were concerns whether a secret apology met the tests of the procedure.
- It was felt that if an incident occurred in public then any apology should also be publicly available.

The Chair thanked Mr Cook for his presentation.

6 STANDARDS MATTERS REPORT

Audio recording – 10 minutes 59 seconds

N.B. Councillor Emma Rowe entered the Chamber at 19:49.

The Monitoring Officer presented the report entitled 'Standards Matters Report' and highlighted that:

- The details of the complaints detailed were confidential.
- There had been 11 complaints in 2023 and currently 16 complaints had been received in 2024. Three of the complaints were ongoing.
- The majority of complaints had been dealt with informally and this was detailed in paragraph 8.2 of the report. The report also included any complaints concluded after the Committee meeting in March 2024. The Complaint Handling Procedure had been reviewed against the Local Government & Social Care Ombudsman Code and from advice from the Local Government Association and updated. Discussion regarding the review had taken place with the Independent Person, the Reserve Independent Persons, the Chair, Vice Chair and the Monitoring Officer and this had been approved in June 2024. The Monitoring Officer did not, in the suggested changes to the Procedure at this point, advise amending Procedures or Policies more frequently than that.
- It was standard practice to embed procedures for a least a year.
- The Councillor Code of Conduct training had been delivered with the aid of AI and included questions accessed via a QR code.
- All District Councillors have completed the Code of Conduct training.
- Town and Parish Councillors had been provided with an amended version of the training however, it was not possible to track their completion rate.
- Following the all-out election a Constitutional and Governance Review Working Group had been established and this was detailed in paragraphs 8.11 to 8.19 of the report.
- The review would look at the current committees and decision making bodies, and especially the Standards Committee. It was suggested that the Standards Committee could be merged with an audit or governance committee such as the Finance, Audit and Risk Committee.
- A survey had been sent to Members (and reserves), Co-optees, and Independent and Reserve Independent Persons of the Standards and Finance, Audit and Risk Committees for their opinions with the responses detailed in paragraph 8.17 of the report. This Committee was asked to consider those and decide whether it wished to make a recommendation to the Constitutional and Governance Review Working Group on this issue.

The following Members asked questions:

- Councillor Ian Albert
- Councillor Tom Tyson
- Councillor Elizabeth Dennis
- Independent Person Nicholas Moss
- Councillor Tom Tyson

In response to questions, the Monitoring Officer advised that:

- The Complaint Handling Procedure had recently been reviewed.
- There was a comma missing on page 15 of the report, regarding complaint 15/2024 and there should be a comma after the word report.
- If a serious complaint was reported outside of the three month period, it would be considered however, with time it was harder to investigate and consider complaints. The Procedure that we have has to be considered in the light of the current regime.

- It was likely that the new government would make changes that would affect the code therefore, it would be beneficial to wait to next year before reviewing the Complaints Handling Procedure.
- From memory there had only been one recent complaint received after the three month time period therefore it was not a significant issue.
- The addition of the words 'and the complaint was material' could be considered when reviewing the Code.
- The training was set up via the GrowZone site, which recorded Members access and completion. The GrowZone system was not available to Town and Parish Councillors. It would have been a resource heavy task for Officers to manually chase these Councillors to confirm they had completed the training especially during a General Election period.
- The Membership of the Finance, Audit and Risk Committee would be increased should the merger be approved and there would be additional meetings.
- The Independent Person would not be required to attend all meetings of the Finance, Audit and Risk Committee, just those concerned with standards matters.
- The majority of Hertfordshire Authorities had a Standards Committee. Although not all held meetings and this was also the picture nationally.
- There would still be a need for a Standards Sub Committee.
- Should the Committees be merged, the Finance, Audit and Risk Committee meetings would have Standards themes and governance related items on its agenda. We would possibly need another meeting per year
- At the previous peer review there had been recommendation for a finance scrutiny committee, however, at the time the Independent Member for FAR had just been appointed and it was considered more appropriate to wait until these arrangements had been in place for a while, before deciding whether such a Committee.
- It was further suggested that there could be a merger with the Overview and Scrutiny Committee however, currently they had very busy agendas.
- The Monitoring Officer did not wish to speak for the Section 151 Officer; however he was in support of keeping the meetings separate, as they supported different skills and knowledge sets.

Councillor Dominic Griffiths proposed and Councillor Elizabeth Dennis seconded the motion.

The following Members took part in debate:

- Councillor Ian Albert
- Councillor Elizabeth Dennis
- Councillor Dominic Griffiths
- Councillor Keith Hoskins
- Councillor Emma Fernandes
- Councillor Emma Rowe
- Councillor Tom Tyson
- Councillor Alistair Willoughby

Points raised in debate included that:

- There was a need to get the right balance regarding the three month rule was this the right timeframe or could it be longer.
- The Monitoring Officer could be asked to review the three month rule and look at other legislation and frameworks, pending any government reviews therefore a review of the three month rule could be brought to a future meeting.
- Reducing Committees and meetings was an attractive idea.
- There was not enough information to decide on merging Committees.
- The Finance, Audit and Risk Committee meeting agendas were already busy, merging this with the Standards Committee would have implications.

- Having read the Independent Persons response, this Committee should stay, especially as it has a distinct purpose.
- This Committee set the tone for the Council.
- Any AI search engines would highlight the need for a standalone Standards Committee and other local authorities were in the process of separating their standards issues from finance Committees
- The Committee should not be diluted into another Committee, as there was fundamental work to be completed.
- This Committee held Councillors to account and helped improve their performance. This would not work as well as part of a diluted Committee.

Councillor Keith Hoskins proposed an additional recommendation, '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' and this was seconded by Councillor Alistair Willoughby.

Councillor Elizabeth Dennis proposed an additional recommendation 'That the Monitoring Officer reviews and reports back to the Committee on:

- i. Whether the existing three month time limit for complaints to be brought was reasonable and proportionate; and
- ii. Whether the introduction of a secondary jurisdiction time limit based on constructive knowledge was reasonable and proportionate.'

And this was seconded by Councillor Ian Albert.

Having been proposed and seconded and, following a vote, the amendments were carried.

Having been proposed and seconded and, following a vote, the substantive motion was:

RESOLVED:

- (1) That the Committee noted the content of the report and made suggestions on future actions.
- (2) That the Committee noted the potential changes to the Standards Committee and survey responses detailed in paragraph 8.11-8.19.
- (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.
- (4) That the Monitoring Officer reviews and reports back to the Committee on:
 - i. Whether the existing three month time limit for complaints to be brought was reasonable and proportionate; and
 - ii. Whether the introduction of a secondary jurisdiction time limit based on constructive knowledge was reasonable and proportionate.'

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

7 **CODE FOR STATUTORY OFFICERS (HEAD OF PAID SERVICE, SECTION 151 AND MONITORING OFFICERS)**

Audio recording: 1 hour 1 minute and 37 seconds

The Deputy Monitoring Officer presented the report entitled 'Code for Statutory Officers (Head of Paid Services, Section 151 and Monitoring Officers)' and highlighted that:

- The report provided an overview of the Code of Practice on Good Governance for Local Authorities Statutory Officers. The Code was designed in line with the Lawyers in Local Government (LLG), Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) frameworks for the highest paid roles.
- The Code related to the Golden Triangle of statutory roles: Head of Paid Services, Chief Finance Officer and the Monitoring Officer.
- The report highlighted the lessons learnt from governance failures, and how these could have been avoided by using these principles.
- The Committee was asked to endorse the Code and establish the seven key principles highlighted in paragraph 8.1 of the report.
- The Code was designed for Statutory Officers but would also be relevant for other Officers and Members to support their roles.
- The Code solidified the practice of good governance and transparency, whilst working in mutual harmony and supporting collaborations to retain relationships. This was a positive measure.
- The Code demonstrated the best practices of the seven principles and should be formally adopted by the Committee.

The following Members asked questions:

- Councillor Elizabeth Dennis
- Councillor Ian Albert

In response to questions, the Deputy Monitoring Office advised that:

- There would be support available for Members and Senior Officers.
- Compliance with the code would be a shared responsibility across the Council.
- Deputies for the Golden Triangle positions were in place.

In response to a question the Monitoring Officer advised that:

- There was not a set deputy for the Head of Paid Services, this was rotated between some of the Service Directors.
- Antonio Ciampa was the deputy for the Chief Finance Officer.
- The details of the deputies would be included in the training.

Councillor Ian Albert proposed and Councillor Dominic Griffiths seconded and, following a vote, it was:

RESOLVED: That the Committee noted the content of the report and Appendix A, and made suggestions on future actions, particularly with reference to 7.6 and 7.7 of this report.

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

The meeting closed at 8.39 pm

Chair

Wednesday, 23rd October, 2024

This page is intentionally left blank